



## **Economic and Social Council**

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### **Committee on Economic, Social and Cultural Rights**

**Forty-third session**

Geneva, 2–20 November 2009

## **Implementation of the International Covenant on Economic, Social and Cultural Rights**

### **Consideration of reports submitted by States parties in accordance with article 16 of the International Covenant on Economic, Social and Cultural Rights**

**Replies by the Government of MADAGASCAR to the List of Issues  
(E/C.12/MDG/Q/2) to be taken up in connection with the consideration  
of the second periodic report of Madagascar concerning the rights  
referred to in articles 1–15 of the International Covenant on Economic,  
Social and Cultural Rights (E/C.12/MDG/2)\***

[3 August 2009]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## I. General information

**Question 1. Please indicate whether the Covenant provisions have been invoked before or directly enforced by the courts, in view of the fact that the direct applicability of international treaties is guaranteed by the Constitution.**

1. Provision is made for the direct applicability of international instruments in article 132.4 of the Constitution, which states that “Treaties and agreements which have been lawfully ratified or approved shall, as from their publication, have higher authority than laws ...”. In the event of a conflict between domestic law and the provisions of international treaties which have been ratified, the latter therefore take precedence.

2. At present, Madagascar does not have any case law expressly referring to the application of the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as “the Covenant”).

3. To remedy this situation, the Government intends to train members of the judiciary in the enforcement of the Covenant by the courts and to give wide publicity to the Covenant, in order that citizens may invoke it directly before the courts.

**Question 2. Please indicate whether the newly established National Human Rights Council (CNDH) conforms to the Paris Principles and whether its mandate covers economic, social and cultural rights.**

4. Act No. 2008-012 of 17 July 2008 established the National Human Rights Council in accordance with the Paris Principles. It comprises nine members from:

- (a) Parliament;
- (b) The Executive branch (including the Ministry of Justice);
- (c) One of the law faculties;
- (d) Civil society (non-governmental organizations, etc.);
- (e) The Bar Association;
- (f) The Journalists’ Association; and
- (g) Trade unions.

5. The Council’s mandate is to promote and protect human rights. It has the power to investigate individual or collective complaints of human rights violations, including breaches of economic, social or cultural rights.

**Question 3. Please indicate whether civil society organizations have participated in the process of preparing the State party’s periodic report and if so, to what extent.**

6. The committee which has drafted the initial and periodic reports on compliance with international human rights instruments was set up by Interministerial Order No. 18600/2003 of 30 October 2003. It consists of:

- (a) Officials from various ministries; and
- (b) Representatives of civil society.

7. These persons’ involvement takes the form of their active participation in gathering data and writing the report.

8. The fact that these people are members of the committee does not preclude them from drafting and submitting alternative reports to treaty monitoring bodies.

**Question 4. Please indicate to what extent the State party takes account of its obligation under the Covenant in its negotiations and bilateral agreements and how it ensures that such negotiations and agreements do not impinge on the enjoyment of economic, social and cultural rights.**

9. To safeguard the Malagasy population's economic, social and cultural rights, Decree No. 2004-167 of 3 February 2004 amended certain provisions of Decree No. 99-954 of 15 December 1999 on rendering investment compatible with the environment. Consequently, environmental and social impact studies were conducted during negotiations prior to the signing of the economic partnership agreement with QIT Madagascar Minerals (QMM), with a view to minimizing the adverse effects which, it was feared, the project and regional development might have, and to maximizing spin-off.

10. QMM undertook to rehabilitate the whole area which would be disturbed by building and mining activities and to do so in such a way as to enhance its social, economic and environmental value.

11. This partnership made it possible to create 2,000 jobs during the three-year construction phase, 600 direct jobs and between 1,000 and 2,000 indirect permanent jobs during the production phase.

**Question 5. Please indicate whether human rights education is provided in schools at all levels and whether awareness is raised about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.**

12. A civics course is taught in secondary schools. The purpose of this course is to inform pupils of their rights and make them aware of protective mechanisms and of the steps to be taken in the event of ill-treatment.

13. Civil servants and members of the judiciary likewise receive human rights training provided by the Ministry of Justice with the support of the United Nations Development Programme (UNDP). They are instructed in the implementation of international instruments to prevent torture, arbitrary detention and violence against women and children.

14. Since violations of these instruments frequently occur, the Government is giving priority to action to stem these breaches. Raising awareness of economic, social and cultural rights will come at a later stage.

15. In order to heighten the effectiveness of human rights education, teaching materials such as brochures, human rights guides and conventions translated into the national language have been distributed. Human rights films have also been shown.

16. In 2008, training sessions were held in the south-eastern and south-western regions and in the capital for law officers including judges, court registrars, officers of the criminal investigation department, prison administrators and lawyers, as well as parliamentarians, officials of decentralized local authorities and members of civil society.

## **II. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **A. Article 2 (2) Non-discrimination**

**Question 6. Please supply information on the legal framework which provides protection against discrimination in all its forms in the State party, and inform the**

**Committee of the institution which has been mandated with overseeing the prohibition of discrimination.**

17. Madagascar is party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Optional Protocols thereto.

18. Article 8 of the Constitution establishes equality before the law and prohibits discrimination based on the level of education, wealth, origin, race, religious belief or opinion. Violation of this prohibition is judicially penalized.

19. For example, in Judgement No. 231 of 5 September 2003 in *Dugain née Tovondrainy Jacqueline v. Air Madagascar*, the Supreme Court quashed the judgement of the Appeal Court, which had based its decision on a collective agreement which plainly discriminated against the complainant on the grounds of her age and sex.

**Question 7. Please indicate how the State party will ensure that existing resources will be fairly distributed among the various regions of the country given that some of them are more negatively affected by the low level of economic development.**

20. As the issues raised in questions Nos. 7, 27 and 30 are interrelated and complementary, we propose to supply combined answers.

21. Madagascar has made efforts in three fields:

- (a) Issue of secure land titles and diversification of agricultural activities;
- (b) Access to microfinance;
- (c) Launching of the green revolution.

22. For example, in the south-eastern region, 8 tons of seed were distributed of the 20 tons planned and then 30 tons of the targeted 50 tons. Nine hundred and fifteen items of agricultural equipment have been supplied rather than the 500 planned (Strategic Programme for Rural Development (PSDR)).

23. In the south-western region, 185 files have been processed, 137 titles to land have been established and 139 plots have been delimited.

24. As part of measures to launch the green revolution, 82 areas covering 16,250 hectares have been rehabilitated and maintenance work has been carried out on 215 km of irrigation canals.

25. Madagascar constantly strives to consolidate its food security policy in keeping with the Millennium Development Goals. For example, rice production in 2007–2008 rose by four million tons.

26. Furthermore, since 2005 Madagascar has been committed to doubling food production by 2009 and to tripling it by 2012.

27. In cooperation with the World Food Programme (WFP), the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Children's Fund (UNICEF), Madagascar has been able to push ahead with programmes helping to safeguard the Malagasy population's right to food, especially the school feeding programme.

28. For example, in 2008 86,000 pupils in five school districts in the south-west were given a full meal every day.

29. In addition, in 2007, in the same region (where the country programme is in operation), 82,500 people were registered under the Food for Work programme to ensure food security.

