



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Consideration of reports submitted by States parties under article 44 of the Convention

Third and fourth periodic report of States parties due in 2008

Madagascar\*

[17 April 2009]

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\* According to information transmitted to States parties concerning the processing of reports, the present document has not been edited before being sent to the United Nations translation services.

## Contents

	<i>Page</i>
Acronyms .....	6
Part One .....	15
Introduction .....	15
A. Methodology and consultation process followed in the preparation of the report .....	15
B. Process of preparation of the report .....	15
I. General context.....	16
A. Demographic situation .....	16
B. Socio-economic context .....	18
C. Political and institutional context.....	22
Part Two .....	23
I. Measures to harmonize legislation with the Convention .....	23
A. Legislative measures .....	23
B. Coordination and monitoring of the implementation of the Convention .....	24
C. Ministries active in the application of the Convention.....	25
D. Mechanisms for monitoring and evaluation of implementation of the Convention .....	26
E. Data collection mechanisms .....	27
F. Participation of children and youth .....	28
G. Budgetary allocations for children.....	28
H. Measures to disseminate knowledge of the Convention and to raise awareness.....	30
II. Definition of the child .....	30
III. General Principles .....	32
A. Principle of non-discrimination .....	32
B. Principle of the best interests of the child .....	33
C. Right to life, survival and development .....	33
D. Respect for the views of the child.....	34
IV. Civil rights and freedoms .....	36
A. Name and nationality .....	36
B. Respect for physical integrity and rights of the child.....	38
C. Freedom of association and peaceful assembly .....	38
D. Access to information.....	38
V. Family environment and alternative placement.....	40
A. Parental guidance .....	40
B. Parental responsibility .....	42
C. Separation from the parents.....	42

D. Family reunification .....	43
E. Illicit transfer and non-return.....	43
F. Recovery of maintenance for the child.....	44
G. Children deprived of family environment .....	44
H. Adoption .....	45
I. Periodic review of placement .....	49
J. Abuse and neglect, including physical and psychological recovery and social reintegration....	49
VI. Basic health and welfare .....	53
A. Children with disabilities .....	53
B. Health and medical services.....	58
C. The fight against HIV/AIDS .....	71
D. Social security .....	74
E. Standard of living.....	74
VII. Education, leisure and cultural activities .....	76
A. Education, including vocational training and guidance .....	76
B. Educational goals of the State .....	87
C. Leisure, recreation and cultural and artistic activities .....	92
VIII. Special protection measures.....	93
A. Children affected by armed conflict .....	93
B. Children in trouble with the law.....	94
C. Children in situations of exploitation, including physical and psychological rehabilitation and social reintegration .....	102
D. Drug use .....	106
E. Sexual exploitation and sexual violence .....	108
F. Sale, trafficking and abduction of children .....	113
G. Protection of children in natural disasters.....	116
Annex I. Statistical tables.....	119
Annex II. Legislative reform .....	123
Annex III. Policies and programmes .....	125
Annex IV. Leisure, sports, recreation .....	126
Tables and figures	
Table 1. Consultations organized for the preparation of the report to the Committee on the Rights of the Child .....	16
Table 2. Estimated population of Madagascar by sex and place of residence from 1993 to 2008.....	17
Table 3. Population under age 18.....	17
Table 4. The table and figures below sum up the trends of economic indicators during the reporting 19 period.....	19
Table 5. Trend of monetary poverty rates, 1999-2006.....	21

Table 6.	Portion of annual State budget allocated to education .....	29
Table 7.	Share of the Ministry of Justice and Human Rights budget in the annual State budget .....	29
Table 8.	Infant and child mortality rates .....	34
Table 9.	Radio station audiences in households .....	39
Table 10.	Listenership by sex and age in selected districts .....	39
Table 11.	Activities of OEMC addressed to parents .....	41
Table 12.	Cases of violence against children processed by DVSOPJ from January to December 2006, by type of violence and by sex .....	49
Table 13.	Cases of violence against children processed by DVSOPJ from January to December 2006, by age group .....	50
Table 14.	Cases of violence against children processed by DVSOPJ from January to December 2006, by type of violence and by sex .....	51
Table 15.	Estimated distribution of disabled persons by age bracket .....	54
Table 16.	Mortality rates .....	58
Table 17.	Vaccination coverage as of 21 December 2006 .....	59
Table 18.	Portion of the budget allocated to the health-care sector in relation to the general State budget. 1994 to 2005 .....	60
Table 19.	Distribution of health budget by level from 1998 to 2006 .....	60
Table 20.	Main causes of morbidity under age five at basic health-care centres .....	61
Table 21.	Main causes of morbidity under age five at district hospitals .....	61
Table 22.	Cases of sick children admitted following consultation .....	62
Table 23.	Prenatal care and mortality rates .....	62
Table 24.	Number of mother and child health broadcasts .....	64
Table 25.	Achievements in parasite eradication among school-age children .....	66
Table 26.	Immunization coverage from 2001 to 2006 .....	68
Table 27.	Medical and para-medical coverage in Madagascar and WHO standards .....	69
Table 28.	Number of primary-school pupils, by sex, from 2002 to 2007 .....	84
Table 29.	Number of higher education institutions by province .....	85
Table 30.	Enrolment in higher education by sex, 2001 to 2005 .....	85
Table 31.	Proportion of private establishments .....	89
Table 32.	Programme to implement the APC in basic education at the initial primary level .....	91
Table 33.	Implementation of reform of basic education .....	91
Table 34.	Prison population by gender and status (September 2007) .....	99
Table 35.	Cases of violence linked to sex concerning children processed by DPMPM in the period January to December 2006 by type of violence and by sex .....	108
Table 36.	Population according to marital status by gender of head of household .....	119
Table 37.	Selected economic indicators: trends .....	119
Table 38.	Gross Domestic Product (GDP) in nominal terms and in real terms and rate of inflation .....	119

Table 39.	Average value of exchange rate in Madagascar from 2001 to 2008.....	120
Table 40.	HDI and SHDI 2003-2005 .....	120
Table 41.	Rate of employment by ILO age groups.....	120
Table 42.	Budgetary appropriations to social ministries from 2000 to 2005.....	121
Table 43.	Main performance indicators for budgetary appropriations.....	121
Table 44.	Multi-sectoral and multidisciplinary community networks for child protection.....	121
Table 45.	Distribution of population by gender of head of household : urban/rural .....	122
Table 46.	Recapitulation of awareness-raising activities conducted by networks from 2003 to 2007 .....	122
Figure 1.	Poverty rates, per capita GDP from 2003 to 2007 and forecast for 2012.....	20
Figure 2.	Trend of growth indicators from 2003 to 2007 and forecast for 2012.....	20
Figure 3.	Quality health service.....	67
Figure 4.	Measures to strengthen the health system: human resources and equipment.....	68
Figure 5.	Comparative table of teacher-student ratios in the public and private sectors .....	80
Figure 6.	Age of first school attendance for the 2 – 19 age group.....	84

**ACRONYMS**

ACD	Approche atteindre chaque District – Reaching Every District Approach
AGEMAD	Amélioration de la gestion des éducations à Madagascar – Improving education management in Madagascar
AJESAIA	Association des jeunes sportifs de l’avenir inter-arrondissement – Inter-district youth sports association for the future
AMIT	Association médicale inter-entreprise de Tananarive – Tananarive inter-corporate medical association
APRAM	Association des prêtres, religieuses et religieux d’Afrique et de Madagascar - Association of Priests, Nuns and Monks of Madagascar and Africa
Ar.	ariary
ARI	Acute Respiratory Infection
ARV	Antiretroviral
ASPE	Association pour la sauvegarde et la protection des enfants – Association for the protection of children
ATT	Vaccin anti-tétanique – Anti-tetanus vaccine
ADB	African Development Bank
BCG	Bacille de Calmette et de Guérin – BCG Calmette-Guérin Bacillus (tuberculosis vaccine)
BCR	Bureau du Coordinateur Résident des Nations Unies – Office of the United Nations Resident Coordinator
BEPC	Brevet d’études du premier cycle
BNGRC	Bureau national de gestion des risques et catastrophes – National bureau for risk and disaster management
CAGS	Coordination d’appui au secrétaire général – Support coordination for the Secretary General
CAP	Certificat d’aptitude professionnel
CBM	Centre de biophysique moléculaire – Centre for molecular biophysics
CCJ	Conseil communal de jeune – Community youth council
CCJOI	Conseil citoyen des jeunes de l’océan Indien – Indian Ocean citizens’ council
CCL	Caisse compétitives locale – Local competitive fund
CDMT	Cadre des dépenses à moyen terme – Medium term framework of expenditures
CE	Collège d’excellence – School of excellence
CEG	Collège d’enseignement général
CEPE	Certificat d’études primaires élémentaires
CFA	Centre de formation artisanale – Crafts training centre

CFP	Collège de formation technique et professionnelle
CHD	Centre hospitalier de district – District hospital
CHR	Centre hospitalier régional – Regional hospital
CHU	Centre hospitalier universitaire – University hospital
CISCO	Circonscription scolaire – School district
CITE	Centre d'information technique et économique – Technical and economic information centre
CLAC	Centres de lecture et d'animation culturelle – Reading and culture centres
CLIC	Centre de lecture d'information et de culture – Reading, information and culture centre
CMDPE	Comité multisectoriel pour les droits et protection de l'enfant Diego Suarez – Diego Suarez multi-sectoral committee for rights and protection of children
CnaPS	Caisse Nationale de Prévoyance Sociale – National social insurance fund
CNGRC	Conseil national de gestion des risques et des catastrophes – National council for risk and disaster management
CNLS	Comité national de lutte contre le sida – National committee to combat AIDS
CNLTE	Comité nationale de lutte contre le travail des enfants – National committee to combat child labour
CNS	Comptes nationaux de la santé – National health accounts
CNTEMAD	Centre national de télé-enseignement de Madagascar – Madagascar national distance learning centre
COI	Commission de l'océan Indien – IOC Indian Ocean Commission
CONABEX	Commission nationale des bourses extérieures – National commission for foreign scholarships
CPGU	Cellule de gestion et de prévention des urgences – Emergency management and prevention unit
CPN	Consultation pré-natale – Pre-natal consultation
CRDE	Commission de réforme du droit des enfants – Commission on reform of children's rights law
CRENA	Centre de réhabilitation nutritionnelle ambulatoire – Ambulatory nutritional rehabilitation centre
CRENI	Centre de réhabilitation nutritionnelle intensive – Intensive nutritional rehabilitation centre
CRIC	Comité de réflexion des intervenants en catastrophe – Disaster personnel study group
CRINFP	Centre régional de l'institut national de formation pédagogique – Regional centre of the national institute for pedagogical training
CRLTE	Comité régional de lutte contre le travail des enfants – Regional committee to combat child labour

CRMM	Centre de rééducation motrice de Madagascar – Madagascar centre for motor rehabilitation
CRS	Catholic Relief Service
CSB I & II	Centre de santé de base niveau i et niveau ii – Basic health centre, levels I and II
CTD	Collectivités territoriales décentralisées – Decentralized territorial communities
DDC	Direction de développement des curricula – Curriculum development directorate
DDSS	Direction de la démographie et des statistiques sociales – Directorate of demography and social statistics
DGAP	Direction générale de l'administration pénitentiaire – General directorate of the prison administration
DGPS	Direction générale de la protection sociale – General directorate of social protection
DIJE	Développement intégral du jeune enfant – Comprehensive development of the young child
DIRESEB	Directions provinciales de l'enseignement secondaire et de l'éducation de base – Provincial directorates of secondary teaching and basic education
DLIST	Direction de lutte contre les infections sexuellement transmissibles – Directorate to combat sexually transmitted diseases
DPFE	Direction de protection de la famille et de l'enfant – Directorate for the protection of families and children
DPMPM	Division de la police des mœurs et de la protection des mineurs – Vice squad and office for the protection of juveniles (VSOPJ)
DREN	Direction régionale de l'éducation nationale – Regional directorate of national education
DSM	Direction des statistiques des ménages – Directorate of household statistics
DSY	Direction des synthèses économiques – Directorate of economic analyses
DTC	Vaccin contre la diphtérie, le tétanos et le coqueluche – DTC Vaccine against diphtheria, tetanus and pertussis
DTIC	Direction des technologies de l'information et de la communication – Directorate of information and communications technologies
ECAR	Église catholique romaine – Roman Catholic Church
ECC	Éducation à la citoyenneté et au civisme – Education for citizenship and civics
EDS	Enquête démographique et de santé – Demographic health survey
EDSMD II et III	Deuxième et troisième enquêtes démographiques et de santé de Madagascar – Second and third demographic health surveys of Madagascar
EGN	École de la gendarmerie nationale



EHTP	Esclavage humain et le trafic de personnes – Slavery and trafficking in persons
EKA	Ezaka Kopia ho an'ny Ankizy (programme for issuance of supplementary judgments for birth certificates)
ENDS	Enquête nationale démographique et sanitaire – National demographic and health survey
ENF	Enseignant non fonctionnaire – Non-civil servant teacher
ENTE	Enquête nationale sur le travail des enfants – National survey on child labour (NSCL)
EPM	Enquête permanente auprès des ménages – Continuous survey of households
EPP	École primaire publique – Primary public school
EPT	Éducation pour tous – Education for all
ESB	Enquête de surveillance biologique – Biological surveillance survey
ESC	Enquête de surveillance comportementale – Behavioural surveillance survey
ESDC	Enseignement secondaire du deuxième cycle – secondary school, second level
ESE	Exploitation sexuelle des enfants – sexual exploitation of children (SEC)
ESEB	Enseignement secondaire et éducation de base – Secondary and basic education
ESEC	Enfants sexuellement exploités à des fins commerciales – CSEC Commercial sexual exploitation of children
ESGN	École supérieure de la gendarmerie nationale – Higher national police academy
ESPC	Enseignement secondaire du premier cycle – secondary school, first level
ETP	Enseignement technique et professionnel – Technical and vocational education
EU	European Union
EVF	Éducation à la vie familiale – Education for family life
FAF	Fiaraha-miombon'Antoka ho amin'ny Fampanandrosoana (Partnership for development)
FANOME	Fonds d'Approvisionnement non-stop des médicaments – Non-stop medical supplies fund
FARITANY	Province
FAWE	Forum for African Women Education
FIKRIFAMA	Fifanampiana Kristianina ho an'ny Fampanandrosoana eto Madagasikara
FIRAISANA	Commune
FISA	Fianakaviana Sambatra (Association for family welfare)

FIVONDRONANA	District
FJKM	Fiangonan'i Jesoa Kristy eto Madagasikara
FMG	Malagasy Franc
FMM	Federasionan'ny Marenina eto Madagasikara
FOFAJA	Foibe Fanabeazana ny Jamba
FOKONTANY	Borough (smallest administrative district of Madagascar)
FRAM	Fikambanan'ny Ray Aman-drenin'ny Mpianatra (Parents and Teachers Association)
FTP	Formation technique et professionnelle – Technical and vocational training
GDP	Gross Domestic Product
GRC	Gestion des risques et catastrophes – Risk and disaster management
GTIC	Groupe de travail interdisciplinaire de coordination – Interdisciplinary coordination working group
HDI	Human Development Indicator
HIAKA	Hetsika iadiana amin'ny kitroto sy ny aretina mpahazo ny ankizy (Operation for vaccination against measles and childhood diseases)
HIP	Hygiene Improvement Project
HIV/AIDS	Human Immunodeficiency Virus – Acquired Immunodeficiency Syndrome
IAPB	International Agency for the Prevention of Blindness
ICCO	Organisation inter-églises de coopération au développement – Inter-church organization for development cooperation
IEC	Information éducation-communication – Information-education-communication
IFIRP	Instituts de formation interrégionaux des paramédicaux – Interregional paramedic training institutes
IGA	Income Generating Activity
IHD	International Humanitarian Law
ILO	International Labour Organization
ILO/IPEC	ILO International Program on the Elimination of Child Labour
INFP	Institut national de formation pédagogique – National institute for pedagogical training
INSCAE	Institut national des sciences de l'administration de l'entreprise – National institute for business management sciences
INSPC	Institut national de santé publique et communautaire – National public and community health institute
INSTAT	Institut national de la statistique – National statistics institute
IOSTM	Institut d'odontostomatologie tropicale de Mahajanga – Mahajanga institute of tropical dentistry

ISCAM	Institut supérieur de la communication des affaires et du management – Higher institute for business communications and management
ISF	Indice synthétique de fécondité – Total fertility rate
ISPM	Institut supérieur polytechnique de Madagascar – Madagascar polytechnic institute
IST	Institut supérieur de technologie – Higher institute of technology
IST	Institut supérieur de technologies – Higher institute of technologies
JSI	John Snow International or Jereo Salama Isika
LGW	Life Giving Water
LP2D	Lettre de politique pour la décentralisation et la déconcentration – Policy letter for decentralization and devolution
LTP	Lycée technique et professionnel
MAP	Madagascar Action Plan
MBB	Marginal Budgeting for Bottlenecks
MBS	Malagasy Broadcasting System
MCA	Millennium Challenge Account
MDAT	Ministère de la décentralisation et de l'aménagement du territoire – Ministry for decentralization and land use planning
MDG	Millennium Development Goals
MDN	Ministère de la défense nationale – Ministry of defence
MENRS	Ministère de l'éducation nationale et de la recherche scientifique – Ministry of national education and scientific research
MFPTLS	Ministère de la fonction publique, du travail et des lois sociales – Ministry of the civil service, labour and social laws
MICS	Multiple Indicator Cluster Survey
MII	Moustiquaire imprégné d'insecticide – Insecticide-treated mosquito net
MINESEB	Ministère de l'enseignement secondaire et de l'éducation de base – Ministry of secondary and basic education
MININTER	Ministère de l'intérieur – Ministry of the interior
MINJUS	Ministère de la justice – Ministry of justice
MIRA	Ministère de l'intérieur et de la réforme administrative – Ministry of the interior and administrative reform
MSPFPS	Ministère de la santé, du planning familial et de la protection sociale – Ministry of health family planning and social protection
MTM	Ministère des transports et de la météorologie – Ministry of transport and weather forecasting
NC	Non classées – not categorized
ND	Non déterminé – not determined
NGO	Non-governmental organization

NTIC	Nouvelles technologies de l'information et de la communication
OCHA	Office of the Coordinator for Humanitarian Affairs
ODEROI	Observatoire des droits de l'enfant de la région de l'océan Indien – Indian Ocean Child Rights Observatory
OEMC	Office de l'éducation de masse et du civisme – Office of mass education and civics
OFNALAT	Office national de lutte anti-tabac – National anti-tobacco office
OICLD	Organe interministériel de coordination de la lutte contre la drogue – Inter-ministerial agency to combat drugs
ONC	Office national de la culture – National office for culture
ONEP	Office national de l'enseignement privé – National office for private education
ONN	Office national de nutrition – National Nutrition Office
OPPS	Œuvres péri et para scolaires – extramural school activities
OREP	Office régional de l'enseignement privé – Regional office for private education
ORTE	Observatoire régional du travail des enfants – Regional child labour observatory
OSTIE	Organisation sanitaire tananarivienne inter-entreprise- Tananarivo inter-corporate health organization
OVC	Orphans and vulnerable children
PACTE	Prévention, abolition, contrôle du travail des enfants – Prevention, abolition and control of child labour
PAEAR	Programme alimentation en eau potable et assainissement en milieu rural – Rural drinking water and sanitation programme
PANVE	Plan d'action national de la lutte contre la violence à l'égard des enfants – National action plan to combat violence against children
PASEC	Programme d'analyse des systèmes éducatifs de la Confemen – Confemen programme of analysis of educational programmes
PCIME	Prise en charge intégrée de la mère et de l'enfant – Comprehensive care of the child
PDSS	Projet de développement du secteur santé – Health sector development project
PEV	Programme élargi de vaccination – Expanded vaccination programme
PF	Planification familiale – Family planning
PFTE	Pires formes du travail des enfants – Worst forms of child labour (WFCL)
PGE	Politique générale de l'État – General state policy
PHI	Population Health Inquiry
PIP	Programme d'investissements publics
PLWH	Person living with HIV