**Question 8. Please inform the Committee of the measures taken or envisaged to eliminate discrimination against slave descendants.**

30. In Madagascar poverty is still a crucial issue affecting the whole population irrespective of origin. For this reason, measures are aimed at eradicating the poverty to which people of all descents, and not just slave descendants, are prey.

**Question 9. Please indicate whether the Government intends to revise the nationality law which discriminates against children born to a mother of Malagasy nationality and a father of foreign nationality.**

31. Madagascar ratified the Convention on the Nationality of Married Women in 2008.

32. That act demonstrated the Government's will to revise the current Nationality Code by repealing all discriminatory provisions, especially those with regard to children born abroad of a foreign mother or father.

33. The draft revised text will be submitted to the new Parliament as soon as it convenes.

**B. Article 3  
Equal rights of men and women**

**Question 10. Please provide accurate and detailed information on the steps being taken by the State party to promote the equal rights of men and women, in particular those designed to combat prejudice against women and raise public awareness of the need to change the subordinate position of women in society. Please indicate whether the State party has a framework law on gender equality or intends to adopt one in the near future.**

34. The Malagasy Government has undertaken some legislative reforms in order to promote the equal rights of men and women.

35. In order to end sex and age discrimination with regard to the age of marriage, a new Act, No. 2007-022 of 20 April 2007 concerning marriage and systems of matrimonial property, sets the marriageable age at 18 for both sexes, instead of 14 years of age for girls and 17 for boys, as was previously the case. The act specifies that both spouses have the same rights and obligations.

36. Whereas previously the husband was the sole administrator of community property, the reform introduces equal rights for both spouses in this respect.

37. As a result of the reform of criminal law, adulterous spouses of either sex receive the same punishment, whereas previously the wife was punished more severely (articles 336 to 338 of the Criminal Code).

38. In the event of adultery, spouses are now liable to between three months' and one year's imprisonment, or a fine ranging from MGA 200,000 to 3,000,000. This reform likewise introduced equality before the law and the courts.

39. In order to tackle customs and practices that discriminate against women, debates and activities designed to create an awareness of women's rights have been held in 22 regions of the country. Religious and traditional leaders and representatives of decentralized local authorities took part in these debates.

40. The Ministry of Justice has also produced a film called "Aina", which shows different kinds of violence against women and the procedure to be followed when referring such cases to the competent authorities.

41. The aim of this film is also to draw the population's attention to the Convention on the Elimination of All Forms of Discrimination against Women. The film, which was shown on four television channels on 8 March 2008, International Women's Day, is therefore a useful tool for creating a constant awareness of the need to combat violence against women.

42. Madagascar has no framework law on gender equality, but it does have a national policy to promote women, which is given practical effect through the National Gender and Development Action Plan (PANAGED).

43. The Action Plan was adopted pursuant to Decree No. 2003-1184 of 23 December 2003. Its implementation has prompted the adoption of the above-mentioned legislative measures and a gender perspective has been mainstreamed into the programmes and action of each ministry. Gender equality measures (MIRALENTA) seek to promote the equality of men and women before the law with regard to marital and parental rights and responsibilities, capacity to administer community property, inheritance and access to employment.

44. The Action Plan encourages women to participate in the management of local public affairs and facilitates their access to microfinance for the creation of income-generating activities.

**Question 11. Please provide information on women's inheritance rights and on the measures taken to allow women to inherit property on the same basis as male heirs.**

45. Act No. 68-012 of 4 July 1968 concerning inheritance, wills and donations does not contain any provisions limiting the capacity of female heirs to inherit immovable property.

46. In practice, however, in order to preserve the family heritage, heirs may agree that female heirs will receive a sum of money instead of real estate. It is customary for a wife to inherit her husband's estate.

47. In order to rectify matters, since 2007 the Ministry of Justice has been conducting awareness-raising campaigns and holding debates with traditional leaders, State and other officials and civil society in the six provinces of Madagascar, namely Antananarivo, Mahajanga, Toamasina, Antsiranana, Toliary and Fianarantsoa, with a view to persuading members of the community concerned to accept a culture fostering equal rights of men and women.

### **III. Issues relating to the specific provisions of the Covenant (arts. 6-15)**

#### **A. Article 6**

##### **The right to work**

**Question 12. In light of the information provided by the State indicating that 78 per cent of the population living in Madagascar's cities work in the informal sector with very low income and precarious conditions of work, please provide more detailed information on national programmes and policies to create employment in the formal economy. Please also indicate the specific measures, legislative or other, that the State party has taken or intends to take to increase employment opportunities for young persons between 15 and 24 years of age.**

48. Act No. 004/2005 of 10 May 2005 on national employment policy sets general and specific employment targets.

49. The Government, acting through the Ministry of the Civil Service, Labour and Social Laws cooperates with various partners (International Labour Office, International Labour Organization (ILO), UNDP, etc.) in an effort to achieve economic growth facilitating job creation.

50. The Government has endeavoured to promote the integration of operators in the formal economy. Five hundred and sixty-four traders have joined the formal economy. Chambers of trade have been expanded or put into operation in rural areas and the working capacity of entities promoting handicrafts has been strengthened.

51. In addition, labour-intensive activities in urban and rural areas offer temporary employment to destitute persons who receive food for work.

**Question 13. In light of information provided by the State party according to which unemployment rates for women doubled whereas those for men remained stable between 1993 and 2001, please provide information concerning the results of recent national, regional and communal efforts aimed at combating discrimination at work and supporting the employment and professional training of women. By which means does the Government intend to put an end to wage disparities between men and women?**

52. In order to increase women's autonomy and combat discrimination at work, 3,500 women received leadership training.

53. Networks of women leaders were then set up in 22 regions. Each network has elected its officers, drawn up its rules, established an annual work plan and created income-generating activities.

54. In order to combat discrimination at work and encourage the recruitment and vocational training of women, the State passed Act No. 004-2005 of 10 May 2005 on national employment policy.

55. Article 11 of this Act states that "The purpose of national employment policy shall be to facilitate the access of vulnerable social groups, especially women, young people and the disabled, to the labour market by:

(a) Endeavouring to enhance equal opportunities in order to combat poverty by improving the level of women's education and establishing an enabling framework for comprehensive adult education;

(b) Building more schools in order to improve enrolment rates and expanding child-minding facilities for very young children so as to enable women to work;

(c) Encouraging the creation and increasing the number of arrangements giving women access to credit ... ."

56. The Government has introduced a national microfinance strategy with funds amounting to US\$ 3 million for the period 2008–2010. Practical measures have been taken at the regional level in this domain:

(a) Eight hundred women in the Anosy region have received microcredit to finance income-generating activities under the "*Entreprendre*" ("Enterprise") programme;

(b) Arrangements to promote women's employment have been introduced in 85 communes in 7 districts of the Antsiranana region;

(c) Fifty women have been trained in income-generating activities in the Menabe region;

(d) Fifty women have received microcredit training in the Sofia region;

(e) Five microfinance firms have been trained in the supply of microcredit in the Sofia region;

(f) Five microfinance firms serving women have been set up in the Atsimo-Andrefana region.