PME/PMI	Petites et moyennes entreprises/petites et moyennes industries – Small and medium-sized enterprises
PN2D	Programme national cadre de décentralisation et concentration – National framework programme of decentralization and devolution
PNALTE	Plan national d'action contre le travail des enfants – National action plan against child labour
PNAN	Plan national d'action pour la nutrition – National action plan for nutrition
PNLS	Programme national de lutte contre le sida – National programme to combat AIDS
PNNC	Programme national de nutrition communautaire – National community nutrition programme
PNPF	Politique nationale pour la promotion de la femme – National policy for the advancement of women
PPN	Produit de première nécessité – Necessary product
PPP	Partenariat public privé – Public-private partnership
PPP	Purchasing Power Parity
PRD	Plan régional de développement – Regional development plan
PRSP	Poverty Reduction Strategy Paper
PSN	Plan stratégique national – National strategic plan
PTME	Prévention de la transmission mère-enfant – Prevention of mother-child transmission
RGPH	Recensement général de la population et de l'habitat – General census of population and habitat
RNDH	Rapport national sur le développement humain – National human development report
RNM	Radio nationale malgache – National Malagasy Radio
RRI	Rapid Result Initiative
RTA	Radio Télévision Analamanga
SALFA	Sampan'Asa Loterana momba ny Fahasalamana
SEECALINE	Surveillance et éducation des écoles et des communautés en matière d'alimentation et de nutrition élargie – Monitoring and education of schools and communities concerning food and expanded nutrition
SGRPS	Stratégie de gestion des risques et de protection sociale – Risk management and social protection strategy
SHDI	Sex-specific human development indicator
SIMPOC	Statistical Information and Monitoring Program on Child Labour
SNDS	Stratégie nationale de développement de la statistique – National strategy for statistical development
SNISE	Système national intégré de suivi du MAP – National integrated system of follow-up for MAP

SRA	Santé de reproduction des adolescents – Adolescent reproductive health
SSD	Service de santé de District – District health service
SSME	Semaine de la santé de la mère et de l'enfant – Mother and child health week
SSN	Système statistique national – National statistical system
STD	Sexually transmitted disease
TDCI	Troubles dus à la carence en iode – Conditions due to iodine deficiency
tds	travailleur de sexe – Sex worker
TPI	Traitement préventif intermittent – Intermittent preventive treatment
UAT	Unité d'appui technique – Technical support unit
UCP	Unités de coordination de projet – Project coordination units
UNAHM	Union nationale des associations des handicapés de Madagascar – National union of associations of disabled persons of Madagascar
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Fund for Population Activities
UNICEF	United Nations Children's Fund
UNMDH	National Malagasy Union for Human Rights
USAID	United States Agency for International Development
USD	United States Dollar
VAR	Vaccin anti-rougeole – Anti-measles vaccine
VAT	Vaccin anti-tétanique – Anti-tetanus vaccine
WHO	World Health Organization

## Part one

### Introduction

#### A. Methodology and consultation process followed in the preparation of the report

1. Madagascar ratified, without any reservation, the Convention on the Rights of the Child in 1991 and the two optional protocols<sup>1</sup> in 2004.
2. The Malagasy Government's initial report on the implementation of the Convention was submitted to the Committee on the Rights of the Child in April 1993. On 14 October 1994, the Committee adopted conclusions and recommendations addressed to the Republic of Madagascar.
3. The first periodic report, presented in February 2001, was considered in 2002. The final observations of the Committee on the Rights of the Child were issued in 2003. As part of its final observations and taking the delay into account, the Committee recommended that the Malagasy State submit its third and fourth reports in April 2008 (CRC/C/15/Add. 218, par. 72).

#### B. Process of preparation of the report

4. The present report was prepared in accordance with article 64 of the Convention and the final resolutions of the Committee on the Rights of the Child. It covers the period 2003-2008.
5. It should first be noted that to remedy the delay in presenting its implementing reports on the human-rights-related international instruments that it has ratified, the Government, at the initiative of the Ministry of Justice and the Ministry of Foreign Affairs, has assembled a Committee charged with drafting initial and periodic reports pertaining to international human rights instruments (CRRIPDH).
6. Created by inter-ministerial Order No. 18600 of 30 October 2003, this committee is composed of representatives of the Ministries of Justice, Foreign Affairs, Health, Family Planning and Social Welfare, Education, Public Safety, Finance and Budget, represented by the National Institute of Statistics and representatives of human rights NGOs from the regions.
7. The drafting committee is entrusted with:
  - Making up for the delays in presenting reports to United Nations treaty-monitoring organs;
  - Collecting the data necessary for the drafting of initial and periodic reports;
  - Drafting the initial and periodic reports and taking part in presenting these reports when they are considered by the committees involved.

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<sup>1</sup> Optional protocols on involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography.

8. It should be noted that those preparing the present report benefitted from the technical and financial support of the European Union, UNDP and UNICEF. To collect the information necessary to prepare the present report, repeated conferences bringing together representatives of ministerial departments and representatives of civil society were organized locally, regionally and nationally. These conferences occurred as per the timetable below:

Table 1

**Consultations organized for the preparation of the report to the Committee on the Rights of the Child**

<i>Activities</i>	<i>Dates</i>	<i>Places</i>
CRRIPDH workshop	24 February- 5 March 2007	Toamasina
Customary law round table	18 March 2007	Antananarivo
Regional consultation – Region DIANA	20-21 March 2007	Antsiranana
Health and social protection sectoral workshop	25 March 2007	Antananarivo
Regional consultation - ANOSY	27-28 March 2007	Taolagnaro
Education sectoral workshop	1 April 2007	Antananarivo
Juvenile justice round table	4 April 2007	Antananarivo
Sectoral workshop on protecting children against violence	3 April 2007	Antananarivo
Media round table	4 April 2007	Antananarivo
Sectoral workshop on protecting children against labour exploitation and social security	7 April 2007	Antananarivo
HIV/AIDS sectoral workshop	7 April 2007	Antananarivo
Final pre-validation	14 April 2007	Antananarivo
Final drafting by CRRIPDH		

<sup>a</sup> The aim was to draw up a report endorsed by all stakeholders nationally.

## I. General context

### A. Demographic situation

9. Since the preceding report (CRC/C/70/Add. 18) was presented, the Malagasy population has increased. As the table below indicates, the population grew from 16,441,000 in 2003 to 18,866,000 in 2008, with a growth rate stabilized at 2.8 per cent.



Table 2  
Population structure of Madagascar by sex and area of residence from 1993 to 2008

*In thousands*

Year	All			Urban			Rural		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
1993	12 210	6 074	6 136	4 327	2 124	2 203	7 883	3 950	3 933
2003	16 441	8 211	8 230	4 544	2 231	2 313	11 897	5 980	5 917
2004	16 908	8 447	8 461	4 770	2 343	2 427	12 138	6 104	6 034
2005	17 382	8 686	8 696	5 005	2 460	2 546	12 377	6 226	6 150
2006	17 865	8 930	8 935	5 252	2 582	2 670	12 613	6 348	6 265
2007	18 359	9 180	9 179	5 511	2 711	2 801	12 848	6 469	6 378
2008	18 866	9 436	9 430	5 786	2 847	2 939	13 080	6 589	6 491

Source: Analytical report, part II, vol. VIII, Demographic prospects and projections, RGPH 1993 Demographics and Social Statistics Office (DDSS)/INSTAT 1997.

10. The Malagasy population is young: one person in five is under age five. More than half the population is under 20 years of age. In 2008, the total population of children was estimated to be 9,694,000. Women make up 50.06 per cent of the population.

Table 3  
Population under age 18

*In thousands*

Year	All			Urban			Rural		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
1993	6 274	3 052	3 221	2 794	1 371	1 422	3 480	1 681	1 799
2003	8 448	4 126	4 321	2 934	1 441	1 493	5 514	2 685	2 828
2004	8 688	4 245	4 443	3 080	1 513	1 566	5 608	2 732	2 877
2005	8 931	4 365	4 566	3 231	1 589	1 643	5 700	2 776	2 923
2006	9 179	4 488	4 692	3 391	1 668	1 722	5 788	2 820	2 970
2007	9 433	4 613	4 820	3 558	1 752	1 807	5 875	2 861	3 013
2008	9 694	4 742	4 952	3 736	1 840	1 895	5 958	2 902	3 057

Source: Analytical report, part II, vol. VIII, Demographic prospects and projections, RGPH 1993 – DDSS –, INSTAT – 1997.

11. The fertility rate is high, and childbearing begins early. The Total Fertility Rate (TFR) is currently 5.2 children. The proportion of adolescents ages 15 to 19 who have already begun having children remains high: 31 per cent in 1997 and 28 per cent in 2003-2004 (EDS, 1997, 2003/2004).

12. Whereas in 1992 the infant mortality rate was 93 per 1000 live births, it fell to 58 in 2003-2004, a decrease of 38 per cent in 10 years. In the same period, the under-five mortality rate decreased from 163 to 94, a 42 per cent reduction.

13. The 2003-2004 Population and Health Inquiry indicates that the vaccination rate rose from 31 per cent to 53 per cent between 1997 and 2004, and the prevalence of malaria declined sharply, from 27.1 per cent in 1992 to 20.6 per cent in 2004. Life expectancy rates have risen since 1993 and are currently 58.1 for women and 56.3 for men. Madagascar is now among the countries of sub-Saharan Africa, whose survival rates are among the highest.

## **B. Socio-economic context**

### **1. Economic indicators**

14. Since 2002, the Malagasy economy has made real gains. Structural reforms in public finance management, in the promotion of private investment and in combating corruption have improved the overall macroeconomic situation considerably.

15. Moreover, the private sector's buoyancy in several industries, particularly mining and tourism, has contributed greatly to this trend of sustained growth. All macroeconomic and social indicators show a marked improvement:

- Sustained economic growth estimated at 5 per cent per year on average, increasing from 5.3 per cent in 2004 to 6.2 per cent in 2007;
- An increase in private investment, estimated at 12.3 per cent of GDP in 2005 and 20.7 per cent of GDP in 2007;
- A rate of inflation that has declined sharply, from 27 per cent in 2004, to 10.8 per cent in 2006, to 8.2 per cent in 2007;
- Poverty that has declined considerably, with a poverty rate of 66.3 per cent in 2007, down from 73.6 per cent in 2003 and indicating an average annual decrease of 1.2 points;
- A steadily increasing tax ratio rate, rising from 9.7 per cent in 2001 to 11.7 per cent in 2007;
- A budget deficit that has markedly improved, declining from -4.3 per cent of GDP in 2005 to -2.8 per cent of GDP in 2007;
- A more favourable economic environment marked by an improvement in the Corruption Perceptions Index, rising from 1.7 in 2002 to 2.8 in 2002 and to 3.2 in 2007 (Transparency International);
- An increase in the flow of foreign direct investment (150.5 million Special Drawing Rights [SDR] in 2006 and 652.1 million SDR in 2007), despite the various constraints still variously perceived by some industries;
- The taking effect of the new organic law on public finance.

Table 4  
**The table and figures below sum up the trends of economic indicators during the reporting period**

<i>Indicators</i>	2003	2004	2005	2006	2007	
					<i>Goal</i>	<i>Achieved</i>
Rate of economic growth (%)	9.8	5.3	4.6	5	5.6	6.2
Rate of private investment ( % GDP)	10	11.8	12.3	13	21.7	20.7
Rate of public investment ( % GDP)	7.8	12.5	10.3	10.2	9.37	7.6
Gross investment rate ( % GDP)	17.9	24.3	22.6	23.2	31.07	28.3
Inflation rate (%) (CPI end of period)	-0.8	27	11.4	10.8	8.4	8.2
GDP per capita (USD)	338.5	278	270	288	411	375
GDP per capita growth rate (%)	6.8	2.4	1.8	2.2	-	3.4
Tax burden rate ( % of GDP)	10	10.9	10.1	10.7	10.9	11.7
Exports (millions of SDRs)	611.30	673.20	566.30	579.60	-	808.00
External debt servicing (millions of SDRs)	38.08	49.69	46.6	34.34	-	13.99
External debt to exports ratio (%)	6.23	7.38	8.23	5.92	-	1.7
Foreign exchange reserves (month of import)	2.7	2.9	2.9	2.9	2.6	2.9
Foreign direct investment flow (millions of SDRs)	9.1	35.7	58	150.5	-	652.1
Long term credit granted to private sector ( % of total credit)	6.6	6.24	4.5	4.78	-	6.72
Tertiary GDP (%)	51.6	50.9	51.5	52.4	53.3	53
Primary GDP (%)	26.8	26.2	25.8	25.1	24.2	24.2
Secondary GDP (%)	14.1	14.5	14.2	13.9	13.7	15.2
Mining royalties (millions of ariary)	92	207	339	289	-	252
Number of tourists visiting Madagascar	-	228 784	277 052	311 730	-	344 348
Earnings generated by tourism (millions of USD)	-	104.3	124	157.7	-	211
Number of jobs created by tourism	-	3939	4310	4527	-	4710

*Source:* Office of the Prime Minister, Principal Document: strategies, programmes and conditions for implementation of new public policies of MAP (Round Table of 9-10 June, Antananarivo).

16. The following figure shows an actual decline in the poverty ratio from 2003 to 2006. This downward trend is expected to continue in 2012. Moreover, after the decline in per capita GDP as a result of the events of 2002, steady improvement occurred from 2005 (US\$ 270) to 2007 (US\$ 375).

Figure 1  
**Poverty rates, per capita GDP from 2003 to 2007 and forecast for 2012**

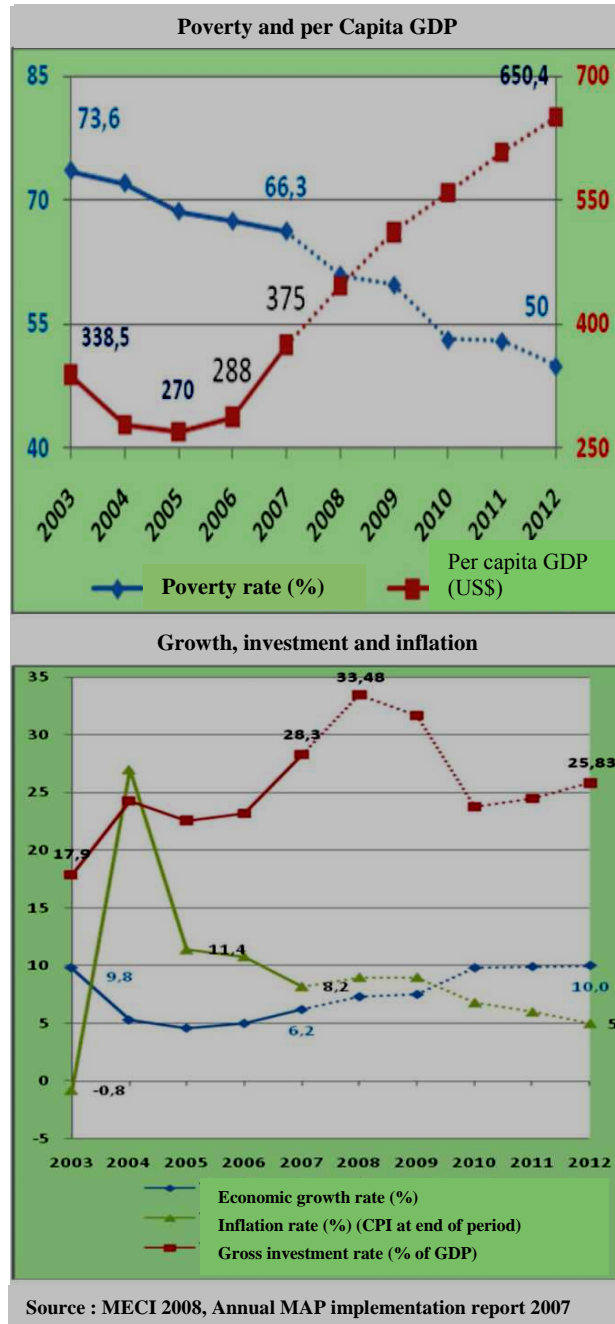


Figure 2  
**Trend of growth indicators from 2003 to 2007 and forecast for 2012**

17. Figure 2 indicates an annual economic growth rate of more than five per cent, with a projected trend toward 10 per cent in 2010-2012. The inflation rate has been contained and tends toward a rate under 10 per cent. The trend of the gross investment rate from 2003 to

2007 points to a projection of more than 30 per cent of GDP for 2008 and 2009, to be stabilized at 25 per cent per year up to 2012.

## 2. Social indicators

### *Social indicators and level of human development*

18. Since 2003, the island nation has gradually emerged from the category of countries with low human development; for the past five years, its Human Development Index (HDI) has increased by 8.8 per cent. According to the latest UNDP world report, in 2007 Madagascar was ranked 143rd out of a total of 177 countries.

19. This human development level results from an improvement in life expectancy at birth, estimated at 54.7 years; a school enrolment rate, all grades taken together, of 68.9 per cent; an adult literacy rate of 63 per cent; and a Purchasing Power Parity (PPP) income of US\$ 905.4. But the life expectancy figure of 54.7 years still remains lower than the legal age of retirement, 60 years.

20. Nonetheless, it should be noted that this HDI level is not uniform for the entire territory due to the low money income level and because of the structural inadequacy of the health-care system. This level of national human development also conceals regional inequalities. Some localities in Fianarantsoa and Toliary are lagging further behind than others, with Human Development Indicators below the national average.

Table 5

### **Variations in monetary poverty indicators, 1999-2006**

	1999	2001	2002	2004	2005	2006
Urban	52.1	43.6	61.6	53.7	52	
Rural	76.7	77.2	80.4	77.3	73.5	
All	71.3	69.6	80.7	72.1	68.7	67.5

*Source:* INSTAT

21. Madagascar has also made progress in nearing the time-frame of the Millennium Development Goals (MDG). According to the second WHO follow-up report, prepared in 2007, although the country may have trouble reaching all the goals set for 2015, it has a chance to reach at least three of them, in particular those that concern primary education, gender equality and HIV/AIDS.

22. Women's HDI is lower than that of men by 0.4 per cent, essentially due to women's higher rates of illiteracy and lower incomes relative to those of men.

## 3. Employment

23. The labour force participation rate in Madagascar was 64.6 per cent in 2005. That figure rises to over 88 per cent if the 15-64 year age group is taken into account. Entry into the job market occurs at a relatively young age: more than one child in four aged 10 to 14 and more than 63 per cent of children aged 15 to 19 already work.

24. More than 86 per cent of the jobs created in Madagascar are informal private-sector jobs. The average annual wage is estimated at 991,000 ariary, or 82,600 ariary per month, equivalent to about US\$ 48. The average wage in rural areas is nearly half that in urban areas. Women's wages are markedly lower than those of men: on average, 750,000 ariary for women as compared to more than 1,147,000 ariary for men.

### C. Political and institutional context

25. After the crisis of 2002, the country returned to political and institutional stability. The 2006 presidential election resulted in the re-election of President Marc Ravalomanana, thus making it possible to continue his policy of financial, economic, legislative, judicial, social and environmental reform.

26. A constitutional reform took place on 4 April 2007. The constitutional provisions pertaining to the protection of women's and children's rights were maintained.