57. In order to end wage discrimination between men and women, the Government has ratified ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951.

58. In the public sector, there is equal remuneration; the same wage is paid for the same job regardless of the worker's sex.

59. The principle of equal pay is not always respected in the private sector. Employers fix their employees' wages as they think fit. Workers who are victims of discrimination may, however, apply to the Labour Tribunal to have their pay adjusted in keeping with their actual duties.

## **B. Article 7**

### **The right to just and favourable conditions of work**

**Question 14. Please explain why the practice of sexual harassment in the workplace remains widespread across the country and particularly in the export processing zones (EPZs) where it remains unreported despite the fact that it is against the law. Please provide the Committee with information on any awareness-raising campaigns conducted in workplaces in the EPZs, on the competent legal bodies responsible for dealing with the cases of sexual harassment, and on any case law in this regard.**

60. Fear of losing one's job remains a big obstacle to denouncing, punishing and eradicating sexual harassment at work, particularly in the export processing zones.

61. Fear of dishonour fosters a culture of silence among victims.

62. In Madagascar, sexual harassment is an offence for which action may be brought in a criminal court.

63. The Government uses radio and television broadcasts and visits to workplaces to raise awareness, especially among women.

64. In 2007, the Ministry of Justice, with UNDP support, set up five legal clinics called "trano aro zo", which means "rights protection centre", which are responsible for disseminating knowledge of rights, including women's rights, promoting reconciliation between parties when this is possible and counselling victims on how to refer a case to the courts.

65. Awareness-raising at the workplace is hampered by lack of cooperation on the part of employers.

66. This situation explains the small number of sentences handed down for such offences:

(a) Judgement No. 172 of 9 March 2007 delivered by the Antananarivo Court of Appeal in *The Attorney-General's Office and Mrs. R.C. v. Mr. H.S.* In this case the victim was awarded damages in the amount of MGA 400,000.

(b) Judgement No. 549 of 1 July delivered by the Antananarivo Court of Appeal in *The Attorney-General's Office and R.T. v. P.B.* In this case the Court of Appeal upheld the decision to acquit the accused for lack of evidence.



**Question 15. Please provide the Committee with information on the newly adopted law on EPZs and its impact on the enjoyment of economic, social and cultural rights. Please also comment on the allegations that the law includes elements that provide lower rights to workers in EPZs compared to workers subject to standard provisions of the Labour Code, notably regarding the maximum hours of work, and discriminates against migrant workers as compared to national workers with regard to wages and social security coverage.**

67. In order to remedy the less favourable treatment of workers in EPZs compared to that of workers covered by the Labour Code with regard to overtime, the Government intends to draft a law that takes account of the comments of both sides of industry and the relevant ministries.

68. Trade unions' vigorous protests against the Act, certain provisions of which are to be amended, explain the delay in publishing the decree implementing it.

69. With regard to discrimination against national workers compared to expatriate workers in terms of wages and social benefits, it must be pointed out that Madagascar is party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. For this reason, expatriates working in free zones must receive benefits in accordance with the terms of the Convention. At all events, the Government intends to draft a law incorporating the above-mentioned benefits and applying the principle of equal remuneration for equal work.

70. The reconciliation of these conflicting interests will be borne in mind when drafting the reform bill.

**Question 16. The Ministry of the Civil Service and Labour is reported to have only 77 inspectors in office, which makes it difficult to monitor and enforce labour provisions effectively. Does the State party envisage increasing the number of inspectors and providing them with the necessary human and financial resources to carry out their responsibilities effectively?**

71. The Government recruits 15 labour inspectors annually through a national competition. After two years' training they are able to perform their duties.

## **C. Article 8 Trade union rights**

**Question 17. According to information before the Committee, the Government has the power to require public employees engaged in essential services to go back to work and end or avert a strike. In this context, please clarify the sectors in which services are considered as essential (paragraph 298 of the State party's report) and for which categories of workers the right to strike is restricted.**

72. The exercise of the right to strike and restrictions on it are governed by article 33 of the Constitution which stipulates that "The right to strike is recognized without prejudice to the principle of uninterrupted public service, or to the nation's security and fundamental needs. The other conditions for the exercise of this right shall be established by law."

73. The sectors affected by these restrictions are deemed to be: the judiciary, the police, the gendarmerie, prison authorities, the fire brigade and health workers.

74. The restrictions applying to members of the national legal service are set forth in article 12 of Order No. 2005-005 of 22 March 2006 laying down the regulations of the national legal service. This article states that "Members of the national legal service shall have the right to join a trade union. Nevertheless, as any interruption of the functioning of

the legal service is likely seriously to harm the nation's fundamental needs and jeopardize the security of persons and property, any concerted action which halts or impedes the normal functioning of the courts shall be prohibited.”

**Question 18. Please indicate whether the legal provisions applicable to seafarers and other workers in the maritime sector allow them to exercise their right to organize and join free trade unions as well as the right to strike.**

75. The Constitution recognizes the right of every worker to defend his or her interests by trade union action and, in particular, his or her freedom to found a trade union. Membership of a trade union is voluntary. Under article 31 of the Constitution, seafarers are free to set up trade unions and to join them in order to defend their professional interests.

**Question 19. Please indicate what measures have been taken to follow up on the recommendation made by the ILO Committee of Experts on the Application of Conventions and Recommendations to amend article 137 of the Labour Code in order to ensure the full rights of workers' organizations to organize their activities without interference by public authorities.**

76. Owing to the socio-political crisis currently reigning in Madagascar and Parliament's suspension, no steps have been taken to amend article 137 of the Constitution, as recommended by the ILO Committee of Experts on the Application of Conventions and Recommendations.

**Question 20. Please comment on the information before the Committee according to which workers in the EPZs face great problems in forming trade unions or engaging in collective bargaining.**

77. The great problems faced by workers in free zones in forming trade unions and engaging in collective bargaining are caused by their struggle to gain access to the labour market. Once workers have been taken on, they do not form trade unions, because they are afraid of losing their job.

78. In practice, they turn to trade unions outside their workplace in order to assert their rights only after a decision has been taken to dismiss them.

#### **D. Article 9 The right to social security**

**Question 21. Please explain why the State party has not ratified ILO Conventions No. 102 (Social Security (Minimum Standards) Convention), No. 168 concerning Employment Promotion and Protection against Unemployment, No. 130 concerning Medical Care and Sickness Benefits, No. 121 concerning Benefits in the Case of Employment Injury, and No. 128 (Invalidity, Old-Age and Survivors' Benefits Convention).**

79. Madagascar has ratified international legal instruments concerning fundamental labour rights. These instruments are ILO Conventions Nos. 105 concerning the Abolition of Forced Labour and 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

80. Ratification of the conventions mentioned by the Committee and assumption of the ensuing responsibilities would entail financial costs which Madagascar is not yet able to bear.