27. With regard to development policy, in July 2003 the Government adopted the Poverty Reduction Strategy Paper (PRSP) covering the period 2002-2006, based on good governance, infrastructure development, education, health and support for the private sector.

28. In the PRSP, the promotion of children's rights is taken into account within the sectors of health, education, social welfare and justice, among others.

29. In order to build upon the poverty strategy reduction paper, in 2004 the Government adopted the vision document "Madagascar naturally." The vision reprises 11 PRSP programmes, emphasizing strengthening the rural world; extending the value chain; expanding infrastructure; research and development; partnership and technology.

30. With the intent to promote a culture of performance and of traceability of Government actions, the country has set the State Overall Policy (PGE), adopted by the Council of Ministers, on an annual basis since 2005.

31. Various kinds of financial support have been obtained to reduce poverty: poverty reduction support credit from the World Bank, a European Union poverty reduction support programme and the United States Millennium Challenge Account.

32. In November 2006, the country adopted its new strategic plan for development pertaining to the period 2007-2011 based on the "Madagascar naturally" vision: the MAP - Madagascar Action Plan. This plan aspires to meet the challenges of rapid, sustainable development with an approach based heavily on decentralization.

33. The MAP is divided into eight commitments:

- Responsible governance;
- Connected infrastructure;
- Educational transformation;
- Rural development;
- Health, family planning and the fight against HIV/AIDS;
- High-growth economy;
- Environment;
- National solidarity.

34. The objectives pertaining to the implementation of the rights of the child are included in Commitments 1, 3, 5 and 8 and are related to good governance, educational G16 transformation and national solidarity, which includes registering births, reducing child labour and protecting those who are poorest and most vulnerable.

35. With regard to health, the MAP integrates the MDGs for maternal and child health, with an emphasis on the control and prevention of malaria, HIV/AIDS and malnutrition; and access to water and sanitation. The national objectives are aimed at achieving by 2012

reductions in child mortality from 94 per 1000 to 47 per 1000 for children under five, maternal mortality from 469/100,000 to 273/100,000 and neonatal mortality from 32/1000 to 17/1000.

36. In the area of nutrition, the MAP objective is to reduce by 2012 the rate of low weight in children under five from 42 per cent to 28 per cent. As regards water and sanitation, the MAP recognizes the importance of access to drinking water and adequate sanitation.

#### *Decentralization*

37. Taking into account the finding that the decision-making, development-planning and territorial-administration systems in effect were too centrally concentrated, the State began the process of transferring power and resources to the regions and villages. The objective was to provide citizens with nearby quality public services. The process of decentralization and devolution in Madagascar was begun in 2004, with the creation of 22 regions. In 2005 the policy note for decentralization and devolution (LP2D), which sets the strategic directions for these areas, was validated.

38. In 2006, the national decentralization and devolution framework Programme (PN2D) clarified the roles and responsibilities of the decentralized territorial communities (DTC). The programme has continued for 10 years. Seven ministries closely associated with the preparation of the plan, including those in charge of education, health and the economy, began the pilot phase of the devolution of services and of strengthening planning, budgeting and human resource monitoring capabilities regionally and in villages.

39. For 2008, a review of the judicial/institutional and organizational framework is planned, and the finance law provides for the direct transfer to the regions of a portion of the Public Investment Programme (PIP) funds.

## **Part two**

### **I. Measures to harmonize legislation with the Convention**

#### **A. Legislative measures**

40. The amended Malagasy Constitution has maintained the provisions that consider the international instruments pertaining to the rights of the child to be an integral part of positive law.

41. To ensure that national legislation is compatible with the Convention, the Government introduced the Commission on the Rights of the Child, or CRRC, by Decree No. 2005-025.

42. The Commission is coordinated by the Ministry of Justice and is composed of representatives from the ministries involved in the implementation of the rights of the child<sup>2</sup>.

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<sup>2</sup> Art.4. The Commission is composed of the following entities and organs: Ministry of justice; Ministry for population, social protection and leisure; Ministry for public security; Ministry of labour, civil service and social laws; Ministry of information; Ministry for culture and tourism; Ministry for national education; Ministry of health and family planning; Ministry of foreign affairs; Ministry of the

43. Since its creation, CRRC has made contributions that have led to the reform of:
- Children’s rights and protection, by the passage of Law No. 2007-023 of 20 August 2007 on the rights and protection of children, which replaced ordinance no. 62-038 of 19 September 1962;
  - Marriage and matrimonial property regimes;
  - Adoption and the decree concerning foster families;
  - Protection against human trafficking, sexual exploitation and sexual tourism;
  - Combating child labour.
44. The reform process pertaining to children in trouble with the law is on-going. Additional legislative measures may be found in annex II.

## **B. Coordination and monitoring of the implementation of the Convention**

45. In keeping with the fundamental objectives defined by the poverty reduction strategy papers included in the PRSP and taken up by the MAP, implementation of the Convention has made some headway despite the difficulties of putting in place a global action plan and a mechanism to coordinate policy concerning children.
46. Nonetheless, thematic and/or sectoral policy coordination mechanisms are in place, such as the implementation of:
- The National Commission to Combat Child Labour (NCCCL), an inter-sectoral organ charged with overseeing the implementation of the National Plan of Action to Combat Child Labour. The civil service and the Ministry of Education have benefitted from the financial support of the European Union, in the amount of one million euro, to conduct joint anti-child labour programmes that make education the priority;
  - An inter-sectoral committee created in 2004 to formulate the National Strategy for Social Welfare;
  - A joint Government/UNICEF programme called “Governance for the rights of the child” that, since 2004, has coordinated, monitored and evaluated the activities undertaken in the area of child protection;
  - A national plan of action to combat violence against children, initiated by the Ministry of Justice and linking the other public and private bodies concerned with the rights of the child.
47. Moreover, passage of the new Law No. 2008-012, on the establishment of the National Council of Human Rights in accordance with the Paris Principles, is an appeals mechanism authorized to receive and review complaints of human rights violations, including those involving the rights of the child.
48. As regards decentralization, coordination is ensured by child rights protection networks.

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interior; Ministry for youth and sports; National committee to combat AIDS (CNLS); Faculty of law; Bar association; civil society; UNICEF; ILO; International Programme on the Elimination of Child Labour (IPEC); two representatives for the NGOs.



49. In the sectors, plans, strategies and policies have been implemented in the areas of civil registration, health and nutrition, education and child protection, including:

National programme to rehabilitate the registry of EKA births (Ezaka Kopia ho an'ny Ankizy, a project in which supplementary birth judgments are issued for children) (2004);

- National nutrition policy (2004);
- Nutrition action plan 2005-2010;
- National policy on children's health (2005);
- Road map for safer motherhood (2005);
- Expanded Programme on Immunization – EPI 200/2011;
- National policy on adolescent health (2000), under revision;
- Road map for universal access to the prevention and control of STDs/HIV/AIDS;
- National strategic plan to combat HIV/AIDS 2007-2012;
- Education for All (EFA) plan, prepared in 2003 and updated in 2006;
- National education policy;
- National early childhood policy;
- National plan to combat child labour (2004);
- National plan to combat violence against children (2007);
- National plan for orphans and vulnerable children;
- National policy on youth (2004). Inspired by the African Youth Charter, which has not, however, been ratified by Madagascar. Formulated through consultations with ministries, using a multi-sectoral approach. In 2007 the Ministry of Youth changed its name to the Ministry of Sports, Leisure and Culture;
- National policy on employment (2003). Includes a chapter on child labour prevention.

50. Additional programmes may be found in annex III.

### **C. Ministries active in the application of the Convention**

51. The Ministry of Foreign Affairs is responsible for maintaining relations with the international institutions working for the promotion and protection of human rights, depositing ratified instruments with qualified international bodies, and dealing with issues pertaining to the situation of refugee children.

52. Within the Ministry of Justice, Decree No. 2008-438 of 5 May 2008, which determines the authority of the Minister of Justice and the general organization of the ministry, a directorate of human rights and international relations was created, which is responsible, inter alia, for establishing and implementing policies that promote and protect human rights. The Directorate of review and reform coordinates the activities of CRRC. The Directorate of judicial affairs and the Directorate of corrections and rehabilitation are responsible for dealing with issues affecting children in trouble with the law.

53. The State Secretariat responsible for public safety has a central branch of the vice squad and the office for the protection of juveniles.

54. The Ministry of National Education and Scientific Research (MNESR) oversees:

- Early childhood education;
- Primary education;
- Secondary education (general, technical and vocational);
- Literacy.

55. The Ministry of Civil Service, Labour and Social Laws (MCSLSL) contributes to child labour prevention and coordinates NCCCL. For that purpose, it has an office for the promotion of fundamental rights through which it manages the Division of Child Labour Prevention, Abolition and Monitoring (CLPAM).

56. The Ministry of the Interior has implemented the national programme "Ezaka Kopia ho an'i Ankizy," or National programme to rehabilitate the birth registry.

57. The Ministry of Health, Family Planning and Social Welfare (MHFPSW) is involved with immunization, nutrition, school health, child survival, safe motherhood and malaria control.

58. At the same time, it is involved with family- and child-related issues through the Family and Child Protection Office (FCPO), which is attached to the General Office for Social Welfare (DGPS) of the MHFPSW.

59. The HIV/AIDS prevention programme, directed by the Executive Secretariat of the National AIDS Commission (SE/CNLS) and reporting to the Presidency of the Republic, gives priority to preventing mother-to-child transmission of the AIDS virus and to managing those living with AIDS.

60. The Ministry of Sports, Leisure and Cultural Activities directs the national policy on youth.

61. The Ministry of the Environment, Water Resources, Forestry and Tourism is involved in the prevention of sexual tourism.

62. The Ministry of Telecommunications, Post and Communications, through audio-visual media, broadcasts radio and television programmes for the advancement of children nationally and regionally.

## **D. Mechanisms for monitoring and evaluation of implementation of the Convention**

### **1. The National Council for Human Rights**

63. In 2008 the Parliament passed the law establishing the National Council for Human Rights. This Council is a mechanism for, among other things, monitoring the implementation of the Convention and, if necessary, proposing review of national legislation to ensure its compatibility with the Convention.

64. The integrated national system within SNISE may also contribute by monitoring the implementation of the Convention.

#### *The SNISE, or Integrated National System for Monitoring and Evaluation of MAP*

65. The MAP Integrated National Monitoring System (INMS) is the main monitoring device for evaluating and executing the Convention on the Rights of the Child. Its implementation is based on the new National Strategy for the Development of Statistics (2007).

66. The core of INMS consists of 69 priority indicators, among a larger set of 470, whose data will be obtained primarily from administrative sources and surveys. The majority of the indicators are annual. Those that pertain to children and youth concern health and education.

## **2. Indian Ocean Child Rights Observatory (ODEROI)**

67. The mission of the Indian Ocean Child Rights Observatory (ODEROI) network is to develop tools to monitor the rights of the child systematically in Madagascar, Mauritius, Seychelles, the Comoros and Reunion, members of the Indian Ocean Commission (IOC) and beneficiaries of UNICEF support.

68. ODEROI uses a regional child-development database and country- and region-based social and statistical analyses to determine trends and make comparisons, publish periodic reports<sup>3</sup>, promote public debates and promulgate recommendations by child rights stakeholders.

## **3. Analysis of the situation of children**

69. As a result of an analysis of the situation conducted in 2000, the Government conducted a review on the rights of the child, with UNICEF support, that included a summary of statistical data, national policies, laws and research. The inter-agency committee, presided over by the Director-General of the Ministry of Planning was revitalized to coordinate, monitor and implement the cooperation programme with UNICEF.

## **E. Data collection mechanisms**

70. The national statistical system has been reformed, particularly by implementing appropriate solutions to the problems of structural inadequacy and insufficient resources (human, material and financial).

71. The National Strategy for Statistical Development (NSSD) is aimed at establishing an efficient National Statistical System (NSS) that is capable of fulfilling the needs of the various users involved in public administration.

72. These reforms will ensure a marked improvement in national surveys organized and conducted by the National Institute of Statistics (NIS) and co-financed by technical and financial partners.

73. The national surveys conducted during the period covered by this report are:

- The 2003 and 2005 Periodic Report on Households (PRH). The 2008 PRH is in progress;
- The 2003-2004 Demographic and Health Survey (DHS III), third edition (the preceding editions are DHS I, 1992, and DHS II, 1997). This survey opens by presenting the indicators of the World Summit for Children;
- The National Survey on Child Labour (NSCL). Conducted during the 2008 EPM, NSCL is the first survey on a national scale covering child labour, including trafficking. The survey is supported by the International Labour Office (ILO)/International Programme on the Elimination of Child Labour (IPEC) and uses

<sup>3</sup> Publications of ODEROI: Violence against children in the Indian Ocean region (2006); Report on adolescents (2008); Report on child poverty (under preparation).

Statistical Information and Monitoring Programme on Child Labour (SIMPOC) technology developed by the International Labour Organisation (ILO).

74. The Government is also endeavouring to strengthen routine information-collection systems (civil registry, health-care facilities, educational facilities, judicial institutions). Nevertheless, there is room for improvement in the recording, circulation, consolidation and application of data.

75. Many studies, surveys and evaluations have been conducted, particularly those involving children in difficult situations.

## **F. Participation of children and youth**

76. The Madagascar Action Plan makes youth participation a priority in:

- Associations, community organizations, and sporting and cultural activities;
- Matters that affect young people, through youth town councils created in 2006 in Mahajanga and Antsiranana.

77. The children participate in awareness campaigns that promote the Convention through their involvement in:

- Cultural and sporting and/or social-health events:
  - The observance of Children's Month, World Day to Combat Child Labour, African Children's Day, World Family Day and World Disabled Persons' Day;
  - Activities related to combating violence against youth.

78. At the time of the revision of ordinance no. 62-038 of 19 September 1962 on child protection, 30 children, 20 of whom came from shelters, participated in a youth consultation workshop held in the capital on 6 July 2004. At the workshop, the children were able to learn about the Convention and freely express their opinions.

79. Since 2006 the most deserving public school children are rewarded with sessions at camps, travel tours and field trips.

80. Delegations of Malagasy children and youth were able to get involved abroad, at the Special Session on Children in New York in 2002, the African Development Forum in Addis Ababa in November 2006 and the annual meeting of the Indian Ocean Youth Citizens' Council (IOYCC) in Reunion in December 2006.

81. In 2007, with the support of UNICEF, the MTPC (Ministry of Telecommunications, Posts and Communications) established clubs for youth reporters aged 13 to 18 to present and cover the news, start discussions and fuel thinking about topics that concern youth on 45 local radio stations. Through this programme, 150 young people from six regions have been trained in the Convention on the Rights of the Child (CRC) and in radio programme production techniques.

## **G. Budgetary allocations for children**

82. From 2000 to 2005, real GDP increased by almost 35 per cent, which allowed an increase in the State budget of almost 45 per cent. During the same period, the portion of

the implemented national budget which is allocated to social<sup>4</sup> expenditures grew from 21 per cent in 2000 to 30 per cent in 2005. The education sector benefited from this increase.

Table 6  
**Portion of annual State budget allocated to education**

	2000	2003	2005
State Budget (executed) (billions of ariary)	1 035	1 325	1 502
% of approved budget executed	79.9	91.8	63.2
% of budget for education	13.9	16.6	22.2

Source: Law on finance. World Bank.

83. In the period 2000-2005, the share of health expenditures in total expenditures increased from 5.6 per cent to 5.7 per cent (implemented budget), rising to 6.5 per cent in 2003.

84. Since 2003 the country has had a Medium-Term Expenditure Framework (MTEF), updated annually. The current document covers the period 2006-2008. It uses the MBB (Marginal Budgeting for Bottlenecks) tool to perform budgetary analyses. The estimates cite an expenditure varying between USD 5 and USD 18 per person annually to reach the health MDGs in 2015.

85. In accordance with Madagascar's commitment to education for all, there has been an upward trend in public financing allocated to the education sector, accounting for almost 22 per cent of the State budget in 2005, compared to 14 per cent in 2000 (implemented budget). This trend indicates the increasing importance assigned by the Malagasy Government to education, particularly primary education, whose share of the total MNESR budget increased from 41.4 per cent in 2002 to 57 per cent in 2005.

86. The budgets allocated to the Ministry of Justice and the Ministry of Population remain small, an amount that constitutes between 0.5 per cent and 1.5 per cent of the implemented budget. The portion allocated to the Ministry of Justice in 2006 represented 1.2 per cent of the State budget.

Table 7  
**Share of the Ministry of Justice and Human Rights budget in the annual State budget**

	2000	2003	2005
State Budget (executed) (billions of ariary)	1 035	1 325	1 502
% of approved budget executed	79.9	91.8	63.2
% of budget for justice	1.1	1.5	1.5
% of budget for population	0.45	0.5	0.5

Source: Law on finance. World Bank.

87. Implementation of the budget was for the most part satisfactory.

<sup>4</sup> Only the sectors of health, education, justice and population/social protection are contemplated here.

88. The goal of the MAP is to allocate an increasing portion of the budget to the social sectors by 2011. To achieve this, measures have been taken to raise the ratio of taxes to GDP from 11 per cent in 2006 to 15 per cent in 2011. With an eye to increasing tax revenues, initiatives were implemented in the villages in 2005 and 2006 through the Rapid Results Initiative (RRI).

## H. Measures to disseminate knowledge of the Convention and to raise awareness

89. With UNICEF support, the MTPC translated the Convention on the Rights of the Child to the national language and had it reproduced. These materials were then distributed to all the partners, at the decentralized/devolved levels and in the communities. Ten thousand copies of posters pertaining to the rights of the child, incorporating basic information about children's rights, were produced in 2007 and distributed to all the partners and nationally.

90. Moreover, the Directorate of legislative reform at the Ministry of Justice, through its Outreach Department, conducts weekly radio programmes, bimonthly television shows and visits in the jurisdictions to popularize ideas that pertain to promoting and protecting the rights of the child.

91. Every June this office participates in the observance of Children's Month through programmes on child labour and violence against children, then circulates guides on birth registration, supplementary judgments and other topics.

92. Nevertheless, the preceding report on the implementation of the Convention has not yet been widely distributed.

## II. Definition of the child

93. The definition of the child in article 1 of the CRC was transposed in Law No. 2005-014 of 7 September 2005, pertaining to adoption, and in Law No. 2007-038 of 14 January 2008, amending and completing some provisions of the Penal Code concerning trafficking in persons and sex tourism. Pursuant to article 1, "*a child means every human being below the age of eighteen years ...*"

94. In Malagasy legislation, the age of majority varies, depending on the situation: the age of criminal liability is age 18 and the age of civil majority is 21.

95. **Protection of the child.** To increase the effectiveness of protection, Law No. 2007-023 of 20 August 2007 on the rights and protection of the child provides the child himself or herself the opportunity to report abuse to a family court judge or to a representative of the public prosecutor's office. He or she may also lodge an appeal.

96. Likewise, law 2007-038, article 335.6 of 14 January 2008 stipulates that "*the child victim of crimes related to trafficking, sexual exploitation, sexual tourism and incest may, at any time, report or refer the matter to the public prosecutor's office or any other authority competent as to the acts committed against him or her and demand redress for harm suffered.*"

97. **Health.** No legislative text provides that a child have an appointment with a doctor without the consent of his or her parents.

98. **Education.** Article 24 of the Constitution sets forth that "the State shall provide public education that is free and accessible to all. Primary education is compulsory for

everyone." Law No. 2004-004 of 26 July 2004 establishes compulsory primary education beginning at age six.