81. The Government does, however, intend to proceed with ratification as soon as possible.

**Question 22. Given that only a limited percentage of the Malagasy population is entitled to social security benefits, please inform the Committee of the steps taken to ensure that the coverage of the social security system is significantly increased. Please also provide information on the social security programmes available for workers in the private sector.**

82. Measures taken to widen the coverage of the social security system:

(a) Since 2007 Madagascar has had a National Risk Management and Social Protection Strategy;

(b) In addition, a solidarity fund, called the “Equity Fund” was set up by Decree No. 2003-1040 of 14 October 2003 to improve vulnerable groups’ access to high-quality services. This system is in operation in all public basic health-care centres;

(c) In 2008, the National Programme for the Rehabilitation of Civil Status made it possible to issue 219,000 birth certificates to children below the age of 6 through late registration procedures.

## **E. Article 10 Protection of the family, mothers and children**

**Question 23. Please provide the Committee with updated and specific information on the concrete results achieved by the implementation of international cooperation programmes on the elimination of child labour. Has the Government increased the number of child labour inspectors to effectively enforce laws on child labour? Please provide precise information on cases of violations involving child labour brought to courts, and more specifically, on legal actions against those who employ, abuse and mistreat child domestic workers whose conditions are said to be tantamount to slavery.**

83. The aim of the National Plan to Combat Child Labour is to eliminate child labour by countering the worst forms thereof. This is to be done by establishing a legal framework and an institutional and economic environment conducive to a balanced life where children will not be obliged to work in order to survive.

84. In November 2007, the Ministry of Justice, in partnership with UNICEF, formulated a national action plan to combat violence against children and to eliminate the worst forms of child labour.

85. In the field of international cooperation, UNICEF supports the project “Good governance for the rights of the child” of the International Programme on the Elimination of Child Labour (IPEC) of the ILO within the context of the “Volunteers against Violence” project.

86. In order to make up for a lack of data on child labour, including child domestic workers, the Government, with IPEC/ILO support, has conducted a national survey of child labour.

87. The survey began in May 2007 with specialized training of officials of the National Statistics Institute (INSTAT).

88. The findings of the survey will be analysed with a view to improving the strategy to combat child labour.

89. There is not much precise information available about cases of ill-treatment of child domestic workers, because data from the central service of the vice and minors' protection squad gives an overall figure for all forms of ill-treatment.

90. On 17 July 2009, R. was brought before the Antananarivo criminal court on a charge of assault and battery, which is a punishable offence under article 309 of the Criminal Code. The accused was arrested on 14 July 2009. The victim, a child employed as a domestic worker, was unable to work for 45 days on account of scalding. The decision on this case has been deferred in order to allow the appearance in court and hearing of the victim who has been hospitalized. The trial will reopen on 5 August 2009.

91. In Tsiroanomandidy a child employed as a cowherd was the victim of ill-treatment. His employer suspected that he had stolen MGA 50,000 and subjected him to torture resulting in third-degree burns requiring the amputation of an upper limb. The local gendarmerie is currently pursuing its investigations.

92. Article 310, subparagraph 3, of the Criminal Code punishes violence leading to amputation with a period of forced labour. In the instant case, it is necessary to establish that the violence was the cause of the amputation in order for this article to be applicable.

93. In 2008, 130 of the 160 complaints of ill-treatment were dealt with.

**Question 24. Please indicate whether the Government has amended the law on minimum age for marriage to raise the legal minimum age for girls. Please elaborate on the legislative and awareness-raising measures taken to prohibit and eradicate the traditional practices leading to forced marriages (paragraphs 337–341 of the State party's report) and on measures to prevent teenage pregnancy.**

94. In order to comply with the Convention on the Elimination of All Forms of Discrimination against Women, Act No. 2007-022 concerning marriage and systems of matrimonial property was adopted. It raises the legal age of consent to marriage to 18 for both sexes, instead of 14 for girls and 17 for boys.

95. In the north-west of Madagascar, the custom of "moletry" arbitrarily deprives a woman of her fundamental freedom to choose her future husband (forced marriage). This practice consists in the conclusion of an engagement contract obliging the underage girl to behave irreproachably throughout the term of the contract on pain of losing the agreed dowry (in zebu and/or money). The girl is also at risk of teenage pregnancy.

96. In order gradually to eliminate customary practices and as part of action on the concluding observations of treaty monitoring bodies such as the Human Rights Committee and the Committee on the Elimination of Discrimination against Women, the Ministry of Justice, with UNDP support, has scheduled local, regional and national discussions to debate this question.

97. The aim is to encourage all local opinion leaders to participate actively in this dialogue and to commit themselves voluntarily to making the whole population aware of the damaging effects of forced marriage and teenage pregnancy.

98. Public prosecutors, lawyers, traditional and religious leaders and journalists are associated with this participative, interactive and constructive dialogue aimed at establishing a road map for formulating a national policy to combat all discriminatory customary practices. The local dialogue in Mampikony made it possible to obtain voluntary undertakings from each representative of each entity to take steps at their level to eradicate early marriage through "moletry". The holding of a regional dialogue is being contemplated.

99. The State also has a national policy and a strategic plan on youth and adolescent reproductive health. A multisectoral approach to make adolescents aware of reproductive

health issues and to reduce teenage pregnancies has been jointly adopted by the Ministry of Health, the Ministry responsible for youth and the Ministry of National Education.

100. In 2008, awareness-raising activities were conducted in 622 out of 677 secondary schools and 18 youth centres. Sixteen instructors and 20 peer educators were trained in youth and adolescent reproductive health.

101. As part of measures to implement the programme to reduce the number of teenage pregnancies, especially in rural areas, there are plans to open six youth-friendly basic health-care centres in 2009 and 30 in 2010.

102. The film called "Aina" has been shown in order to warn the population of the dangers of early sexual relations, discourage forced marriages and publicize the act raising the legal age for marriage. This film serves to educate the population as a means of gradually discouraging early sexual relations, preventing teenage pregnancies and ending traditional practices in certain regions in order to avoid forced and early marriages.

**Question 25. Please indicate what is envisaged to urgently provide adequate protection to abused women and children. Please also indicate whether the Government intends to criminalize mistreatment of children and domestic violence.**

103. Madagascar has adopted legislation to provide abused women and children with adequate protection. Articles 312 and 312 bis of the Criminal Code concern the protection of abused women, including pregnant women.

104. Act No. 2007-023 of 20 August 2007 on the rights and the protection of the child covers child victims of all forms of abuse.

105. This act makes it the duty of any person, including parents, relatives and friends, to report incidences of abuse.

106. Networks of health workers and lawyers have been put in place to come to the assistance of child victims of abuse.

107. Multisectoral networks to protect children's rights have been set up since 2001 in order to prevent violations of these rights and to help victims to refer cases to the competent authorities, including the judiciary.

108. In addition, the Catholic Relief Service (CRS) has set up a telephone helpline for children who are the victims of trafficking and abuse in Diégo-Suarez and Toliary and on Nosy Be.

109. It must be borne in mind that progress has been achieved in the implementation of articles 19 and 39 of the Convention on the Rights of the Child:

(a) The law has been reformed through the adoption of acts on the rights and protection of children and on the trafficking of persons and sex tourism;

(b) The central service of the vice and minors' protection squad has been decentralized and it has opened offices in the former provincial capitals and in towns where the incidence of abuse is growing: Toamasina, Toliara, Fianarantsoa, Antsiranana, Mahajanga, Taolagnaro and Antsirabe and on Nosy Be;

(c) Minors' protection units are being established in all police services;

(d) A central adoption authority has been set up;

(e) In 2007 the National Plan to combat violence against children was approved.