99. **Work.** Law No. 2003-044 of 28 July 2004 on the Labour Code provides for raising the minimum legal working age to 15 years instead of 14 years and establishes that this minimum age must not be under the age at which school attendance is compulsory (art. 100). Night-time and overtime work are prohibited until age 18. Children may not be employed, even as apprentices, before the age of 15 without the authorization of the Labour Inspector and on the condition that the work not be harmful to their health and intellectual development (art. 102).

100. Decree No. 2007-563 of 3 July 2007 concerning child labour prohibits children under the age of 18 from performing domestic labour and prohibits their employment in work that is hazardous, unsanitary and harmful to their health (art. 16).

101. **Marriage.** Law No. 2007-022 of 20 August 2007 concerning marriage standardizes the marriageable age at 18 for both genders (instead of age 17 for boys and age 14 for girls). Before age 18 and for good cause, the judicial authority may authorize marriage with the express consent of the child.

102. **Sexual consent.** The age of sexual consent has not been legally set. Nevertheless, age has been taken into consideration to define some morality-related offenses, in order better to protect children from the risk of this kind of abuse. The Penal Code therefore set the age at under 14 years to characterize indecent assault without violence, which is punishable by five to 10 years of prison and a fine of two to 10 million ariary.

103. Moreover, committing rape against a child under the age of 15 is punishable by a term of hard labour.

104. In cases of procurement, kidnapping or corruption of a minor, if the victim is under 18 the sentence is increased.

105. **Full adoption.** The age limit for full adoption is now 12 years instead of 10, to better take the child's opinion into account.

106. **Criminal liability and detention of minors.** In this area, it has been recommended to magistrates that they order detention of minors only under extraordinary circumstances. They must therefore give priority to child-protection and rehabilitative measures in these centres. Law No. 2007-021 of 30 July 2007 amends and complements some provisions of the Code of Criminal Procedure with the goal of reducing the number of individuals in pre-trial detention, including imprisoned minors, and speeding up procedures.

107. **Culture.** With the goal of protecting children from the adverse consequences of some audio-visual productions, new Law No. 2007-038 of 14 January 2008, which amends and complements some provisions of the Penal Code concerning the fight against human trafficking and sexual tourism, in article 335.1 (3), provides that "*pornography that makes use of children, in any representation and by any means, or the possession of pornographic material involving children, is punishable by the penalties prescribed by article 334 of the Penal Code.*"

108. Decree No. 2000-112 of 6 February 2000, which establishes the general principles for the use of cinematic works, provides in article 25 for three categories of commercial cinematic works in all formats:

- Strictly for adults (prohibited for those under age 18);
- For adults and adolescents (prohibited for those under age 13);
- For all audiences.

109. Moreover, article 39 of Law No. 90-031 of 21 December 1990, concerning communication, prohibits the public screening of pornographic films; films that advocate violence and racism; films that breach public order, safety and peace; and films that make a negative impression morally or physically; in other words, films that may compromise a child's development.

110. **Consumption of alcoholic beverages.** Articles 7 and 10 of Law No. 61-053 of 13 December 1961 concerning alcoholism prevention prohibits and punishes the acts of selling and offering free alcoholic beverages to those under age 18.

### **III. General principles**

#### **A. Principle of non-discrimination**

111. Acknowledgement of this principle is realized by the reforms carried out in the legislative, regulatory and other arenas.

##### **1. Legislative and regulatory measures**

112. Law No. 2005-014 of 7 September 2005, pertaining to adoption, and Law No. 2007-023, concerning the rights and protection of children, include provisions that bar discrimination.

113. The same is true for the areas of marriage, parental authority, health and the status of persons with disabilities:

- Law No. 2007-022 of 20 August 2007 concerning marriage establishes the marriageable age at 18 years without distinguishing between the two genders;
- Law No. 2007-023 of 20 August 2007 pertaining to the rights and protection of the child provides the joint exercise of parental authority by the mother and father. Guardianship only begins when both parents are deceased or unable to fulfil their responsibilities to their children;
- Law No. 2005-040 of 20 February 2006 concerning HIV/AIDS protects adults and children living with HIV/AIDS, including partners and immediate family members, against any form of discrimination;
- Decree No. 2001-162 concerning the implementation of Law No. 97-044, on the rights of people with disabilities, aims to eradicate any form of discrimination against the social rights of people with disabilities.

##### **2. Administrative measures**

114. In response to persistent discrimination, affecting twin children of Mananjary and young girls of the Tsimihety region, in connection with "molety," the Ministry of Justice has begun a process of dialogue with the local actors, including the state- and non-state leaders and traditional authorities, to find ways and means likely to end discriminatory practices against children.

115. The national strategic plan to combat HIV/AIDS includes anti-discrimination measures for people living with HIV/AIDS.

116. In 2007 the Ministry of Education and Scientific Research (MNESR), the MTPC and private radio stations initiated academic catch-up programmes in 22 regions to help those who have had to abandon their studies. These programmes are aimed particularly at those who live in remote areas.



## **B. Principle of the best interests of the child**

117. In implementing the Convention, domestic law has taken into account the best interests of children in various areas.

### **1. Legislative and regulatory measures**

118. The law on the rights and protection of the child and the law concerning adoption provide explicitly that in any decision to be taken, the best interests of the child must be the overriding consideration.

119. The law on the rights and protection of the child provides that children capable of discernment be informed of a decision to initiate legal proceedings against them and authorizes the use of video to avoid having to repeat the hearing.

### **2. Other measures**

120. Taking the best interests of the child into consideration has resulted in increased budgets allocated to carrying out social policies on health and education, and adopting and executing national plans to promote the rights of the child. For example:

- The 2004 national plan to combat child labour and its implementation, carried out in a visit to Nosy Be by a strong delegation comprising the ministers of justice, civil service and education in July 2008;
- The National plan to combat violence against children (2007);
- The child protection networks are also a means by which to safeguard the best interests of the child on a local scale, regarding in particular protection against violence.

121. The steady increase in the reporting of domestic abuse, formerly a taboo subject, on networking sites is evidence that the actors are increasingly conscious of the best interests of children.

## **C. Right to life, survival and development**

122. To implement these principles, various legislative and regulatory measures have been carried out.

### **1. Legislative and regulatory measures**

123. The Constitution ensures all individuals protection of the right to physical integrity and the right to health beginning with conception.

124. With a view to protecting children, the Malagasy Penal Code, updated in 2005, punishes offenses pertaining to abortion, infanticide, child abuse, child abandonment and child neglect.

### **2. Administrative measures**

125. Due to the efforts of the Government, in partnership with other actors working for children's rights, infant and child mortality rates continue to fall.

Table 8  
**Infant and child mortality rates**

<i>Year</i>	<i>Rate of child mortality</i>	<i>Rate of infant mortality</i>
1992	1 630/00	930/00
1997	1 590/00	960/00
2003-2004	940/00	580/00

*Source:* INSTAT/DDSS/EDSMD III 2003- 2004.

126. With regard to food security, the Government has implemented a nutritional support programme for very young children (ages 0 to 5) through the National Nutrition Office (NNO) project, SEECALINE (Surveillance et éducation des écoles et des communautés en matière d'alimentation et de nutrition élargie - School and community surveillance and education in regard to food and extended nutrition). Other initiatives within the Public-Private Partnership (PPP) framework include: NUTRIMAD/Restaurants for children in disadvantaged communities, the Intensive nutritional rehabilitation centre (INRC) and the Ambulatory nutritional rehabilitation centre (ANRC), to provide nutrition rehabilitation for undernourished children.

127. In an effort to reduce the rate of child mortality and morbidity, programmes such as WASH (Water, Sanitation and Hygiene) and Hygiene Improvement Project (HIP), and providing drinking water in rural communities in collaboration with Fifanampiana Kristianina ho an'ny Fampanandrosoana eto Madagasikara (FIKRIFAMA), United States Agency for International Development/Catholic Relief Service (USAID/CRS), Interchurch Organization for Development Cooperation (ICCO) and the European Union have been implemented in order to assist mothers and those who care for children.

128. As part of the Programme for Safe Water Supply and Sanitation in rural areas (Programme d'alimentation en eau potable et assainissement en milieu rural - PAEAR), the Government has undertaken, in partnership with the African Development Bank (ADB), a project entitled "Project Radio," to strengthen the capabilities of local radio by creating and broadcasting messages about water and sanitation, health, income-generating activities (IGAs), gender and development.

129. With the financial support of the Global Fund since 2004, a programme that cares for orphans and vulnerable children (OVC) was begun by the MHFPSW in collaboration with the National AIDS Commission (NAC) in the following areas: education; nutrition; primary care; parent education and training; and income-generating activities for parents, shared among 11 towns.

## **D. Respect for the views of the child**

130. Freedom of expression and opinion without discrimination based on age is guaranteed by article 10 of the Constitution. Accordingly, there is no a priori exclusion from protection of the same rights for children, provided that they are deemed capable of discernment.

### **1. Legislative and regulatory measures**

131. Article 38 of the law on the rights and protection of the child establishes that the child may be consulted when a decision regarding his or her guardianship is being taken.

132. Article 6 of the law pertaining to adoption provides that the child be informed and consulted, and that his or her opinion be taken into consideration on any matter that concerns him or her.

133. With regard to testing, the law concerning HIV/AIDS provides that children of the age of discernment must be consulted.

134. The law pertaining to marriage stipulates that in case of divorce, child custody is granted according to the best interests of the child while taking into account the opinion of children capable of discernment.

135. The decree regulating foster families provides that a child capable of discernment must be consulted to determine the conditions for proper placement.

136. The age of discernment is left to the discretion of the judge on a case-by-case basis, because, given background and education level, each child is different and discernment may not depend exclusively on age.

## 2. Administrative measures

### *Participation by children and youth*

137. To apply the right of children to participate in matters that involve them, youth municipal councils were created in 2006 in two large cities of the country, Mahajanga and Diego Suarez.

138. In accordance with objective of the MAP, young people are encouraged to express their opinions in making decisions that concern them through regional councils. They are thus made aware of the importance of their participation in community life and in sporting and community activities.

139. Child and youth representatives were able to make their voices heard in New York, at the special session on children in 2002, and in the follow-up forum to that session in October 2007, as well as in Addis Ababa, at the African Development Forum in November 2006.

140. At this last event, the Malagasy delegation, composed of members of the National Youth Council and the "MDG Youth," exchanged information with other young Africans about the concerns of Malagasy youth and suggested steps to take to improve:

- Gender equality;
- Access to education;
- Job prospects;
- Health problems;
- Participation in civil society;
- Contribution to decision making;
- Religious tolerance;
- Conflict resolution.

141. At the annual meeting of the Indian Ocean Youth Committee (IOYC), held in December 2006 in Reunion, 25 children from the five regional islands, including Madagascar, participated. They contributed to the formulation of a plan to combat violence against children. The member countries have undertaken to implement it nationally in partnership with public and private institutions.

142. In 2007, with the support of UNICEF, the MTPC began setting up clubs for youth reporters aged 13 to 18 to present and cover the news, start discussions and fuel thinking about topics that concern youth on 45 local radio stations. Through this programme, 150 young people from the six regions of Anosy, Androy, Sava, Diana, Betsiboka and Menabe have been trained in the Convention on the Rights of the Child and in radio programme production techniques pertaining to it.

143. In 2007 the MTPC and UNICEF appointed two goodwill ambassadors, as spokespersons for children. These young ambassadors actively participated and held advocacy roles in interactions with policy-makers at events pertaining to children.

144. These activities were held during the observance of Children's Month, International Children's Day, International Youth Day and International Children's Broadcasting Day.

145. In partnership with UNICEF, the MTPC has held national contests for audio-visual media, pertaining to International Youth Day and International Children's Broadcasting Day. A contest entitled "Champion journalist for children's rights," for the national print media, began in 2006 and resumed in 2007.

146. The goal is to encourage children to participate by putting forth their ideas in the media on topics that affect them. This involves integrating children's "voices" into the media with an eye to promoting media-related products designed by the children.

147. In the same vein, a series of training sessions on ethics in reporting on children, intended for the national media, was begun in 2004. With a view to producing quality reporting on topics pertaining to children, 50 national professional journalists have been trained.

148. With the journalists' participation, a practical guide has been created. Addressed to media professionals, 200 copies of the guide have been published. Its objectives are:

- The use of the Convention by journalists;
- The use of ideas for news stories, reconciling the ethical handling of specific child-related topics with the particular interests of their news organization.

149. The UNICEF internal monitoring system has indicated that between 2004 and 2006, the number of quality articles in the media centred on the rights of the child has increased annually by more than 30 per cent. This demonstrates the media's ever-increasing interest in covering topics pertaining to the rights of the child.

150. It is unfortunate that some media executives are not yet aware of the need to disseminate information about the Convention and to implement it through their news organization. Members of the media have expressed the desire for support in organizing news tours for coverage of children's issues.

## **IV. Civil rights and freedoms**

### **A. Name and nationality**

#### **1. Legislative and regulatory measures**

##### *Right to nationality*

151. Ordinance no. 60-064 of 22 July 1960, on the Malagasy code concerning nationality, establishes the conditions under which Malagasy nationality is granted or may be acquired.

152. Only a legitimate child born to a Malagasy father is recognized as Malagasy.

153. If a child born to a Malagasy mother and a father of foreign nationality wishes to acquire Malagasy nationality, he or she must make use of the naturalization procedure upon reaching majority.

154. A newborn child found in Madagascar is presumed to have been born there unless proven otherwise. The person who takes in the child gives him or her a name through a supplementary birth judgment. If the child is not a newborn and if the criteria for presumption of Malagasy nationality, such as name and physical traits, are not met, he or she may not acquire Malagasy nationality.

155. In response to the recommendations resulting from public consultations organized by the Ministry of Justice in partnership with the Women's Legal Rights Initiative, reforms pertaining to the granting of Malagasy nationality to any child born to a Malagasy mother are under way.

#### *Right to a name*

156. Law No. 61-025 of 9 October 1961 establishes that any birth occurring on Malagasy soil must be reported to an officer of the civil registry within 12 days. Beyond this time period, the law permits the rectification of this situation through a supplementary judgment.

157. Given the insufficient number of magistrates and judicial officers, and the distance to courts, Law No. 2007-040 of 14 January 2008, pertaining to issuing supplementary birth judgments, empowered district administrative authorities to issue judgments in this area. The measure adopted is in line with the realization of the National programme to rehabilitate the registry of births, EKA (Ezaka Kopia ho an'ny Ankizy, a project issuing supplementary birth judgments for children) until 30 December 2011.

## **2. Administrative measures**

158. Today approximately 2.5 million children under age 18, or 33.2 per cent of the population, are not registered (Multiple Indicator Cluster Survey [MICS], 2000). Nearly 25 per cent of the births are not declared (Population and Health Inquiry [PHI] 2003-2004). There are large geographical disparities. In the capital, 95 per cent of births are declared. This number drops to 86 per cent in urban areas in general and 72 per cent in rural areas. The rate for Mahajanga is 60 per cent.

159. To correct this situation, in 2004 the National programme to rehabilitate the registry of EKA births was created with the involvement of eight ministries (MIRA, INSTAT, MDAT, MSPFPS, MINJUST, MTPC and MENRS) and the support of UNICEF and the EU. The programme includes systematizing the registry of births and supplementary judgments.

160. Activities carried out as part of improving the civil registry:

- Reforming legislation and regulation: introducing flexibility, harmonization of procedures, dissemination and implementation;
- Implementing a facility that coordinates activities by region, and adoption of the "Rapid Result Initiative" (RRI) approach;
- Establishing a cascading system of coordination, implementation and monitoring among the central, regional, communal and fokontany levels.
- Creating an office of coordination for the national EKA programme in the Ministry of the Interior (August 2007);
- Systematizing the monitoring, collection and processing of data;
- Strengthening the capabilities of local actors in the civil registry (mayors, civil registry secretaries, associations and NGOs);

- Mobilizing stakeholders (parents, health workers, school personnel, community organizations, fokontany);
- Preparing and delivering information, education and communication (IEC) teaching aids and management tools.

## **B. Respect for physical integrity and rights of the child**

### **Legislative and regulatory measures**

161. Law No. 2007-023 of 20 August 2007 on the rights and protection of children, lays down the steps for protecting children in moral danger or victims of abuse as well as the measures for reporting cases of abuse.

## **C. Freedom of association and peaceful assembly**

### **1. Legislative and regulatory measures**

162. Freedom of association and of peaceful assembly is guaranteed by the Constitution. Nevertheless, ordinance no. 60-133 of 30 October 1960, still in effect, requires legal majority for the creation of an association. This restriction has not impeded the formation of youth associations under the aegis of persons who have reached the required majority.

### **2. Administrative measures**

163. Organizations composed of young children and adolescents are connected to associations or organizations such as the scouts; youth environmental clubs such as Vintsy; and human-rights clubs and children's rights-protection clubs, such as those in Antsiranana, Mahajanga, Fianarantsoa, Fenerive Est, Toamasina and Tuléar.

164. During the annual observance of Children's Month, peaceful children's rallies, parades and meetings are organized in every town to promote children's rights.

## **D. Access to information**

### **1. Legislative and regulatory measures**

165. Article 11 of the Constitution guarantees that any individual has the right to information, and that that information be subject to no prior restraint.

166. Decree No. 99-096 of 8 February 1999, concerning the specifications of private audio-visual businesses, establishes in article 2 that "the holder is responsible for providing specific information regarding the content of the programmes to be broadcast and for establishing schedule restrictions for some programming categories, particularly those that include a substantial amount of violence and sexual content."

### **2. Administrative measures**

167. More than 150 local radio stations have been established since 2006 with a view to mobilizing mothers and children during campaigns directed at them during Mother and Child Health Week. Modules on children's rights, including those on the recording of births, have been integrated into these periodic series of training sessions.

168. In 2004 a survey was conducted by the MTPC, in collaboration with NIS and in partnership with UNICEF, to evaluate the accessibility of the media and sources of information to the population<sup>5</sup>. Although more than 70 per cent of the households surveyed owned a radio, only 47.7 per cent of children and young people listened to the radio, particularly musical programmes, radio series and the news.

Table 9  
**Radio station audiences in households**

<i>% of households surveyed that listen to radio and those in which the children listen to radio</i>			
<i>Regions</i>	<i>Districts</i>	<i>Households that listen to radio</i>	<i>Households in which children and youth listen to radio</i>
Analamanga	Antananarivo Renivohitra	84.1	49.2
Bongolava	Tsiroanomandidy	81.3	45.0
Ihorombe	Ihosy	78.7	66.1
Atsinanana	Toamasina I & II	60.9	33.8
Alaotra Mangoro	Ambatondrazaka	98.2	76.8
Boeny	Mahajanga I & II	82.5	36.1
Betsiboka	Maevatanàna	51.0	18.8
Melaky	Maintirano	84.0	48.2
Atsimo Andrefana	Ampanihy	20.6	7.9
	Toliara I & II	80.6	49.4
Menabe	Morondava	71.6	41.5
Anosy	Taolagnaro	77.1	61.7
	Betroka	79.9	37.2
All		76.6	47.7

*Source:* Survey by AUDIMAT 2004, Directorate of information and media regulation / UNICEF

169. A third of the households surveyed watched television, and this number was greater in urban areas. On average, and according to the heads of households, only 25 per cent of young people and children watched television, especially in urban areas. Their preferences tend towards televised series, animated cartoons and music programmes.