110. The main difficulties which have been recorded are:

(a) An insufficient number of social workers; and

(b) Budgetary constraints.

111. In the short and medium term:

(a) Training programmes to build the capacity of professionals working to protect children will be continued;

(b) The specialized service of the national police will open further offices in other towns;

(c) The social reintegration programme will be extended to other towns;

(d) There will be further cooperation with partners whose mandate includes the promotion and protection of the rights of the child, i.e. UNICEF, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), UNDP, the United Nations Population Fund (UNFPA), etc.

**Question 26. Please provide detailed information on the implementation of the law on child sexual exploitation, child sex tourism, child pornography and trafficking in persons, which was adopted at the end of 2007.**

112. In order to effectively counter prostitution and trafficking, Madagascar has adopted Act No. 2007-038 of 14 January 2008 amending and supplementing certain provisions of the Criminal Code concerning measures to prevent trafficking in persons and sex tourism.

113. This Act covers:

(a) The trafficking in, sale, kidnapping and exploitation of persons;

(b) Preventive measures to combat trafficking in persons;

(c) Penalties incurred by traffickers;

(d) Protection and assistance of victims, including their social reintegration, through the setting up of shelters;

(e) Within the context of the FITIA project (Fight against Trafficking and Abuse), the Government has mounted a national campaign against child sex tourism in collaboration with Parliament and the Catholic Relief Service and with the support of the United States Agency for International Development (USAID) and UNICEF.

114. At the judicial level, a Swiss national was sentenced to five years' imprisonment and expelled from the country.

115. Two Mauritians and two Germans were arrested, but released owing to lack of evidence.

116. In 2007, posters advertising the act, the procedure to be followed and the authorities to be contacted in the event of child trafficking were produced and distributed on Nosy Be and in Fort Dauphin, Morondava and Diégo-Suarez.

117. Madagascar has just adopted another legal instrument which will enable it to step up measures to curb the trafficking and prostitution of women. At its first session in 2008, Parliament adopted the Act ratifying the convention against the trafficking and prostitution of women.

118. The scope of this convention covers domestic trafficking and trafficking to foreign countries of prostitutes.

119. No network exploiting the prostitution of Malagasy women or girls in neighbouring islands has been found to exist.

120. Nevertheless the Government intends to combat the trafficking of women or girls who have been taken from their home to work as prostitutes in other regions.

121. Under a judicial cooperation agreement with France, the Government can request the extradition of persons who have committed offences linked to the exploitation of prostitution on Réunion and can send them for trial.

122. The Government has set up shelters in Antananarivo, Toamasina and Toliara to further the social reintegration and rehabilitation of prostitutes who want to give up their trade. These shelters have helped some 105 victims of child labour and trafficking in persons to go back to school or to enrol at vocational training centres. Doctors working at these centres have dispensed medical treatment and advice to victims, while labour inspectors have helped them to find a job. A similar shelter is being built on Nosy Be.

123. Other shelters will be opened in risk areas as and when they are needed.

124. Moreover 14 child protection networks established by UNICEF are active in protecting children in large towns against any risk of the worst forms of child labour. Networks of this kind exist in Diégo-Suarez, Fort Dauphin and Mananjary.

125. These networks also alert the general public to the dangers of trafficking and the sexual exploitation of children for commercial purposes.

## **F. Article 11 The right to an adequate standard of living**

**Question 27. In light of the information given by the Government that in 2004, 72.1 per cent of the population was living under the poverty line (87.5 per cent in the rural area of Fianarantsoa province), please provide more detailed information on the impact of programmes and policies aimed at combating poverty, especially in rural areas.**

126. Please see the reply to question 7.

**Question 28. Please provide detailed information on the number of forced evictions mentioned in the State party's report and whether those evictions complied with the guidelines set out by the Committee in its general comment No. 7. In particular, the Committee is interested to know whether the Government ensured that alternative lodging or adequate compensation was provided for people who were forcibly evicted from their homes.**

127. Article 34 of the Constitution guarantees fair compensation in advance for expropriation in the public interest.

128. The State therefore offers compensation whenever expropriation occurs. In the event of disagreement, the Administrative Court is competent to settle the dispute.

129. Efforts have been made to rehouse expropriated persons as well as granting them compensation.

130. The rate of compensation varies according to the situation. Squatters are given compensation on humanitarian grounds.

131. The rate of compensation was increased in 2008.

**Question 29. According to information before the Committee, 48 per cent of Malagasy children are chronically malnourished, with 13 per cent suffering from acute malnutrition. Please provide the Committee with more detailed information on the**

**application of the National Nutrition Programme and the results it has achieved so far.**

132. The Malagasy Government has a national nutrition policy formulated in 2004 and in 2005 it adopted the National Nutrition Plan 2005–2009.

133. A national community health policy was devised in 2008 and its approval is scheduled for 2009. The National Nutrition Council (CNN) and the National Nutrition Office (ONN) were set up by Decrees Nos. 2004-1071 and 2004-1072 respectively.

134. By reducing the incidence of chronic malnutrition in children under the age of 5 through comprehensive measures encompassing prevention, treatment and health promotion, this programme is also helping to reduce infant and child mortality. In 2008, 3,366 cases of severe acute malnutrition accompanied by complications were hospitalized in intensive nutritional recovery and education centres (CRENI). The recovery rate was 73.6 per cent and the death rate was 7.2 per cent. Of the 987 cases of severe acute malnutrition without complications which were treated in the 87 outpatient nutritional recovery and education centres attached to basic health-care centres, which deal with severe cases of malnutrition (CRENAS), 47.9 per cent recovered and 2 per cent died. In addition, outpatient care has been consolidated by the setting up of 39 outpatient nutritional recovery and education centres to treat cases of moderate acute malnutrition (CRENAM).

135. Relief was organized in two districts for the 166,069 children and 790 pregnant women or nursing mothers who were the victims of cyclone Ivan. A diagnostic survey of nutritional status was likewise carried out in all vulnerable areas (eight districts) and five vulnerable large towns. The findings of the survey prompted the setting up of three monitoring stations in the five large towns to track trends and socio-economic indicators.

136. The Accelerated Reduction of Malnutrition project (ARM) is being implemented in order to contend with the crisis of severe acute malnutrition in the south-eastern region.

137. Under the project, 91 per cent of children between the ages of 6 and 36 months have received dietary supplements of lipoamino acids and 80 per cent of pregnant women and nursing mothers have received multi-micronutrient supplementation.

138. Healthier diets for babies and very young children have been promoted by the updating of the National Code of Marketing of Breast-Milk Substitutes, the setting up of 52 baby-friendly basic health-care centres, the training of 83 health workers and 1,482 community agents in the prevention of HIV transmission and the upgrading of nutrition/AIDS activities in the 22 regions of the country.

139. During the biannual Mother and Child Health Weeks, which are designed to ensure a continuum of care, 3,315,092 children under the age of 5, 197,310 pregnant women and 135,954 women who had just given birth received vitamin A supplements combined with anti-parasite treatment.

140. Strategies to curb malnutrition are backed up at community level by nutritional monitoring, Information, Education and Communication/Communication for a Change in Behaviour (IEC/CCC) sessions and the provision of micronutrient supplements. These activities are carried out by:

- (a) 5,550 community nutrition stations in collaboration with the National Nutrition Office;
- (b) 321 Kaominina Mendrika Salama (Champion Communes); and
- (c) 6,300 trained community agents.

141. There are plans to set up 800 KMS and train 16,000 community agents in 2009.



**Question 30. Please provide additional information on the actual land reforms (paragraphs 414–420 of the State party’s report) and their impacts on the enjoyment of the right to food. Please also provide the Committee with information on the farming contracts signed with foreign companies and how the Government ensures that these contracts are respectful of biodiversity, provide direct benefits for the Malagasies and in particular contribute to the enjoyment of the Malagasy population’s right to food.**

142. To date no large-scale farming contracts which might violate economic, social or cultural rights have been signed.

143. Conservation of biodiversity and the environment is governed by Act No. 90-0333 of 21 December 1990 as amended by Act No. 97-012 of 6 June 1997 and Act No. 2004-015 of 19 August 2004, the Environment Charter, with which any contract with local or foreign companies must comply.

144. Essentially the Charter requires the safeguarding of permanent features of the environment: humanity, the earth, the subsoil, ecosystems and endemics.

“Article 6. The essential aim is to reconcile the population with its environment with a view to securing sustainable development. To this end, the Plan shall set the following targets:

Develop human resources;

Promote sustainable development through better management of natural resources;

Rehabilitate, conserve and manage the Malagasy heritage of biodiversity;

Improve the physical environment of the rural and urban Malagasy population;

Maintain a balance between population growth and resource development;

Improve environmental management tools;

Help to solve land ownership problems.

Article 7. The environment shall be managed jointly by the Government, decentralized local authorities, lawfully constituted non-governmental organizations, economic operators and all citizens.

Article 8. It shall be the State’s responsibility:

To define environmental policy;

To organize awareness-raising campaigns in collaboration with the decentralized local authorities and non-governmental organizations concerned;

To involve the above-mentioned partners in decisions concerning environmental management;

To coordinate environmental measures;

To monitor and assess environmental measures, or to have this done; and

To ensure the environmental compatibility of investments.

Article 9. Environmental management shall rest on a national framework comprising:

A planning body responsible for formulating national environmental policy;  
and

A body to manage, coordinate, monitor and support public and private  
environmental programmes and action.

This body must be consulted about any environmental matters.”

145. Moreover when the National Environment Office (ONE) authorizes foreign companies to farm, it issues an environmental licence listing the environmental obligations which these companies must honour.

## **G. Article 12**

### **The right to physical and mental health**

**Question 31. In light of information provided by the Government that infant and under-five mortality rates remain very high and that life expectancy is very low, please indicate whether the Government intends to increase the allocation of adequate human and financial resources to health programmes and in particular to ensure universal access to affordable primary health care.**

146. In 2008 the Government undertook to improve urgent basic obstetric and neonatal care by recruiting and deploying in basic health-care centres and district hospitals 169 midwives and general nurses instead of the 150 originally planned.

147. In 2008, 1,444 budgetary posts were allocated to the Health Ministry, including 862 professional staff.

148. In 2009, 1,060 of these 1,360 budgetary posts will go to professional staff.

149. Over a three-year period, a similar annual increase in budgetary posts for professional staff would make it possible to meet all the country’s needs.

150. The 2009 Finance Act earmarks MGA 43,794,000 for children’s health, this being a 12.43 per cent rise over 2006.

151. Contributions from technical and financial partners have boosted funds for the implementation of the activities to reduce neonatal, infant and child mortality which were outlined in the National Children’s Health Programme (PNSE).

**Question 32. In light of information before the Committee that an estimated 16 per cent of maternal deaths in hospitals are due to complications resulting from abortion, please indicate whether the Government envisages amending its law on abortion to avoid women resorting to clandestine abortions at the risk of their lives. Please inform the Committee of any initiatives taken to develop a comprehensive sexual and reproductive health programme, including a public awareness-raising campaign about safe contraceptive methods.**

152. In December 2007 an advisory workshop was held to consider the advisability of decriminalizing abortion. The workshop sought to obtain and take account of a wide range of views expressed by technical experts and members of different religious, traditional and civil entities working to promote and protect human rights.

153. A substantive debate was held a year later in 2008. Its purpose was to consult the Executive branch, Parliament, the judiciary and members of civil society in order to ascertain their opinions as a means of assisting the institutions concerned to take a decision.

154. The recommendation made after this workshop was to reduce abortion to a petty offence. It would therefore remain an offence, but the penalty for it would be no more than a fine. This proposal was transmitted to the competent authority for action.

155. A national family planning programme adopted in 2007 is aimed at reducing pregnancies among very young girls, pregnancies among older women, an excessive number of pregnancies and pregnancies at too short intervals.

156. Services have been improved by setting up 2,312 community family planning clinics attached to basic health-care centres. These clinics are run by 3,720 community agents. Four hundred and fifty-four of these clinics offer injectable contraceptives in 88 communes.

157. The free provision of family planning services in all public health facilities, the availability of a wide range of safe methods and products at all levels and respect for patients' rights have led to an increase in the national contraceptive prevalence rate from 11.58 per cent in 2006 to 20.76 per cent in 2008.

**Question 33. According to information before the Committee, conditions of detention in overcrowded prisons are said to be deplorable and detainees are reportedly not provided with sufficient food. In this context, please indicate which measures are envisaged to address the situation of detainees and in particular those detained in the prisons of Morombe and Moramanga.**

158. In order to combat malnutrition among detainees, the Government has tried to raise their daily calorie intake from under 2,000 to 2,500 per person.

159. In order to improve compliance with prisoners' right to food, the Ministry of Justice has revived penal camps in an effort to boost agricultural production and increase the supply of food to prisons.

160. In order to solve the problem of overcrowding in Moramanga prison, which holds 150 instead of 100 detainees, a plan to downsize the prison population has been worked out. Sixty detainees will therefore be transferred to the prison in the next district, Anosibe An'ala.

161. The Ministry of Justice has rehabilitated and extended Morombe prison to increase its admission capacity.

162. Wider use of release on parole should solve most prison overcrowding.

## **H. Articles 13 and 14**

### **The right to education**

**Question 34. Please provide additional information on specific measures taken to ensure access to education for children from low-income families and notably those living in rural areas.**

163. Since 2003, the Education for All Plan provides for measures to facilitate access to education by:

- (a) Pursuing a policy of lessening the cost to parents;
- (b) Supporting pupils in difficulty;
- (c) Revising curricula;
- (d) Integrating illiterate children in the formal education system;
- (e) Recruiting teachers every year;

(f) Subsidizing schools and teachers.