Table 10  
**Listenership by sex and age in selected districts**

<i>Districts</i>	<i>Boys</i>			<i>Girls</i>		
	<i>5 to 12</i>	<i>13 to 21</i>	<i>Total</i>	<i>5 to 12</i>	<i>13 to 21</i>	<i>Total</i>
Antananarivo I & II	16.5	14.7	36.9	16.6	14.4	36.6
Tsiroanomandidy	20.6	20.1	47.4	17.9	13.6	34.9
Ihosy	15.7	15.6	38.4	16.3	13.9	36.7
Toamasina I & II	15.8	17.8	47.1	16.9	16.6	48
Ambatondrazaka	9.3	15.6	43.7	17.5	14.4	48.5
Mahajanga I & II	15.3	14.1	35.2	16	13.6	34
Maevatanàna	7.7	24.3	34.3	8.4	22	32.3
Maintirano	21.3	25.8	55.4	20.6	19.4	44

<sup>5</sup> « The media in Madagascar – audience survey 2004 »

<i>Districts</i>	<i>Boys</i>			<i>Girls</i>		
	<i>5 to 12</i>	<i>13 to 21</i>	<i>Total</i>	<i>5 to 12</i>	<i>13 to 21</i>	<i>Total</i>
Ampanihy	10.4	12.2	32.2	13.9	19.8	48.7
Morondava	10.1	12.7	29.3	12.5	12	29.3
Taolagnaro	11.6	25.6	50.2	11.5	23	46.4
Toliara I & II	15.6	15.6	42.5	14.1	16.3	40.7
All	12.8	21.0	46.9	19.9	19.2	50.6

*Source:* Survey by AUDIMAT 2004, Directorate of information and media regulation / UNICEF

## V. Family environment and alternative placement

### A. Parental guidance

#### 1. Family structures

170. On average, a Malagasy household is composed of 4.9 persons. The average size of households in urban areas varies from 3.7 (Analanjirofo) to 5.5 (Anosy), with a national average of 4.6.

171. The average size of households in rural areas varies from 3.9 (Diana) to 5.5 (Androy), with a national average of 4.9.

172. The rate of customary marriage is 43.3 per cent, versus 32.4 per cent for officially registered marriage.

173. Women head 18.9 per cent of households. This figure rises to five households out of nine in urban areas. Female heads of household are largely widowed (43.4 per cent) or separated (38.6 per cent).

174. Malagasy society is based on a patriarchal system.

175. Some circumstances weaken the family structure: broken families, single-parent families, death of one or both of the spouses.

176. Through the Board of Guardians, the extended family intervenes in cases in which the biological parents are facing serious difficulties. The traditional authorities (*Tangalamena*, *Sojabe*, *Ampanjaka* and *Ray Aman-dreny*) also play an important role in parental guidance. The fokontany leaders, as well as various members of the local communities, come to the aid of families facing difficulties through the "*fhavanana*" framework, a form of community-based mutual aid.

177. Currently, inadequate assumption of parental responsibility results in cases of abandonment of the home or family, and child abandonment. The central branch of the vice squad and the office for the protection of juveniles documented three cases of child abandonment in 2003, 11 cases in 2004, six cases in 2005, 11 cases in 2006 and 17 cases in 2007.

178. In all of the cases, the vulnerability of the family was linked to a very low standard of living and an inadequate level of education on the part of the parents.

#### 2. Legislative measures

179. The Constitution recognizes the family as the natural, fundamental element of society, and ensures its protection.



180. The new law on the rights and protection of children spells out the equality of fathers and mothers with regard to their rights and obligations concerning their children, and the joint exercise of parental authority. Moreover, this law establishes the successive responsibility of the family of origin or extended family and public and State powers to ensure the survival, development and protection of the child. The Board of Guardians is an institution that the President of the Jurisdiction may convene as part of determining guardianship for a child.

181. The law on adoption stresses the right of children to grow up within their families of origin and the responsibility of the State to support families (art. 7).

### 3. Administrative measures

182. There is not as yet a family policy in place. Nevertheless, parent counselling programmes, such as the Family Life Education (FLE) Programme and Comprehensive development of the young child (CDYC), are on-going.

183. The FLE Programme, supported by the United Nations Fund for Population Activities (UNFPA), organizes awareness-raising meetings directed at the population, particularly women, in the major cities of the country. Women's organizations, associations and groups have formed as partners of the project, to bring awareness to the population.

184. IDYC is a programme that seeks to inform parents and strengthen their role and that of families and communities in the comprehensive care of children under six years of age.

185. As a result of experience gained at the 14 pilot sites of the IDYC programme since 2004 and the promulgation of Law No. 2004-004 of 26 July 2004, on the direction of the systems of child-rearing, teaching and training, new implementing provisions pertaining to monitoring early childhood from ages zero to six and on family counselling are currently being validated by the Government.

186. Another parent-guidance programme, part of the Office for Mass Education and Civics (OEMC), is the Parent Education and Counselling Programme. Its activities are detailed below:

Table 11  
**Activities of OEMC addressed to parents**

<i>Activities</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
On-site visits followed by awareness meetings	2 700	3 072	3 900	1 911
National radio broadcasts (RNM) on children's rights	36	45	51	65
Local radio broadcasts (BEMC) on children's rights	22	29	30	23

*Source:* MENRS/OEMC.

187. NGOs also work in this area. For example, the NGO TEZA ("Malagasy parent-education organization for development and well-being in family life") works nationally in the areas of non-traditional education, family law and family planning.

## **B. Parental responsibility**

### **Legal framework**

188. Law No. 2007-023, on the rights and protection of children, stipulates that responsibility for the harmonious development of children rests first and foremost with their parents. It also provides that parental authority belongs to fathers and mothers (art. 13). This provision was replaced by the new law pertaining to marriage in article 54. Cases in which it is possible to change parental authority are listed in article 22.

189. The principles of the best interests of the child, respect for the child's opinions and non-discrimination are set out explicitly in Law No. 2007-023.

190. Pursuant to article 48 of Law No. 2007-023, "when the safety, physical or moral integrity, health or education of a child are compromised, the family court judge shall intervene with the aid of social workers, either to help and assist the family in its role as natural caregiver of the child or to take appropriate measures pertaining to child protection and to ensure their follow-up."

191. Pursuant to article 49 of Law No. 2007-023, the family court judge is qualified to rule on child protection measures suited to the child's situation.

192. Article 50 establishes the various child protection measures:

- Returning the child to the parents, or to the person who has authority over the child, subject to specified commitments concerning his or her care;
- Guidance, support and temporary counselling; the child's compulsory attendance and registration at an accredited educational institution;
- Placement with another family, an authorized institution or an individual worthy of trust.

193. These steps may be taken at the request of one of the following: the father and mother jointly, the mother or the father, the person or department to which the care of the child has been entrusted, the guardian, the child himself or herself, or the magistrate of the public prosecutor's office. The family court judge may also take up a case *ex officio*.

194. The judge may decide to place a child with another family or institution for a period of three months (renewable), but in no case may the length of the measure taken exceed two years.

195. Pursuant to article 57, in cases in which it is necessary to remove children from their family environment, the family court judge may decide to entrust their care to the father or mother who did not have custody of them, another member of the family or extended family, a third party who is worthy of trust, or a health and social services department or establishment.

## **C. Separation from the parents**

### **Legal framework**

196. The new law on the rights and protection of children strengthens children's rights vis-à-vis family life and increases the safety of children who are separated from their parents. Children may only be separated from their parents by judicial decision, based on their best interests, when their safety, health and care are compromised. The judge rules on the matter of the children's maintaining contact with their parents.

197. Pursuant to article 62, children placed outside their families of origin have the right to correspondence and visits, and article 63 of the same law obliges the family court judge to inform the children's parents, or the person with custody of the children, of their location in order to facilitate the right to visitation.

## **D. Family reunification**

### **Legal framework**

198. Malagasy legislation has made it easier to grant entry visas to Madagascar with a view to reuniting families.

199. As regards the adoption process, once the adoption is granted by judicial ruling, the adoptive parents in possession of the birth certificate that refers to the adoption may request the preparation and issuing of a travel document in order to take the child to his or her host country. The entry visa in the host country is issued by the diplomatic representative to Madagascar of the aforementioned country.

200. As regards measures guaranteeing children whose parents reside in different countries the right to maintain relationships and have regular direct contact with both parents, the following should be noted:

- For civil servants, the right to live near one's spouse;
- For separated couples from different countries, this right depends on the existence of a mutual agreement;
- For separated parents, in principle any order pertaining to the custody of children must stipulate the sharing of child custody between the spouses. The spouse who has obtained primary custody of the child must grant visitation rights to the other spouse. This right to visitation may be broad or limited, depending on the case.

201. In the case of loss of parental authority issued by a judicial authority, the spouse found unfit will not be granted the right to visitation mentioned above.

202. Under article 12 (1) of the Constitution and Law No. 91,025 of 12 August 1991 on coordinating and monitoring nationals abroad, amended by Law No. 96,017 of 13 August 1996, children and their parents have the right to leave and enter the territory *under the conditions set forth by law*. The restriction is based on national sovereignty and security, and must be set out in writing by a qualified authority. In this context, steps to prohibit exit or entry may be taken, depending on circumstances.

203. The removal of this measure is also provided for by legislation: either *ex officio* or by request. This will be true in the event of a closed case, in the event that time has expired under a statute of limitations, or in the event of expiry of the sentence if the restriction was based on a prosecution. It may also hold true for pressing health or family reasons, duly shown.

## **E. Illicit transfer and non-return**

### **Legal framework**

204. The illegal removal and non-return of children have been observed in situations of child trafficking through international adoption. To put an end to this, a new law on adoption has been passed.

205. Following the ratification of the additional Protocol to the United Nations Convention against Transnational Organized Crime, this protocol's incorporation resulted in the passage of Law No. 2007-038 of 14 January 2008, amending and complementing some provisions of the Penal Code concerning the fight against human trafficking and sex tourism.

206. A child's departure from the territory for any reason must receive the written, authenticated authorization of both parents, even if the parents are separated. If one of the parents is deceased, the surviving parent, or any other person to whom the care of the child has been entrusted, must provide his or her authorization.

207. Moreover, considerable effort has been made to rehabilitate the children's civil registry, through the EKA programme. It should be noted that children who are not recorded in the civil registry's register are easily exposed to the aforementioned type of trafficking.

208. Monitoring difficulties may be attributed to the ineffectiveness of the monitoring system in relation to the expanse of the Malagasy border. Strict monitoring and surveillance have been implemented for the aerial border. Surveillance of the maritime border is relatively limited, due to the more than 5,000-kilometre coastline.

## **F. Recovery of maintenance for the child**

### **Legal framework**

209. Children may demand from their parents their right to maintenance.

210. Through their mothers or fathers, children may request child support.

211. The law punishes child neglect, specifically financial neglect. Child victims of financial neglect may refer the matter to a judicial authority through the person responsible for them.

212. It should be noted that in this case, customary law has been more favourable to children because it does not accept neglect of livelihood.

213. A number of factors may impede recovery of child support. Malagasy mores are not very favourable toward bringing judicial proceedings against a person with close parental ties to the claimant. Second, even if the order is enforceable, it is rare for a mother to press charges against a non-compliant husband.

## **G. Children deprived of family environment**

### **1. Legal framework**

214. Article 7 of the law on adoption protects the right of children to grow up in their families of origin. This law lays out the sequence of steps to follow for the alternative care of children in cases in which the family of origin is unable to perform its fundamental role:

- Placement within the extended family (art. 8);
- Placement with a substitute family (art. 11), called a "foster family," regulated by Decree No. 2006-885 of 5 December 2006;
- In the absence of any family-related alternatives, there will be temporary placement in an approved institution (art. 12).

215. Simple or full adoption is a permanent solution and a last resort. International adoption is only permitted in cases in which national adoption or alternative care is not compatible with the best interests of the child.

216. The children who may be permanently removed from their family environment are child orphans and abandoned children; those who may be temporarily removed from their family environment are abused children and children in trouble with the law.

## **2. Analysis of the situation**

217. 33 per cent of children under age 15 do not live with both parents, whereas 13 per cent of children under age 18 live with neither their mother nor their father.

218. 0.4 per cent of children ages zero to 14 years are the orphans of two parents, and 6 per cent of them are the orphans of one parent.

219. In keeping with the structure of Malagasy society, if the biological parents fail in their role, it falls to the extended family to provide the children the appropriate guidance and to assist the resource less family financially and psychologically. This support is provided through a family council.

220. The various districts are organized to ensure the child's right to live in a family environment. This means giving priority to children's upbringing, so that children in danger are placed in a substitute family rather than in institutions. As a case in point, in Antsiranana there is a network of 15 substitute families in place to ensure the temporary placement of children.

221. Nevertheless, besides being placed within their extended families, and because the substitute family arrangement has just begun, in particular in Diego, children separated from their families by order of the family court judge are generally placed in institutions. For example, from 2003 to March 2008, the Antananarivo family court placed a total of 113 children within their extended families, 54 with substitute families and 748 in institutions.

222. In 2007, 170 shelters (including 57 in Antananarivo) were listed; most are part of an association, which accepted a total of 12,325 children (an average of 72.5 children per shelter). The majority of these shelters (63 per cent) accepted children for the daytime; the remainder operated a residential system. 5.25 per cent of the children were placed by child custody order. 60 per cent of the shelters were hard-walled structures with study halls, a dining hall, a kitchen and bathrooms. The personnel at these shelters generally had no special training in working with children.

223. Through judicial order, the re-education/rehabilitation centres (seven in total) accept children in moral danger and children in trouble with the law, generally those who have committed minor offenses. In the group of children in trouble with the law, there are those who have already been tried and those awaiting trial.

## **H. Adoption**

### **1. Analysis of the situation**

224. Until April 2006, adoption was regulated by Law No. 63-022 of 20 November 1963 on affiliation, adoption, denial and guardianship. This older law contained provisions for matching children with parents and for the consent of biological parents, which to some extent favoured a form of trafficking in children through international adoption.

225. Reports and complaints about the kidnapping of children and the use of falsification were registered between 2004 and 2005.

226. In 2004 the central branch of the vice squad and the office for the protection of juveniles received 17 complaints and reports about this issue, 11 of which were processed. Five child trafficking networks were broken up.

227. In 2005, 13 cases in 18 were processed and two trafficking networks were broken up.

228. In 2006, two cases were reported.

229. During those three years, out of the 43 kidnapped children, 28 were returned to their legitimate parents and 15 others could not be recovered.

230. It should be noted that at that time, an inter-ministerial commission on adoption, charged with performing a preliminary judicial review of files requesting the adoption of Malagasy children by foreign nationals, was created by Decree No. 94,272 of 19 April 1994. In light of the worrisome development of child trafficking cases, the measure was taken to replace this commission with an ad hoc committee before passing the new law governing adoption.

## **2. Legal framework**

231. Adoption is governed by Law No. 2005-014 of 7 September 2005 and implementing decree No. 2006-596, Title II, of 10 August 2006 regulating shelters.

232. Decree No. 2006-886 of 5 December 2006 regulates the foster family.

### *Competent authorities*

233. Pursuant to the new law, the central authority is the key organ with regard to adoption in Madagascar. This institution is composed of a permanent bureau (administrative and technical secretariat and expert unit) and an advisory committee composed of representatives of the Ministries of Population, of Justice, of Foreign Affairs, of the Interior, of Public Safety, of Decentralization and of Health.

### *Procedure*

234. The central authority carries out the administrative phase of the adoption, and the competent jurisdiction is responsible for the judicial phase of the procedure.

235. In the case of abandoned children, a judicial procedure must establish their abandonment and adoptability. If the biological parents voluntarily give up the child, they must give their informed consent before the judge. The parents have six months in which to withdraw their consent.

236. In most cases, adopted children are very young; however, in the case of children old enough to understand their family situation, they, too, must be informed and their opinion taken into consideration.

### *Guarantees and monitoring mechanisms for child protection*

237. Adoptive parents are required to provide documentation of their good character on the basis of their relationship (a marriage certificate), income and surroundings. During the administrative phase, the review of the adoptive parents' documentation by members of the central authority may end in denial.

238. If the documentation is accepted, the central authority will award the adoptive parents the child. The adoptive parents have six months to accept or reject the match. In the case of non-acceptance, the proceedings are terminated.

239. Once the adoption has been granted, it is recognized, in accordance with the law, by the other States that have ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption of 29 May 1993.

240. Adoptive parents are bound by all parental obligations vis-à-vis the child. If the couple lives abroad, they are required to submit a report every six months during the first year and on an annual basis thereafter until the child reaches majority. The aforementioned report pertains to the child's integration and is submitted through the central authority of the host country, which is then responsible for sending it to the Malagasy central authority.

*Effects of adoption on the child*

241. Full adoption breaks the ties of kinship between children and their biological parents, is irrevocable and confers the status of legitimate child on children within their adoptive families. A reference to the adoption is made in the margin of the adopted child's birth certificate.

242. The law provides for the creation of a data bank of information concerning the origins of children adopted through the central authority. This information is confidential, and only involved parties and their descendants may, upon request, have access to it (art. 73).

*Principle of subsidiarity of international adoption*

243. International adoption must only occur as a last resort and after the various alternatives possible for children staying in their country of origin have been exhausted, i.e. remaining in their family of origin, being placed within their extended family or being adopted nationally. The decision must always take into account the best interests of the child.

*Legality of adoption abroad*

244. To ensure the legality of international adoption procedures, Law No. 2005-014 provides that shelters must meet specific conditions for the arrangement of infrastructure and for qualified personnel; their social-services purpose must be identified and approved by ministerial order; and specific approval of the adoption must be issued by the central authority.

245. It also provides that any application for international adoption must be submitted to the central authority of the host country, which will hand over the documentation to a diplomatic representative of Madagascar, who is charged with forwarding the documentation to the Malagasy Ministry of Foreign Affairs, which will then send it on to the central authority.

246. Article 72 provides for the possibility of a cooperation agreement between the central authority of the host country and the Malagasy central authority. The central authority of Madagascar has already approached the central authority of the countries in which the vast majority of parents wishing to adopt Malagasy children reside, such as France, through the Agence Française de l'Adoption (French Agency for Adoption - AFA), Belgium and Sweden.

**3. Progress in implementation of article 21, difficulties encountered, and prospects**

247. The passage of Law No. 2005-014 of 7 September 2005 is a positive step toward implementing article 21 of the Convention.

248. The main innovations achieved by this law are the following:

- In judicial decisions, the priority given to the best interests of the child;
- The principle of subsidiarity pertaining to international adoption (last resort);
- Respect for the principle of non-discrimination: no child will be given priority to the detriment of the others.

#### **4. List of children eligible for adoption**

249. Only heterosexual couples are authorized to adopt.

250. The biological parents must give their informed consent to the adoption before the family court judge and may withdraw it within six months.

251. An adoptability report must be prepared in order to find a match, taking into consideration the best interests of the child.

252. Fifteen hundred copies of the legislation on adoption, accompanied by the decrees for its implementation, have been distributed.

253. Meetings were held at 192 shelters to disseminate information and enhance the abilities of the actors involved. The same is true for the members of the central authority.

254. As regards the difficulties encountered, the vast majority of the constraints involved the practical operation of the central authority, which does not yet have an operating budget.

255. Financial contributions of adoptive parents are strictly regulated by adoption law, which has undergone modifications.

256. To encourage national adoption, this contribution has been reduced from 1,500,000 ariary to 200,000 ariary.

257. Until he or she is accepted by the individuals wishing to adopt, the child's care-related expenses are the responsibility of the host institution or family. Thereafter, the applicant is responsible for all such expenses. The financial contribution of the host institution or the family that has taken in the child is referred to the central authority. This contribution is approximately 800 euros for international adoption and approximately 1,500,000 ariary for national adoption. A substantial portion of the shelters are resistant to this change, because the new law modifies the conditions under which the adoptive parents may make financial contributions. Because matching children and adoptive parents is now the responsibility of the central authority, making a financial contribution occurs only after the acceptance of the child requested by the adoptive parents, which has repercussions for the financial management of the shelters.

258. Only 11 centres have received certification as social services centres, and three have received certification for adoption.