164. The percentages of boys and girls in primary education are 50.15 per cent and 49.85 per cent respectively. But statistics reveal a much higher percentage of boys at secondary level, especially in the south-eastern regions (62 per cent compared with 38 per cent of girls). This disparity is partly due to the practice of early marriage and women's traditional role in the home.

165. Various programmes have been carried out to encourage girls to stay on longer at school:

(a) A campaign has been mounted to explain the advantages of girls' schooling;

(b) The promotion of girls' education was included in the leadership training of 17,433 Fokontany chiefs and 3,000 women in 2007;

(c) PACT/USAID scholarships are offered to girl pupils in the Analamanga and Antsinanana regions;

(d) Financial support is given to girls attending secondary schools in the Boeny region;

(e) A girl-to-girl strategy has been developed by UNICEF to encourage girls' education and prevent dropout;

(f) Boarding facilities are run by the Forum for African Women Educationalists for the best secondary school pupils;

(g) Literacy training has been given to young women and preschool learning centres for small children were established with UNDP support in Antananarivo and in the Atsimo Atsinanana region in 2006.

166. In 2006, approximately 48 per cent of the population over the age of 15 was illiterate. More than 1 million youngsters in the 11 to 17 age group are illiterate.

167. The goal is to reduce this illiteracy rate to 20 per cent by 2012.

168. Act No. 2004-004 states that literacy training is an integral part of the non-formal education system. Decree No. 2003-834 of 5 August 2003 embodies the National Literacy and Adult Education Policy.

169. The following literacy programmes using their own special methods have been developed for children who do not attend school:

(a) Ambohitsoratra, learning to read and write in Malagasy;

(b) ASAMA, 10-month course in preparation for the examination at the end of primary school;

(c) Ambatomikajy for learning arithmetic;

(d) ASAMA, new version, for 9- to 10-year-olds.

170. The total number of beneficiaries since 2002 is 7,415.

171. Other programmes have been devised by NGOs concerned with the education of street children and their integration into the formal education system once they have caught up.

172. As far as literacy is concerned, the Government is planning to train literacy teachers, produce materials and build classrooms and literacy centres.

173. Various measures and programmes are being carried out to keep children in school as long as possible so that by 2015, 100 per cent of pupils complete their primary education.

174. The measures being contemplated as a means of reducing the dropout rate include:

(a) Improvement of learning conditions (school canteen, transport, infrastructure and equipment, reducing the distance to the nearest school, documentation centre and library, school health and Teacher Resource Centre);

(b) Improvement of pupils' motivation (excursions, prizes, scholarships and extra-curricular activities);

(c) Improvement of teachers' motivation (allowances, subsidies, bonuses and honours);

(d) Improvement of the quality of teaching (curriculum, teacher training, competence approach);

(e) Involvement of parents, local authorities and economic operators in school management;

(f) Involvement of pupils in the board of governors and disciplinary board;

(g) Creation of clubs and associations;

(h) Educational incentives (lower fees, open schools, integrated classes, scholastic counselling and assistance, appointment of form tutors).

175. Since 2002 the Government and parents of schoolchildren have recruited several thousand teachers every year to make up for the shortfall in teaching staff especially in rural areas.

176. The Ministry of National Education and Scientific Research (MENRS) is redeploying personnel in order to achieve a fair distribution of teaching staff and is also recruiting contract teachers.

**Question 35. Please indicate steps taken to overcome traditional attitudes that impede girls' education (paragraph 544 of the State party's report) and inform the Committee of any special measures adopted, including incentives for parents to send girls to school. Please also provide the Committee with data on girls' school dropout rates, including dropouts as a result of pregnancy.**

177. The Malagasy Government has adopted the National Action Plan for Girls' Education (PANEF), which takes account of the resolutions, recommendations and declarations of:

(a) The World Summit for Children, New York, 1990;

(b) The World Conference on Education for All, Jomtien, 1990;

(c) The Pan-African Conference on the Education of Girls, Ougadougou, 1993;

(d) The International Congress on Population Education and Development, Istanbul, 1993;

(e) The Summit of Heads of State of the Organization of African Unity, Cairo, 1993; and

(f) The International Conference on Population and Development, Cairo, 1993.

178. The aim of this plan is to:

- (a) Prepare girls for various roles as wife, mother, citizen and agent of their own integral development and fulfilment;
- (b) Eliminate existing gender disparities; and
- (c) Create propitious conditions for a harmonious and differentiated education of both sexes.

179. The four components of the National Action Plan revolve around:

- (a) Girls' formal education with specific objectives:
  - (i) Achieve universal basic education;
  - (ii) Provide better teaching and learning conditions; and
  - (iii) Remedy the causes of girls' failure to complete their schooling and eliminate sexual stereotyping in educational guidance;
- (b) Non-formal education for girls;
- (c) Facilitating girls' access to education and the education of illiterate mothers and improving women's situation;
- (d) Conducting studies and research into girls' education.

180. Efforts have been made to incorporate the principle of sexual non-discrimination in the curriculums and teaching material of the formal education system.

181. Head teachers have been called upon to resolve specific difficulties faced by young single mothers when they go back to school and to create conditions enabling girls to pursue the same studies as boys.

182. In the field of non-formal education, under the National Action Plan the aim is to carry out:

- (a) Integration schemes;
- (b) Vocational training;
- (c) Measures to cut female illiteracy by 15 per cent and publicize legislation countering discrimination against women.

183. The following results have been obtained:

(a) Implementation of the National Action Plan has increased the number of girls attending primary school. While between 1991 and 1996, the gross enrolment rate (GER) of girls was 12 points lower than that of boys (102.9 per cent as against 89.5 per cent), in 2001 the difference had narrowed to 1.6 per cent (117.4 per cent compared with 115.8 per cent);

(b) In secondary education parity was reached in 2001. But disparities still exist at the level of the former provinces, as statistics for lower secondary education show. The capital is the exception with the number of female pupils exceeding that of male pupils.

**Question 36. Please provide the Committee with precise data on child workers reintegrated into the school system. Please also provide the Committee with information on the outcome of the evaluation of reinsertion programmes for persons with disabilities and street children (paragraph 324 of the State party's report).**

184. Relatively little is known about people living with disabilities in Madagascar as no regular censuses are held. The exact number of people living with disabilities is unknown and there is no disaggregated data on types of disability. Nevertheless WHO says that, throughout the world, 10 per cent of the national population has at least one kind of disability.

185. Disabled children's access to education is still very limited because school buildings have not undergone the requisite adaptation and because of a lack of understanding on the part of educators and parents. A survey conducted by a disabled persons' organization in 2005 showed that, in the 553 schools in Antananarivo, 273 of the 231,500 pupils were disabled, or 0.11 per cent of the total population of schoolchildren. Seventy-nine per cent of the disabled pupils were in primary education and a mere 8 per cent reached secondary level. These pupils were mainly children with physical disabilities. Children living with other disabilities were generally excluded from the school system. Their parents are forced to pay the fees of specialized centres where there are not enough places.

186. The new Education for All Plan does not contain any special measures for disabled children, 90 per cent of whom are not enrolled in school.