#### **5. Prospects**

259. The following lines of action have been identified:

- Promoting the dissemination of new literature pertaining to adoption;
- Training stakeholders.
- Concluding the cooperation agreements with the central authorities of the countries that have ratified the Hague Convention;
- Providing the central authority with a working budget;



- Implementing a database of children's origins and post-adoption monitoring;
- Promoting the foster family system.

## I. Periodic review of placement

### Legal framework

260. Children may be separated from their parents by judicial decision only, taking into consideration the best interests of children when their safety, health and care are compromised. If the decision of the family court judge is placement with another family or in an institution, the time period is three months (renewable), as indicated above. This child protective services measure may be replaced or renewed through a decision stating grounds, depending on how the child's situation develops.

261. Officials at shelters are bound by the obligations pertaining to custody rights, including care, and must be in continuous contact with the family court judge, providing him or her a psychological and social report on children in their care.

## J. Abuse and neglect, including physical and psychological recovery and social reintegration

262. Children taken into shelters who have been victims of abandonment, neglect or abuse receive psycho-social support and child care with a view to their social reintegration. Information on the status of the legislation is included in annex II.

263. The table below indicates the number of child victims of abuse, according to data from the Division of the vice squad and the office for the protection of juveniles (DVSOPJ).

Table 12

### Cases of violence against children processed by DVSOPJ from January to December 2006, by type of violence and by sex

	<i>No. of cases</i>	<i>% of total cases</i>	<i>No. of cases girls</i>	<i>% girls</i>	<i>No. of cases boys</i>	<i>% boys</i>
Intentional bodily injury	112	32.56	53	47.32	59	52.68
Kidnapping of minor	89	25.87	87	97.75	2	2.25
Rape	65	18.90	65	100.00		0.00
Abuse	32	9.30	16	50.00	16	50.00
Indecent assault	15	4.36	13	86.67	2	13.33
Abduction	9	2.62	5	55.56	4	44.44
Incest	5	1.45	5	100.00		0.00
Abandonment	4	1.16	1	25.00	3	75.00
Deprivation of care and food	4	1.16	1	25.00	3	75.00
Trafficking	3	0.87	1	33.33	2	66.67
Threats	2	0.58	2	100.00		0.00
Public humiliation	1	0.29		0.00	1	100.00
Abduction	1	0.29		0.00	1	100.00

	<i>No. of cases</i>	<i>% of total cases</i>	<i>No. of cases girls</i>	<i>% girls</i>	<i>No. of cases boys</i>	<i>% boys</i>
Enticement to promiscuity	1	0.29	1	100.00		0.00
Attempted murder	1	0.29	1	100.00		0.00
<b>Total</b>	<b>344</b>	<b>100.00</b>	<b>251</b>	<b>72.97</b>	<b>93</b>	<b>27.03</b>

Source: DPMPM 2007

Table 13

**Cases of violence against children processed by DVSOPJ from January to December 2006, by age group**

<i>Age group</i>	<i>Number of cases</i>	<i>%</i>
0-3	39	11.3
4-6	28	8.1
7-12	63	18.26
13-18	215	62.3
<b>Total</b>	<b>345</b>	<b>100.00</b>

Source: DPMPM 2007.

## 1. Administrative measures

264. A national action plan to combat violence against children, covering the period 2008-2011, was adopted by Government representatives, on the initiative of the Ministry of Justice and with civil society participation, after the 2006 publication by the Indian Ocean Child Rights Observatory (ODEROI) of the report "Violence against children in the Indian Ocean."

265. Implementing this plan will contribute to protecting children better against violence.

266. The children's rights protection networks play a major role in preventing violations, overseeing judicial protection procedures and providing legal assistance and psycho-social care.

267. The networks actively participate in protection work in liaison with courts, police, gendarmerie, social welfare services, the health-care sector, school districts, urban communities, associations, fokontany and the media. Each actor's role is different, and the roles all complement each other.

## 2. Prevention of violence

268. In order to prevent violence against children, all of the entities working for the protection of the rights of the child, particularly the children's rights' protection networks, plan community-based actions and information and awareness campaigns in their activities programmes.

269. These preventive actions are aimed at children, to allow them to protect themselves; parents, who need to understand that they are the primary source of protection for their children; the community, which must serve as a permanent watchdog unit; and all professionals working in the child protection field.

270. Information and awareness are also promoted through media channels.

271. The central branch of the vice squad and office for the protection of juveniles runs intensive awareness programmes. In the period 2006-2007, it held 20 informational sessions in the neighbourhoods of Antananarivo. These sessions were attended by 9,000

adult residents, 17,000 children aged 8 to 10 years, 2,000 schoolchildren aged 11 to 17 years, 75 officials from 35 schools and 35 hotel executives, workers and managers.

272. Raids and surveillance are carried out by the judicial police in all establishments and venues likely to foster violence against children: nightclubs, dance halls or other similar establishments, hotels, bars, clubs, recreation centres, cyber-café's and movie theatres. Surveillance is also carried out in areas surrounding schools.

### 3. Legal obligation to report

273. Article 62 of the Malagasy Penal Code punishes the act of not reporting crimes, and this requirement applies to any person when the crimes involve a child under 15 years of age.

274. The law on the rights and protection of children addresses the issue of mandatory reporting. Everyone is required to report abuse, including parents, family members, neighbours, friends, local authorities, teachers, religious leaders, social workers and medical and judicial personnel.

275. Although violence against children is still a taboo subject, some cases of physical violence have been reported to the police. These reports often come from members of the child protection network and have resulted in the initiation of judicial proceedings.

Table 14

#### Cases of violence against children processed by DVSOPJ from January to December 2006, by type of violence and by sex

	<i>No. of cases</i>	<i>% of total cases</i>	<i>No. of cases girls</i>	<i>% girls</i>	<i>No. cases boys</i>	<i>% boys</i>
Intentional bodily injury	112	65.88	53	47.32	59	52.68
Abuse	32	18.82	16	50.00	16	50.00
Kidnapping	9	5.29	5	55.56	4	44.44
Abandonment	4	2.35	1	25.00	3	75.00
Deprivation of care and food	4	2.35	1	25.00	3	75.00
Trafficking	3	1.76	1	33.33	2	66.67
Threats	2	1.18	2	100.00		0.00
Public humiliation	1	0.59		0.00	1	100.00
Abduction	1	0.59		0.00	1	100.00
Incitement to debauchery	1	0.59	1	100.00		0.00
Attempted murder	1	0.59	1	100.00		0.00
<b>Total</b>	<b>170</b>	<b>100</b>	<b>81</b>	<b>47.65</b>	<b>89</b>	<b>52.35</b>

Source: DPMPM 2007

### 4. Telephone help line and other modalities for identification and intervention

276. In 2007, a telephone help line dedicated to listening to and counselling adult and child trafficking victims was installed in Nosy Be Toamasina and Toliary by Catholic Relief Services (CRS), the Dinika sy Rindra ho an'ny Vehivavy network, the Bel Avenir centre and the Diocesan Development Committee (DDC) of Toliary as part of a

programme, supported by the United States Government, to fight trafficking and sexual exploitation.

277. Currently under negotiation with a private telephone company is the installation of a national toll-free number to report cases of violence against children to the vice squad and the office for the protection of juveniles.

278. The watchdog units established in the neighbourhoods and fokontany of the capital (such as the network TAIZA [Tambazotran'Antananarivo Iarovana ny Zon'ny Ankizy - Antananarivo Children's Protection Network]), and in the 14 areas in which the child protection networks operate, are charged with identifying and reporting to the authorities any attempts at or commissions of acts of violence against children. These watchdog units will increase in number and their capabilities will improve. The goal is to cover all the fokontany in 75 per cent of the country's villages by 2011.

279. As a case in point, in 2007 the Antsiranana multi-sectoral committee for the rights and protection of the child (CMDPE)<sup>6</sup>, through a watchdog unit, processed 230 cases of children identified or reported as victims of abuse.

280. The NGOs and fokontany are also active in preventing and intervening in cases of violence against children.

281. To avoid double victimization of the child, hearing rooms for the legal care of child victims have been installed at the central branch. Since 2004 the specialized department of the national police has been using specialized listening techniques to hear the testimony of child victims.

282. Guidebooks for police, gendarmes and judges have been prepared and will be used for the implementation of a service standard.

##### **5. Physical and psychological recovery and social reintegration of child victims**

283. Networks have implemented watchdog units, which are run by social stakeholders, NGO personnel and other social activists, to ensure the psychological and social care of child victims and their families, geared to assisting in their psychological recovery and their reintegration into family, school and the community.

284. With regard to child labour prevention, social reintegration centres are operating in Antananarivo and Toamasina, two large cities in Madagascar.

##### **6. Progress in implementation of articles 19 and 39 of the Convention**

285. Evidence of this progress may be seen in:

- Legislative reform through passage of the law on the rights and protection of children, and the law on trafficking in children and sex tourism;
- The decentralization of the vice squad and the office for the protection of juveniles in former provincial capitals and in the cities where abuse is on the rise: Toamasina, Toliara, Fianarantsoa, Antsiranana, Mahajanga, Nosy Be, Taolagnaro and Antsirabe;
- The on-going creation of juvenile protection units within all police departments;
- The implementation of the central authority, responsible for adoption;
- In 2007, validation of the national plan to combat violence against children;

<sup>6</sup> Created by municipal ordinance on 17 September 2003.

- Since 2001, the implementation of multi-sectoral networks for the protection of children's rights.

## 7. Difficulties

286. The main difficulties experienced include:

- A shortage of social workers;
- Budgetary constraints.

## 8. Prospects

287. The following short- and medium-term lines of action have been identified:

- Pursuing training programmes to strengthen the skills of professionals working in the child protection field;
- Creating branches of the specialized department of the national police in the other cities;
- Extending the social reintegration programme to other cities;
- Pursuing cooperation with and the support of partners who have a mandate to promote and protect children's rights, including UNICEF, UNESCO, WHO, UNDP, UNFPA, and others.

# VI. Basic health and welfare

## A. Children with disabilities

### 1. Institutional framework

288. On 25 September 2007, Madagascar signed the 2006 Convention on the Rights of Persons with Disabilities. This convention, translated to Malagasy with the support of Handicap International and the commitment of the Platform of Federations of Persons with Disabilities in Madagascar, was disseminated to policy makers. This should lead to a better understanding of the need to improve the conditions of children with disabilities.

289. Law No. 97-044 of 2 February 1998 pertaining to people with disabilities, complemented in February 2001 by Decree No. 2001-162 and by six ministerial orders in 2005, establishes measures in support of children with disabilities, including in the area of education. Another implementing decree is in the process of being adopted.

290. The Ministry of Health, Family Planning and Social Welfare (MHFPSW) and The Ministry of National Education and Scientific Research (MNESR) are concerned with implementing the rights of children with disabilities.

291. For the African Decade of People with Disabilities (1999-2009), Madagascar chose the period 2003-2013. An action plan was adopted for this issue in 2007 by a multi-sectoral committee under the aegis of the Ministry of Social Welfare. The goal is to strengthen social mobilization in support of people with disabilities.

292. The grassroots movement working to promote the rights of people with disabilities has grown considerably in the past few years. There are approximately 100 associations for people with disabilities, contained within action groups and/or six federations such as the former National Union of Associations for People with Disabilities in Madagascar (NUAPDM). Some of them are supported by Handicap International.

## 2. Statistics on persons with disabilities

293. Under the aforementioned law, the phrase "disabled person" designates "any person who presents a congenital or acquired deficiency in his or her physical, mental or sensory abilities that prevents him or her personally from obtaining all or part of the necessities for a normal individual or social life."

294. Two national surveys were conducted by the Ministry of Health, in 2003 and in 2004/2005. Based on these surveys, the overall prevalence of disability is estimated at 7.5 per cent, which translates to a disabled population estimated at 1,347,150 in 2007.

Table 15

### Estimated distribution of disabled persons by age bracket

<i>Age group</i>	<i>Percentage</i>
Under 12 months	0.3
1 to 5	16.1
6 to 18	21.1
19 to 49	24.4
50 and over	38.1

*Source:* Survey report: Coordination of care for disabled persons, 2003.

295. As regards distribution by age bracket, 37.5 per cent of persons with disabilities are under 18 years of age. For 2007 it is estimated that there are 505,181 children with a disability.

296. Prevalence among the total population by type of disability is as follows:

- Visual disability: 3.1 per cent;
- Physical disability: 2.8 per cent;
- Auditory disability: 1.8 per cent;
- Intellectual disability: 1.5 per cent;
- Psychological disability: 0.18 per cent.

297. This information is corroborated by the data available for 2006 from four regions in which the number of new cases of children with detected disabilities borders on 40 per cent of the total number of persons screened.

## 3. Access to health and rehabilitative services

298. Generally speaking, creating awareness among both the population and professionals is a major challenge in promoting the rights of children with disabilities. The NGOs and associations for people with disabilities have exerted efforts, but much remains to be done.

299. The access of children with disabilities to care remains limited due to financial and geographic obstacles.

300. The human resources that provide medical and social services-based care to children with disabilities are still insufficient quantitatively and qualitatively.

301. The portion of the budget allocated by the State to promoting the rights of people with disabilities rose to 150 million ariary in 2007. It was 50 million ariary in 2008.

#### 4. Prevention and care for children with physical disabilities

302. Since 1999 the MHFPSW has had in place a policy of prevention and care for people with disabilities, based on physical disability.

303. The Madagascar Motor Rehabilitation Centre (MMRC) is the only public rehabilitation facility providing rehabilitative and readjustment-related care in a live-in environment. For the most part, the target population is children. It is also the only centre in which children's orthopaedic surgery is routinely performed: 79 operations in 2003 and 179 in 2006, the majority of the surgical cases referred late to the Centre.

304. The total number of cases followed in the NGO-MMRC partnership rose from 2,068 in 2003 to 2,979 in 2006.

305. The Antananarivo health professional training institute had provided training sessions to both physical therapists and orthopaedic equipment medical technicians. In 2007, access to these two areas of study was interrupted. Efforts have been extended to offer on-going training to rehabilitative services personnel.

306. As regards polio prevention, Madagascar is currently on track to be certified "polio-free" due to the progress of the Expanded Programme on Immunization (EPI) of the Reaching Every District approach. The immunization coverage rate for Polio 3 rose from 77.8 per cent in 2001 to 94.2 per cent in 2006<sup>7</sup>.

307. A favourable situation can be affirmed as regards rehabilitation facilities: whereas the after-effects of poliomyelitis occupied centre stage for years, they have now been relegated to the seventh or even the tenth place among the main causes of morbidity treated in these departments.

308. Preventing and screening for impairments in children zero to five years is the subject of a manual prepared for health-care providers. Systematic screening for birth defects has been begun at some health-care facilities. Due to insufficient resources, it has been difficult to increase the number of copies of the guidebook, and opportunities for expanding screening to other health-care facilities remain limited.

#### 5. Prevention of visual disability

309. In 2004 Madagascar joined the global initiative for the elimination of preventable blindness by 2020, or the "Vision 2020: the right to sight" project, which resulted from a partnership between WHO and the International Agency for the Prevention of Blindness (IAPB).

310. The goal of the National Programme for Eye Health currently being implemented is to strengthen the fight against blindness and visual disabilities.

311. The data available make it possible to estimate at more than 25,000 the number of children ages zero to 15 presenting errors of refraction (dimmed vision), which would justify prescribing corrective lenses, and at close to 1,400 the number of children stricken with blindness<sup>8</sup>.

312. The main causes of preventable blindness in children are vitamin A deficiency, complications from measles and neonatal infections. The 2003 Demographic and Health Survey estimated that 76 per cent of children ages six months to five years had received a dose of vitamin A in the six months preceding the survey.

<sup>7</sup> Source: Analysis of the situation of children in Madagascar, draft 0 2008.

<sup>8</sup> Source: Visual health programme.

## 6. Actions undertaken

313. Since 1998 the fight against vitamin A deficiency has been centred on periodically distributing this vitamin to children ages six months to under five years. Biannual campaigns have been organized to promote public awareness, whence a marked reduction in childhood blindness due to vitamin A deficiency, from 13.7 per cent to 0.34 per cent.

314. Among the individual goals of the National programme for eye health, the following have been proposed to be accomplished by the end of 2009:

- Boosting the prevention of childhood blindness in 50 per cent of health-care facilities;
- Managing the cases of errors of refraction in children aged 10 to 15 in 14 per cent of the primary schools, in collaboration with Lion's Sight First Madagascar and Sampan'Asa Loterana momba ny Fahasalamana (SALFA).

315. Refractionists began to be trained in 2008 with the support of the Molecular Biophysics Centre (MBC).

## 7. Prevention of auditory deficiencies and care of deaf children

316. With regard to the prevention of deafness, the meningitis, rubella and mumps vaccines are not yet integrated into the immunization programmes and are therefore the families' responsibility.

317. SALFA has been involved in a deafness prevention programme for about a decade in partnership with the MBC. This programme is carried out to a limited extent in their centres. A collaboration with the Ministry of Health was begun in order to extend this programme to the sphere of public health-care facilities.

318. The cost of hearing aids remains prohibitive.

## 8. Prevention of mental deficiencies and care of children with mental disabilities

319. Down's syndrome, problems during pregnancy, perinatal accidents, various kinds of deficiencies, illnesses and accidents arising throughout childhood, and epilepsy are among the sources of mental deficiency in children.

320. Among the preventive measures taken against mental deficiency are:

- Controlling Iodine Deficiency Disorders (IDDs);
- Since 2007, fighting foetal alcohol syndrome through a public-private multidisciplinary cadre in collaboration with a counterpart organization in Reunion;
- More general programmes that contribute to the prevention of mental deficiency: safe motherhood, Integrated Management of Childhood Illness (IMCI), nutrition programmes;
- Boosting the treatment of epilepsy.

321. Within the health-care system, mental deficiency is treated in rehabilitation centres and departments. Public services are still concentrated in large cities and do not provide the comprehensive medical technical support appropriate for treating mentally deficient children.

322. Long-term care facilities that are able to house children with multiple disabilities are rare. The long treatments required are an obstacle to treatment because there is no third-party payment system to help families cope with the direct and indirect costs, with the exception of cases managed by associations and NGOs.



## **9. Access to education**

323. The Malagasy State's wish to develop a policy for treating "people living with disabilities" is, among others, a part of the education sector's strategic development plan.

324. Current legislation recommends that children and adolescents with disabilities benefit first and foremost from a standard education in a regular school environment, in accordance with the principles of inclusive education.

325. Despite these guidelines, 10 per cent of handicapped children, all impairments taken together, attend the educational facilities referred to above.

326. It should also be noted that for all children with disabilities who are enrolled in school, procedures need to be established for them to take official exams.

## **10. Education of children with physical disabilities**

327. Greater effort must be made to improve access by children with physical disabilities to a regular school environment: obstacles include the cost of equipment and, from an architectural standpoint, lack of accessibility appropriate to their situation.

328. In its complex, the Madagascar Motor Rehabilitation Centre (MMRC) has integrated primary and secondary schools to educate children being treated at the centre.

## **11. Education of children with mental disabilities**

329. In partnership with Handicap International, a project to establish integrated classes for mentally deficient children is currently underway (2006-2009). The teachers receive specialized training. In 2007, there were 43 integrated classes scattered throughout several cities in Madagascar.

330. About 20 organizations, distributed unevenly throughout the territory, provide education, training or socio-educational support. In addition, some early childhood centres accept children with mental deficiencies.

## **12. Education of blind children**

331. There are still few facilities that serve the blind. The reference centre is the FOFAJA (Foibe Fanabeazana ny Jamba), created by the Lutheran Church in Antsirabe. While boarding at this facility, the children receive their primary education following the official syllabus. Parents contribute to tuition. In 2006, 72 blind children attended the primary school and 27 received vocational training there.

332. The majority of the children who complete their primary education do not continue on to a secondary education, due in particular to difficulty accessing Braille materials.

## **13. Education of deaf children**

333. The Lutheran Church runs a centre that specializes in educating the deaf. Eight institutes for the deaf that operate as boarding schools are currently in existence in the country's major cities. Parents contribute to living expenses.

334. Integrated education in a regular school environment is modelled after the General Certificate of Secondary Education (GCSD) and is provided through an interpreter.

335. Moreover, some children who are hard of hearing are gradually placed in regular classes.

336. The FMM (Federasionan'ny Marenina eto Madagasikara), in partnership with Norway, has put much effort into the training of Malagasy sign language interpreters. A

first group of 14 has been trained. In spite of everything, there is considerable need. The FMM has also put a good deal of effort into preparing a sign language dictionary, which will be distributed.

#### 14. Culture and sports

337. Associations and specialized centres are attempting to promote sports to children with disabilities by organizing sporting competitions to promote the cause of children with disabilities and provide the public the opportunity to have a new perspective on people with disabilities.

338. There is a very active "Handisport," or sporting federation for those with disabilities. This federation brings together several disciplines, including wheelchair basketball, track and field for visually handicapped or partially sighted persons, pétanque and torball. At the 2007 Indian Ocean Games, which took place in Madagascar, Malagasy people with disabilities participated and won medals.

339. Access to publicly organized recreation, however, remains limited and concentrated in urban areas.

### B. Health and medical services

#### 1. Institutional framework

340. The State recognizes and establishes the right of each individual to the protection of his or her health starting at conception (art. 19 of the Constitution). This right to health and development involves the responsibility to prevent illness and to meet the health needs of the children in case of illness.

341. Taking into account the 2000 United Nations Millennium Declaration, the President of the Republic and the Government are devoting particular attention to maternal and child health.

#### 2. Overview of indicators

342. The essential data concerning children's health indicate a positive trend throughout the past years.

343. The decrease in the mortality rate for children under age five, which began in 1985, accelerated between 1997 and 2003.

Table 16

#### Mortality rates

<i>Year / rate</i>	<i>1992</i>	<i>1997</i>	<i>2004</i>
Maternal mortality	507	488	469
Infant mortality	93	88	58
Child mortality	153	142	94

*Source:* National child health policy (PNSE 2005).

344. Among the factors that have contributed to this decrease are the 2003 revitalization of immunization coverage in the most disadvantaged districts, the Expanded Programme on Immunization (EPI), the measles immunization campaign of 2004 (nine million children were vaccinated) and the polio immunization campaign of 2005.

Table 17  
**Vaccination coverage as of 21 December 2006**

<i>BCG</i>	<i>DTC Hep B1</i>	<i>DTC Hep B2</i>	<i>DTC Hep B3</i>	<i>Polio 0</i>	<i>Polio 1</i>	<i>Polio 2</i>	<i>Polio 3</i>	<i>VAR</i>	<i>VAT 1</i>	<i>VAT 2 and +</i>
103.4	101.8	93.9	95.3	42.1	105.8	95	94.2	86.2	44.8	53.5

*Source:* Vaccination services, MINSANPFPS

345. Some facts about the situation of mothers and children in Madagascar:

- The contraceptive prevalence rate quintupled in 10 years, increasing from 3.5 per cent in 1992 to about 10 per cent in 1997 and 18 per cent in 2004;
- The total fertility rate among women in couples decreased from six children per woman in 1995-1997 to 5.2 children per woman in the period 2001-2004;
- Three newborns in 100 die before reaching one month of age; there was a decline of 21 per cent in neonatal mortality between 1992 and 2004;
- 50 per cent of women receive assistance during childbirth;
- Nine children in 100 die before reaching five years of age;
- 51.3 per cent of all births are assisted by a qualified individual;
- 29 per cent of all births take place in a health-care facility;
- 93 per cent of youth aged 15 to 18 have already had sexual relations;
- 35 per cent of the population had access to drinking water in 2004 (23.8 per cent in 1997 and 27.2 per cent in 2001).

346. Malnutrition:

- Four children in 10 are malnourished;
- Seven households in 10 are victims of food insecurity;
- 54 per cent of cases of child mortality are attributable to malnutrition;
- 68 per cent of children have anaemia;
- 67 per cent of children under six months are exclusively breastfed.

### 3. Health sector budget

347. The health sector is 32 per cent State-financed, 36 per cent financed by technical and financial partners and 32 per cent financed by private funds, including direct payments from households (19.1 per cent). In relation to the products and services provided in the sector, prevention and public health services represent 28 per cent of the total health expenditures. 20 per cent are for pharmaceutical products and 22 per cent for outpatient care. This constitutes an appropriate allocation of funds in relation to the population's health-care needs.

348. Total health-care expenditures in Madagascar represent 3.5 per cent of the GDP (National Medical Accounts, 2003).

349. For 2005 the State budget allocated to health, which rose to 144 billion MGA (Malagasy ariary), represented approximately 8.7 per cent of the general budget (US\$ 5 per capita).

350. The following table shows the changes, from 1994 to 2005, in the portion of the budget allocated to the health-care sector in relation to the general State budget.

Table 18

**Portion of the budget allocated to the health-care sector in relation to the general State budget. 1994 to 2005**

<i>Item</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
Operation	8.6	10.9	10.1	10.4	10.8	8.2	9.1	23.3	19.9	18.5	17.4	10.33
Investment	6.5	6.2	11.8	10.3	12.4	14.3	16.9	7.67	8.15	n.a.	n.a.	7.91
Share of health in budget	7.5	8.1	11.0	10.3	10.3	9.2	10.2	10.4	12.9	7.7	5.8	8.74

*Source:* Statistical yearbook of health. CDMT of health sector.

351. As regards distribution of the State budget by level, the following table shows the trend from 1998 to 2006.

Table 19

**Distribution of health budget by level from 1998 to 2006**

<i>Years</i>											
<i>Levels</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>		
Central	48.5	57.4	62.6	54.9	47.4	43.4	41.4	45.8	41.40		
Intermediate	9.9	10.7	9.7	13.9	22.9	18.8					
Peripheral	41.6	31.9	27.7	31.2	29.7	37.8	58.6	54.20	58.60		
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	

*Sources:* Statistical yearbook of health. CDMT of health sector.

#### 4. The partnership system

352. The health-care sector has created a development plan for itself and a medium-term (2006-2008) expenditure framework, which establishes the sector's financial need. This framework is the basis for the parameters of the financial partnerships between the State and principal donors.

#### 5. Reduction of infant and child mortality

##### *State goals*

353. Strategies and plans contained in the MAP integrate the Millennium Development Goals (MDGs) for maternal and child health into Commitment 5, including providing quality health-care service to all; eradicating communicable diseases such as malaria; reducing neonatal, infant, child and maternal mortality; formulating an effective family planning strategy; reducing malnutrition; and improving access to water and sanitation.

354. Health-care policy is articulated in the following documents:

- National children's health policy;
- 2006-2010 strategic plan for child survival;
- Road map for safer motherhood;
- National "Water and Sanitation for All" programme.

355. To implement the programmes, the State, through the Ministry of Health, has brought about reforms in areas that involve children's health:

- Family planning;
- The fight against malaria through the use of insecticide-treated mosquito nets (ITNs) for pregnant women and children under five years;
- The fight against HIV/AIDS through prevention of mother-to-child transmission (PMTCT).

356. To ensure greater efficacy of the health-care system, the following measures have been planned:

- Ensuring that all health-care centres and primary hospitals have the qualified personnel to provide basic services;
- Ensuring access to quality health care, particularly in rural areas;
- Attracting qualified medical personnel to outlying areas by offering them appropriate inducements, such as proper housing;
- Ensuring that medical personnel effectively practice the profession for which they have been trained;
- Decentralizing management and financing of the health-care system and of decision making regionally and in the villages;
- Creating a synergy between the traditional and modern practice of medicine.

## 6. Main causes of morbidity under age five

357. At basic health-care centres, the principal causes of morbidity are acute respiratory infection (ARI), malaria, diarrhoea and skin infections.

Table 20

### Main causes of morbidity under age five at basic health-care centres

<i>Years</i> <i>Diseases</i>	<i>Years</i>	
	2005	2007
Acute respiratory insufficiency (ARI)	33.8	42.5
Malaria	20.5	12.4
Diarrhoea	14.7	15.9
Skin infections	4.2	5

*Source:* RMA of CDH.

Table 21

### Main causes of morbidity under age five at district hospitals

<i>Diseases</i>	<i>Years</i>	
	2005	2007
Acute malaria with complications	28.1	29.2
Diarrhoea with severe dehydration	18.5	25.5
Pneumonia	7.2	9.8
Hernia	6.3	12.9

Source: RMA of CDH.

Table 22  
Cases of sick children admitted following consultation

<i>Rate of admission in a medical establishment</i>		
Diarrhoea	43%	Oral Rehydration Treatment
Fever	39%	Treatment / counselling
ARI	4/10 cases	Treatment / counselling

Source: INSTAT/DDSS/EDSMD III 2003-2004.

### 7. Main causes of mortality

358. The main causes of intra-hospital mortality for children under age five:

- Severe malaria: 25.9 per cent;
- Diarrhoea: 13.7 per cent;
- Severe malnutrition: 10.9 per cent;
- ARIs: 8.6 per cent.

### 8. Trend of maternal mortality

359. As regards maternal health, the maternal mortality rate fell by 29 per cent during the period 1992-2003/04, decreasing from 660 to 469 per one thousand live births (Demographic and Health Survey, DHS). The country has made progress in the fight against neonatal tetanus as a result of supplementary vaccination efforts targeted at high-risk districts.

Table 23  
Prenatal care and mortality rates

<i>Indicators</i>	<i>Years</i>		
	<i>2005</i>	<i>2006</i>	<i>2007 July</i>
Prenatal consultation rate	68.10	63.81	86.76
Childbirth	21.10	22.85	27.37
Neo-natal mortality rate	2.30	2.18	2.71
Maternal mortality rate	0.18	0.24	0.27

Source: SSSa/MINSANPFPS.

### 9. Mother and child survival strategies

360. The main strategies implemented to improve children's survival are represented by 11 items, namely:

- Implementing the road map for reducing maternal and neonatal mortality;
- Generalizing the Integrated Management of Childhood Illness (IMCI);
- Promoting awareness at the observance of Mother and Child Health Week, held twice a year;
- Providing basic information and education on health;

- Providing access to water, hygiene and sanitation;
- Intensifying the fight against malnutrition;
- Implementing at-home treatment of newborns;
- Providing quality health-care service to all;
- Strengthening Expanded Programme of Immunization (EPI) activities through the "Reaching Every District" approach;
- Preventing and fighting malaria in pregnant women and children.

#### **10. Measures to improve health of children and adolescents**

361. The road map for reducing maternal and neonatal mortality began to be implemented in 2006, with the establishment of national standards for obstetric and neonatal care.

362. This road map provides that quality maternal and neonatal care be available and accessible at all levels of the health-care system in 70 per cent of the health-care facilities by 2015 (objective 1) and that the ability of individuals, families and the community to manage health be strengthened (objective 2).

363. Generalizing the IMCI has greatly contributed to an improvement in the morbidity factors in children under five years of age. The considerable effort expended in implementing the large-scale preventive intervention programme is doubtless at the heart of the significant reduction in infant/child mortality and morbidity that has occurred from the beginning of the 1990s until now.

364. The activities carried out are:

- Treating diarrhoea through the use of zinc and a newly formulated oral rehydration solution (ORS);
- Treating ARIs with Co-trimoxazole;
- Treating malaria at home.

365. Observance of Mother and Child Health Week (MCHW) is among the best innovations for children's survival. In 2006, the biannual national campaign for vitamin A supplementation became Mother and Child Health Week, a strategy to boost the supply and use of basic health-care services, an integrated package that includes vaccination, malaria prevention, prenatal consultation and family planning. First and foremost, through routine services, MCHW targets mothers and children in the least accessible and most underserved areas, and aims to reach at least 90 per cent of the populations.

366. During this week of observance, the care provided is free, whether on-site, advanced or mobile.

367. During MCHW, extensive use is made of all means of communication available (mass, print and broadcast media; press releases; round tables; televised debates; various kinds of mass communication and so on) to promote behaviours conducive to the survival of mothers and children.

Table 24  
**Number of mother and child health broadcasts**

Sites covered	No. of stations	Types of broadcasts			Total
		Spots	Top of the hour	Show Broadcast	
National	97	5 787	1 442	1 144	9 318

Source: Ministry of telecommunications, post and communication / Directorate of information and media regulation

368. During MCHW of April 2007, messages on several themes were broadcast extensively and translated to 21 local dialects.

369. A review of the activities of April 2007 indicated greater than 80 per cent<sup>9</sup> coverage of vitamin A and eradication of parasites in children from six to 59 months with Mebendazole.

#### *Water, hygiene, sanitation*

370. Drinking water, hygiene and sanitation are the priority areas in Commitment 5, Challenge 8 of the MAP, which aims to provide the population with drinking water and to standardize hygienic, sanitary practices. The relevant strategies are:

- Ensuring the entire population's access to drinking water;
- Educating the population in hygienic, sanitary practices; and
- Implementing the Water, Sanitation and Hygiene (WASH) strategy.

371. The national programme ensuring access to drinking water and sanitation was validated in 2005 and covers the period 2005-2006-2007. It includes campaigns for health education, changing to positive behaviour in populations towards hygiene and implementing "Friends of WASH Basic Health-Care Centres."

372. The sectoral diagnosis is not very favourable. In 2006, 38 per cent of the population had access to drinking water and 52 per cent to a basic sanitation system. In other words, nine million people did not have access to basic sanitation infrastructure and 12 million did not have access to drinking water. This situation affects the health of the general population. Diarrhoeal diseases represent the second cause of morbidity and affect 51 per cent of children under age five.

#### *Stepping up the fight against malnutrition*

373. The Convention on the Rights of the Child recognizes children's right to adequate nutrition to ensure their survival and their physical and intellectual development.

374. Many Malagasy children are exposed to protein-energy malnutrition and micronutrient malnutrition. Malnutrition is the backdrop for childhood illnesses. It is the cause of more than 50 per cent of the morbidity and mortality of children under five years of age<sup>10</sup>.

<sup>9</sup> Source: Monitoring and evaluation report of SSME, April 2007 MinSanPFPS.

<sup>10</sup> Source: PNN and anthropometric mortality surveys: ONN/Snut/PNAN/UNICEF.



375. The lack of comparable data makes it difficult to estimate the change in the rate of malnutrition in the latest period. In 2003-2004 it was estimated that 48 per cent of children under age five suffered from moderate chronic malnutrition (size/age), 42 per cent from low weight and 13 per cent from acute malnutrition (weight/size/emaciation) (per the DHS).

376. Conscious of these gaps, in 2004 Madagascar adopted the National nutrition policy, complemented by the 2005-2009 National nutrition action plan (NNAP). The National nutrition office was created to provide overall technical coordination and monitoring of the NNAP according to the strategic directions of the National nutrition council.

377. Supervisory measures have recently been taken: preparation of a proposed order to create and organize a National oversight committee and Regional committees to supervise the marketing of breast-milk substitutes; the Draft decree regulating the marketing of food for infants and young children.

## 11. Causes of infant malnutrition

378. The causes of malnutrition are insufficient dietary intake (quantitative and qualitative), inadequate care, inappropriate dietary habits, inadequate access to health care and food insecurity in households.

379. Although Madagascar has considerable agro-pastoral and fishing potential, the Malagasy diet lacks variety and is not balanced.

380. Infant and young child feeding practices are still not satisfactory. Although the vast majority of mothers breastfeed their children (estimated at 98 per cent in 2003), the practice of exclusive breastfeeding is not yet widespread in children under six months (67 per cent in 2003, 48 per cent in 1997). Therefore, there is early weaning in 36 per cent of children under six months, of which 30 per cent are weaned at four to five months (per the DHS), and late-stage weaning in 22 per cent of children ages six to nine months without the addition of solid or semi-solid food to complement breast milk<sup>11</sup>.

381. The prevalence of illnesses routinely linked to malnutrition still remains high: diarrhoeal diseases (10 per cent), fever (malaria) (20 per cent), ARI (nine per cent) and measles (3.4 per cent), indicating that the health-care environment and access to basic health-care services must still be improved.

382. Household food insecurity has decreased but remains widespread. According to the National Nutrition Policy (NNP)/World Food Programme (WFP), it went from 65 per cent in 2001 to 25 per cent (chronic) in 2005.

383. 75 per cent of total household expenses in rural areas is devoted to food (NNP), and only 15 per cent of Malagasy are safe from food insecurity.

## 12. Implementation strategies

384. Seven "Essential nutrition-related actions," to be implemented concurrently, have been identified, namely:

- Breastfeeding exclusively until six months of age;
- Breastfeeding supplemented with appropriate food;
- Feeding sick children, particularly the malnourished;

<sup>11</sup> Source: Analysis of nutritional situation, draft 0 2008.

- Providing appropriate food, particularly to pregnant and lactating women;
- Preventing vitamin A deficiency;
- Preventing iron deficiency and iodine deficiency.

385. Also proposed are the following:

- Ensuring the continued existence of iodinating units, and the double fortification of iodized salt and fluorine, with an eye to preventing iodine deficiency disorders (IDDs) and dental cavities, respectively;
- Improving the marketing of iodized/fluoridated salt and ensuring its quality through the stage of consumer use;
- Strengthening the public/private partnership.

### 13. Results achieved by the National Nutrition Office

386. In the National Programme of Community-Based Nutrition (NPCN) framework<sup>12</sup>:

- 550 sites nationwide are operational;
- 967,308 children under age five, or 76.44 per cent of the goal set, are monitored;
- 774,909 mothers of children under age five, or 77.18 per cent of the goal set, participate in educational meetings;
- 33,899 pregnant women, or 61.35 per cent of the pregnant women surveyed at the sites, participate in the educational meetings;
- 102,659 adolescents, or 64.23 per cent of the goal set, participate in the educational meetings;
- 207,175 nutrition education meetings have been held;
- 64,670 pregnant women are receiving vitamin A supplements;
- 6,322 community-based assessment meetings have been held.

387. With regard to eradicating parasites in school-aged children (Strategy no. 7 of the NNP), parasite eradication affects primary school pupils who attend public schools, as well as those attending private ones.