187. The National Social Protection Programme was drawn up in 2008. Three hundred families of vulnerable children and orphans have received funds to engage in income-generating activities: Ankarefo and Ampivoarana have been turned into pilot villages in an economic reintegration scheme; 104 very poor and vulnerable households have received support and awareness training; 19,200 poor and vulnerable children have been given school kits and 51 networks to protect children's rights have been set up in 28 districts.

**Question 37. According to information before the Committee, children with disabilities have limited access to specialized health care and education opportunities and students with disabilities have been rejected by schools on the basis of inadequate facilities. Please comment on this information.**

188. Fewer than 2 per cent of children with disabilities have access to functional rehabilitation centres. The distance to service points, the absence of information about the existence of services and the high cost of treatment are as many obstacles to disabled persons' access to care. These problems are compounded by a shortage of specialized staff and physical obstacles to access to care centres. These real daily difficulties are exacerbated by the fact that the population has little understanding of disability and that persons living with disabilities are treated as handicapped and dependent, or even as subhuman beings in the case of the persons who are mentally and visually challenged.

**Question 38. Please indicate what measures the State party is taking to increase literacy rates and to ensure that women in rural communities have access to education, literacy and vocational programmes.**

189. The struggle against illiteracy has always been a priority of successive governments and administrations. During the First Republic, the Rural Development Directorate at the Ministry of Agriculture was in charge of the literacy drive which it carried out in cooperation with soldiers performing civilian service. During the Second Republic, the literacy campaign became one of the responsibilities of the Directorate of Ideological Development and Citizens' Education (DAIEC) at the Ministry of Information and was conducted with the assistance of young graduates enrolled in the National Service Auxiliary to the People's Armed Forces (SNHFAP).

190. In 1991 literacy training was the duty of the Ministry of Population. A national policy on non-formal education (PNENF) was adopted in 1990. In 2003 Decree No. 2003-834 of 5 August 2003 introduced the National Policy on Literacy and Adult Education.

191. In the wake of the World Education Forum in Dakar in 2000, the Malagasy Government and the UNDP put in place a joint literacy programme which ended in 2005. Between 2005 and 2008 a support unit comprising one member of staff from the civil service and one member of staff recruited by the UNDP took over the running of this programme and its field activities with funds from the Public Investment Programme (PIP) and the UNDP.

192. In 2008 UNDP selected the regions of Vatovavy-Fitovany and the south-west as intervention zones.

193. The Government, which remains the custodian of standards and quality, facilitates direct literacy activities by decentralized local authorities which are the architects and civil society which is the project manager.

194. The above-mentioned policy:

- (a) Contains guidelines for upgrading literacy activities throughout the country;
- (b) Sets the targets for the period 2008–2012, namely to reach out to 861,647 adults in the 15 to 45 age group and 287,216 adolescents under the age of 15 by 2015;
- (c) Makes literacy a priority in seven regions: Andoy, Atsimo-Andrefana, Melaky, Ihrombe, Anosy, Atsimo Atsinanana and Vatovavy-Fitovinany;
- (d) Distributes roles among various international and national players;
- (e) Outlines sources of finance, the literacy process, the actors and the monitoring mechanism.

195. Although the percentage of illiterate women is higher than that of illiterate men, there is not yet any gender policy with regard to literacy.

## I. Article 15 Cultural rights

**Question 39. Please indicate what measures have been taken by the State party to promote the right of all Malagasy people and especially the poorest amongst them to take part in cultural life.**

196. Madagascar has been a party to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions since September 2006.

197. To this end, the Government has:

- (a) Made greater use of the Malagasy language and all its variants;
- (b) Trained cultural officials, including the managers of local cinemas;
- (c) Set up and opened reading and cultural centres (CLACs) in bilateral partnership with France and multilateral cooperation with the International Organization of the Francophonie;
- (d) Adopted an open-minded approach to foreign languages.

198. A programme using drama to promote good governance and the rule of law was organized with UNDP support in 2008. This programme involved the participation of amateur artists, including poor people, from 22 regions and formed part of celebrations to mark the sixtieth anniversary of the Universal Declaration of Human Rights.

**Question 40. Please provide the Committee with information on concrete measures taken or envisaged to protect cultural diversity and to promote the cultural heritage of ethnic groups, indigenous communities and minorities.**

199. Madagascar ratified the Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention) in 1983 and the Convention for the Safeguarding of the Intangible Cultural Heritage in 2006.

200. The aim of national policy is to guarantee and protect cultural diversity.



201. Within the framework of public-private partnership, the Government encourages the organization of inter-ethnic, inter-island and interregional cultural events, such as:

- (a) Collective circumcision every seven years (“sambatra” among the Antambahoaka);
- (b) Famadihana (turning of the dead) in the highlands;
- (c) Annual fitampoha (washing of royal ancestors’ relics);
- (d) Tsenabe (regional trade fairs where the locals can demonstrate their cuisine, hold kabary (special occasion speech) contests, or give performances of Malagasy drama or opera);
- (e) Alahamady (Malagasy New Year);
- (f) Tsanga-tsaina (ceremony of the mast);
- (g) Volambe tohaka (cultural festival in August);
- (h) Donia, an annual musical festival in which artists from Réunion, the Comoro Islands, the Seychelles and Mauritius take part;
- (i) Malagasy artists also participate in the Pan-African Cultural Festival.

202. Moreover Madagascar ratified the World Heritage Convention on 19 July 1983 and has a number of sites on the World Heritage List:

- (a) Cultural monument: Royal Hill of Ambohimanga, which Malagasy nationals may visit for an entrance fee within the means of the general public;
- (b) Natural site: the wet forests of Antsinanana and the Tsingy de Bemaraha nature reserve.

**Acronyms**

ARM	Accelerated Reduction of Malnutrition project
CCC	Communication for a Change in Behaviour
CLAC	Reading and Cultural Centre
CNN	National Nutrition Council
CNDH	National Human Rights Council
CRENAM	Outpatient nutritional recovery and education centres to treat cases of moderate acute malnutrition
CRENAS	Outpatient nutritional recovery and education centres which deal with severe acute cases of malnutrition
CRENI	Intensive nutritional recovery and education centres
CRS	Catholic Relief Service
DAIEC	Directorate of Ideological Development and Citizens' Education
EPZ	Export Processing Zone
FAO	Food and Agriculture Organization of the United Nations
FAWE	Forum for African Women Educationalists
FITIA	Fight against Trafficking and Abuse
HIV	Human immunodeficiency virus
IEC	Information, Education and Communication
ILO	International Labour Organization
INSTAT	National Statistics Institute
IPEC	International Programme on the Elimination of Child Labour
KMS	Kaominina Mendrika Salama (Champion Communes)
MENRS	Ministry of National Education and Scientific Research
MIRALENTA	Gender equality measures
OAU	Organization of African Unity
ONN	National Nutrition Office
PACT/USAID	Program for the Advancement of Commercial Technology/United States Agency for International Development
PANAGED	National Gender and Development Action Plan
PANEF	National Action Plan for Girls' Education
PNSE	National Children's Health Programme
PSDR	Strategic Programme for Rural Development
SNHFAP	National Service Auxiliary to the People's Armed Forces

SSME	Mother and Child Health Weeks
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
WFP	World Food Programme
WHO	World Health Organization

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