Table 25

#### Achievements in parasite eradication among school-age children

<i>School year</i>	<i>CISCO affected</i>	<i>No. of children targeted</i>		<i>No. of children treated twice per year</i>	
		<i>Schooled</i>	<i>Non-schooled</i>	<i>Schooled</i>	<i>Non-schooled</i>
2005-2006	56	1 950 000	190 000	1 835 850	175 000
2006-2007	60	2 071 836	250 000	1 300 000*	75 000*
2007-2008	111	4 034 050	400 000	Pending	

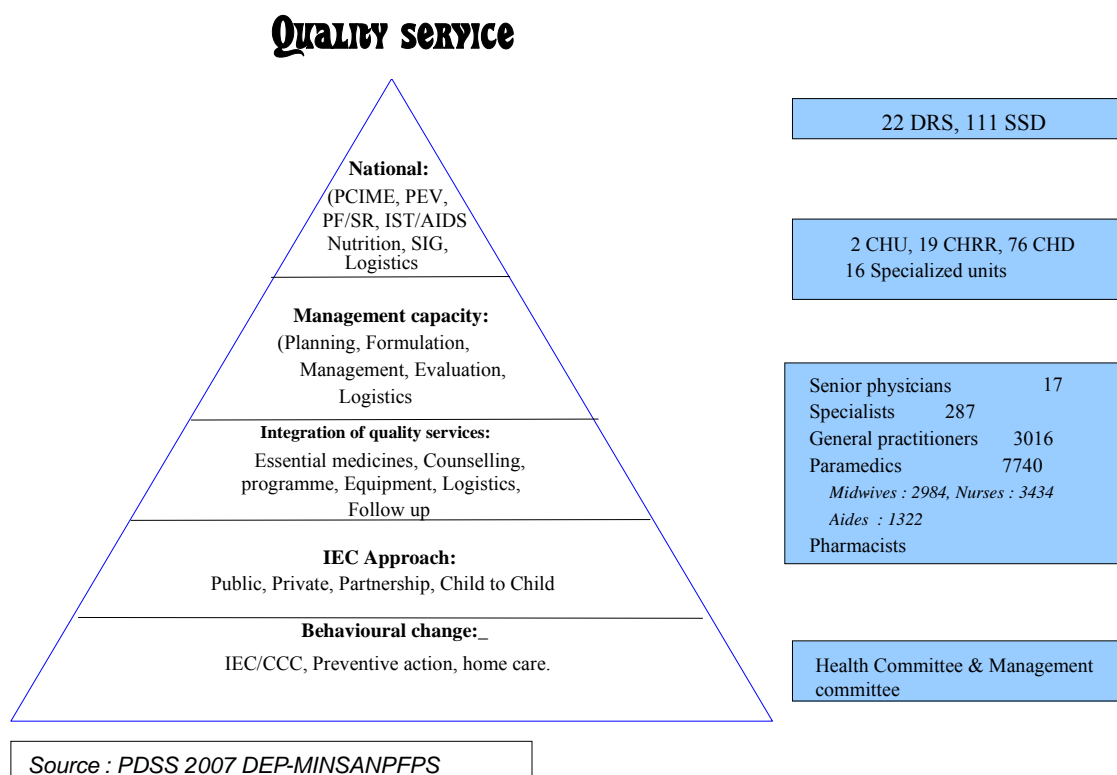
\* Partial data due to a problem of correspondence of reports of ZAP or CISCO (source: reports, ONN).

<sup>12</sup> Source: Annual report, ONN 2007.

#### 14. Provision of quality health services for all

388. The reactivation of the health-care system based on the health regions and districts has been revived by allocating the human and material means necessary for the smooth functioning of these services. This measure, in combination with other activities related to health, including nutrition, water, sanitation and food security, has had a remarkable impact on the health of the population.

Figure 3  
Quality health service



389. The health-care system is structured on very distinct operational levels whose areas of competence are clearly defined by the organigramme.

390. The Ministry of Health, Family Planning and Social Welfare (MHFPSW) establishes the overall direction of the National Health Policy, its major lines of strategy and its implementation.

391. Regional management coordinates the execution of the National Health Policy regionally.

392. The district health-care office is at the peripheral level and implements all of the health-care programmes' activities at the level-1 and level-2 general hospitals and at the basic health-care centres (BHCs). These BHCs provide primary health care.

393. The community level is the foundation of the system. It is both actor and beneficiary.

Figure 4

**Measures to strengthen the health system: human resources and equipment**

Recruitment of 3803 health workers (2002 – 2006), including 881 doctors, 200 paramedics and 1,722 administrators;

Strengthening of competencies of health workers;

Bringing infrastructure up to standard;

Re-equipment of CSB (CSB of 31 SSD provided with childbirth kits, 790 refrigerators and 138 freezers...)

21 CHRR provided with laboratory equipment and materials;

Provision of ambulances for CHD2, four-wheel drive vehicles for 21 SSDs, and trucks;

Installation of communications network in the CHD2 and 350 CSB (BLU and BLU data);

Generalization of the system of computerized health information; Introduction of networking at central level.

**15. Strengthening vaccination activities**

394. The majority of the diseases preventable by vaccine are now under control in Madagascar. Vaccination strategies have been strengthened by extensive campaigns for extra immunization: measles in 2004 and polio in 2006.

395. The country is close to being certified "polio-free."

396. In 2006/2007, the country also made progress toward eliminating tetanus in mothers and newborns as a result of extra immunization efforts in high-risk districts aimed at women who were pregnant and of women childbearing age.

Table 26

**Immunization coverage from 2001 to 2006**

<i>Antigens</i>	<i>Year</i>						
	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	
BCG		87.8	73.6	96.3	89	95.2	100
DTC		80.2	62.0	86.9	79	92.2	93
P3		77.8	60.8	85.8	80	87.4	92
VAR		81.4	61.3	86.6	98	83.8	84

*Source:* Analysis of the situation of children in Madagascar (Draft), 2008

397. Children who are completely immunized: 50 per cent.

398. With the institutionalization of the observance of Mother and Child Health Week, incorporating interventions for children's survival, including immunization, provides opportunities for reaching children in remote areas.

399. The Health Ministry is currently in the process of updating the national vaccination policy.

## 16. Preventing and combating malaria in pregnant women and in children

400. Efforts to prevent pregnant women from contracting malaria are based on equitable and effective access to prevention and treatment; it is part of focused prenatal care. Two types of treatment are provided:

- Intermittent preventive treatment (IPT) with sulfadoxine and pyrimethamine;
- Long-life treated mosquito nets for pregnant women and children under five years.

## 17. Measures to improve health of children and adolescents

401. **Tobacco control.** Madagascar has demonstrated its commitment to tobacco control by ratifying the WHO Framework Convention on Tobacco Control in February 2005. The National office for tobacco control (OFNALAT) was created in 2005 by Decree No. 2005-554. Inter-ministerial Order No. 18 171/2003 of 22 October 2003 prohibits the sale of tobacco products to or by minors under age 18 (art. 9).

402. **Mental health.** Legislation pertaining to mental health dates back to 1938. Currently a draft law concerning the rights and protection of persons suffering from mental and psychological disorders is being reviewed. In particular, this draft law provides any child or adolescent suffering from mental disorders with access to a suitable education and recreational activities, and for this purpose advocates implementing psycho-educational and child-protection programmes.

403. **Oral health.** Children from 2,830 primary schools throughout the various regions have been made aware of the various aspects of oral hygiene, and 27 dental offices have been set up at schools.

404. **Fighting cancer.** Making the population aware of the detrimental effects of tobacco. Observance of 2008 World Anti-Cancer Day, centred on the dangers of tobacco for children, and setting up a paediatric oncology unit at the Ravoahangy Andrianavalona hospital.

## 18. Studies and training for health care professionals

405. The human-resources-to-population ratio remains markedly lower than WHO standards, particularly with regard to nurses.

Table 27

### Medical and para-medical coverage in Madagascar and WHO standards

Categories	Health coverage	
	WHO standard for low-income countries	Present situation
Doctor	1 per 5000 inhabitants	0.72 per 5000 inhabitants
Nurse	1 per 2000 inhabitants	0.44 per 5000 inhabitants
Midwife	1 per 5000 inhabitants	0.87 per 5000 inhabitants

*Source:* Study on the system of education and training for health personnel

406. The current existing facilities for introductory-level training are:

- The Faculty of Medicine in Antananarivo and in Mahajanga;
- The Institute of Tropical Dentistry in Mahajanga (IOSTM);
- Six (6) interregional health professional training institutes (IFIRP);

- The National Institute of Public and Community Health (INSPC);
- Private institutions providing introductory-level health-care training.

407. Continuing education venues are organized according to the needs detailed in the national health policy and by several providers.

408. Existing training establishments and centres make human resources available to the health-care sector to respond in part to needs. From 1997 to 2005 nearly 1,661 general-practice doctors and specialists were recruited by the public sector. From 2003 to 2005, 819 nurses and midwives were recruited (Source: Health Sector Development Project, PDSS, 2007).

409. The steps taken to improve the system of study and training include:

- Reforming introductory-level training to ensure a better fit with the national health-care policy;
- Establishing skills profiles for medical personnel and health professionals;
- Training specialists;
- Drawing up career plans.

## **19. Family planning**

410. With regard to the reproductive health of adolescents, it should be noted that young women aged 15 to 19 make up 22.7 per cent of the population of women of childbearing age.

411. The median age for the first sexual experience is 17.5 years for women and 18 years for men, with a large proportion of young women having sex for the first time before age 15 (13.8 per cent in women ages 20 to 24 years).

412. The national contraceptive prevalence has improved, rising from a 10 per cent usage of modern methods among women in couples in 1997 to 18 per cent in 2003-2004; yet fewer than 8 per cent of sexually active women ages 15 to 19 report using a method of contraception.

413. The pregnancy rate in adolescents is 19 per cent.

414. In 2005, the 2005-2009 family planning programme was launched to implement the new national policy on reproductive health.

415. The measures adopted to prevent teenage pregnancy involve providing information about and education in sexual health and reproductive health, creating youth centres to provide advice to all adolescents and using a more effective approach to sex education and contraception in the schools and through radio and television.

416. It is estimated that between 1992 and 2004, family planning prevented 22,850 child deaths and 2,500 maternal deaths each year.

417. Since July 2007, family planning services have been available at all health centres and supplies (contraceptives) have been provided free of charge.

418. Financing is estimated at US\$ 52,937,000. The entire strategy is financed by the State and national and international partners.

## C. The fight against HIV/AIDS

### 1. Institutional framework

419. Specified in Commitment no. 5, Challenge no. 3 of the MAP, the fight against HIV/AIDS is one of the country's priorities with an eye to ensuring the reduction of poverty and improvement of the quality of life for the Malagasy. The Executive Secretariat of the National committee for the fight against AIDS is the institutional organ, appointed by decree in 2002, to ensure coordination of the response to this pandemic and to oversee the execution of the National Strategic Plan (NSP).

### 2. Programmatic framework: the National Strategic Plan (NSP)

420. To prevent the risk of HIV/AIDS infection to the two million vulnerable children and to the 30 per cent of young people under age 15 who have begun to have sex, the NSP includes significant actions planned on their behalf.

421. This multi-sectoral national plan integrates the areas of health, education, rural development, work, tourism, safety, population, youth and sports, and communication. The Ministry of Communication is heavily mobilized to initiate children and young people to "life skills," the behaviour they must adopt in the face of HIV/AIDS.

422. Children were also taken into consideration in integrating services to prevent mother-to-child HIV transmission into 576 basic health-care facilities (according to a 2006 report). The result was encouraging: 71 per cent of the women seen at prenatal visits (PNVs) agreed to take a screening test (2006 report).

423. Orphans and vulnerable children (OVCs) were also considered; a presentation of the draft law for their care was made in 2006. The foster families of 1,404 OVCs located at 12 sites have benefited from economic support.

424. Madagascar is currently in the second phase of implementing its NSP, established for the period 2007-2012. The goal of the plan is to realize the vision of the country: "Madagascar, a country where all Malagasy, particularly young people, are aware of personal risks and become actively involved and committed to lead in the fight against HIV/AIDS; every individual shall access the appropriate methods of prevention with ease and use them responsibly. Individuals, families and the community shall care for and support those infected with and affected by HIV." The interventions described in the NSP are based on, inter alia, developing a legal, political and operational framework for a multi-sectoral, comprehensive response that protects the rights of individuals; and improving the population's access to information through prevention, care and support.

425. The interventions have as their priority targets the population groups most likely to contract and spread the infection sexually, such as sex workers (SWs) and their clients, and put greater emphasis on covering vulnerable groups, including women, youth, and orphans and vulnerable children (OVCs).

426. The results of surveys conducted indicate the relatively high incidence of HIV in young people as compared to other groups and to the national average of 0.5 per cent. In pregnant women, the age group most affected by HIV is that of 15 to 19 year olds, according to the latest bio-monitoring survey, conducted in 2007. As a consequence of their sense of being invulnerable to the infections that they encounter, members of this age group are sexually active, have multiple partners, and do not protect themselves. 59.3 per cent of men and 56.9 per cent of women had sex before age 18, and 42.2 per cent of men and 22.5 per cent of women reported having multiple partners, according to the behaviour-monitoring survey (BMS 2006). Likewise, children under 15 years of age, including 6.4 per cent of them, or approximately 600,000 children, who are considered to be orphans (NIS,

2001), are in situations of great vulnerability, sometimes engaging in prostitution, forced into domestic work, or both. In addition, the sexual exploitation of children for commercial purposes is beginning to increase as a result of the growth of tourism.

### **3. Programmes to protect children against the spread of HIV/AIDS**

#### *Mainstreaming*

427. Aware of these threats, the Executive Secretariat of the National AIDS Commission (SE/CNLS) and its partners have implemented a considerable number of plans to prevent HIV/AIDS, targeting the 15-24 and under-15 age groups. The "Ankoay" project, aimed at young people ages 12-24, strives for the promotion of life skills by peers. Scouts, schoolchildren and athletes are trained to convey public-awareness messages and model the "safer" attitude for their peers and the society in which they live. The actions of 212 scout groups, 313 secondary schools and 640 sports teams using this approach made it possible to reach 400,000 young people (data recorded in 2006).

428. The "red card" initiative provides young people, particularly girls, the opportunity to learn how to make the best choices for protecting themselves against HIV infection, by using the card inscribed with "Aok'aloha" ("Wait first"), to avoid having early sex. Approximately one million red cards have been distributed thus far, to schools and youth groups.

429. With regard to at-risk groups, specifically the imprisoned, organizations such as APRAM (Association des prêtres, religieuses et religieux d'Afrique et de Madagascar, The Association of Priests, Nuns and Monks of Madagascar and Africa), SAHI and Solido have led IEC/CCC (Information - Education - Communication for Behavioural Change) activities. These organizations have intervened on behalf of imprisoned minors to educate them about responsible behaviour with regard to factors that cause HIV transmission risks. The country's re-education centres also make up a part their intervention sites, and they made contact with 222 children under 18 in 2006.

### **4. Legal framework**

430. The rights of children, including orphans, who are affected by and infected with HIV/AIDS are recognized and specified in Law No. 2005-040 of 20 February 2006, on the fight against HIV/AIDS.

431. Since 2006 there has been a law in Madagascar protecting the rights of people living with HIV. This law is accompanied by an implementing decree and is currently being disseminated widely.

432. Under the articles that pertain specifically to the rights of children affected by and infected with HIV and AIDS, children may not be discriminated against or stigmatized because of their confirmed serostatus (article 367) (2) or that of one or both of their parents or of guardians in their immediate family. No children may be denied access or be excluded, discriminated against or stigmatized in exercising their right to an education or to any programme or institution for children due to their confirmed or alleged HIV/AIDS serostatus or due to the confirmed or alleged status of their partner(s), parent(s), guardian(s) or that of a member or their immediate family, under penalty of suit for civil damages.



433. The actions undertaken through civil society organizations to put an end to this kind of discrimination have already seen some success. People living with HIV are increasingly able to attest to this. Between 2004 and 2005 the proportion of those with a positive attitude toward people living with HIV (PLWHIV) increased significantly, whichever group was taken into account. This proportion increased from 8 per cent to 13 per cent among young people aged 15 to 24, from 8 per cent to 12 per cent among those under directly supervised treatment and from 22 per cent to 26 per cent among military personnel.

434. 104 children born to parents who were HIV-positive or went on to die of AIDS were cared for by their family or community of origin, including foster families.

## 5. Prevention and care

435. The survival of the child is a critical and priority aspect in promoting the prevention of mother-to-child transmission and in managing children. A reduction in the number of newborns infected with HIV is the ultimate objective of the programme. The country has a policy of using benchmarks and a guide to the prevention of mother-to-child transmission (PMTCT), and has developed several measures to improve both access to and quality of PMTCT services. Currently about 600 health-care facilities provide such services in order to allow pregnant women to learn their serostatus for primary prophylaxis and to protect their child against HIV transmission. The measures taken have been administering anti-retroviral (ARV) prophylaxis to HIV-positive pregnant women and/or referring HIV-positive mothers and children to medical and psycho-social treatment. In 2007, 27 pregnant women received ARV prophylaxis and 21 infants under 30 months of age, two of which were infected, were born to HIV-positive mothers.

436. Since 2004 the country has provided care and treatment for people living with HIV, without regard for gender or age. It gives priority to the child's interests and survival in every instance. Moreover, although the consent of at least one of the parents or the guardian is generally needed to care for and treat the child, this is not the case when the best interests of the child require otherwise. From this perspective, given the country's economic situation, the policy of feeding children born to HIV-positive mothers in Madagascar advocates that these mothers choose to breastfeed the child exclusively in order to avoid the recurrence of infectious diseases and malnutrition and to ensure the child's survival. To improve the quality of treatment for PLWHIV, including children, the country plans to strengthen the capabilities of health-care providers involved with national policy on the treatment of children. In addition, 23 associations provide psycho-social care for PLWHIV in 17 regions, i.e. about 80 per cent of Madagascar's regions.

437. It should also be noted that the Executive Secretariat of the National AIDS Commission (SE/CNLS) collaborates with the Families' and children's' directorate, which is attached to the Ministry of Health, Family Planning and Social Welfare (MHFPSW), to provide psycho-social care for orphans and vulnerable children (OVCs) through Global Fund financing (2005-2007). It assists these children through the supporting activities of associations that provide educational help, nutritional assistance and economic aid to their families. At the end of 2007, approximately 1,500 OVCs (including 104 OVCs due to AIDS) and 300 families were able to benefit from this support.

438. Nevertheless, in a low-prevalence country like Madagascar, it is still difficult and improper to limit financial contributions to AIDS orphans, all the more so because it may result in discrimination against these children.

## **D. Social security**

### **1. Legal framework**

439. Existing legislation pertaining to social security includes:

- Law No. 68-023 of 17 December 1968, on the Social Benefits Code. This law applies to private formal-sector employees but has not established a system of coverage against illness for all salaried workers;
- Law No. 94-026, on the Social Welfare Code takes into account all categories of workers, regardless of their status. This law has not been implemented;
- Decree No. 2003-1162, which organizes company medical services;
- Law No. 2005-007, pertaining to operating pension funds.

### **2. Implementation**

440. Currently insurance coverage for private employees is provided by the National social provident fund (NSPF), which manages three distinct systems: old age, work-related accident/illness and family allowances.

441. Sickness coverage for public servants is provided by the State, which manages the medical expenses of its employees and their families. The Civil and military pension fund (CMPF) covers retirement from the public sector.

442. Medical coverage of private-sector workers is handled by business associations (OSTIE - Organisation sanitaire tananarivienne inter-entreprises, AMIT - Association médicale inter-entreprise de Tananarive, and others).

443. This formal social security system covers a limited group of workers, estimated at 7 per cent of the labour force.

444. The equity fund is intended for managing the pharmaceutical needs of the indigent. It is collected through the FANOME (Fonds d'approvisionnement non-stop des médicaments) which is sustained by a "tax" added to the cost of medicines sold in health-care centres. 3 per cent of the money allocated to FANOME is put back into the equity fund.

445. There are also community-run pharmacies at basic health-care facilities.

446. Some initiatives for "informal" social security are now being tested. Among them are community health-insurance societies, based on voluntary contributions, generally quite modest, which provide a form of insurance against sickness. There are currently 60 community societies, out of a total of 1,600 villages.

## **E. Standard of living**

### **1. Legal framework**

447. In its chapter on economic, social and cultural rights and responsibilities, the Malagasy constitution makes a provision for State assistance to citizens who are unable to provide for their needs by working (art. 30).

448. As regards families and children specifically, the law on adoption provides for State support to families who would not be able to "fulfil their role as the natural caregiver of the child" (art. 7).

## 2. Analysis of the situation

449. In 2005 the poverty rate in Madagascar was 68.7 per cent. The poverty rate in rural areas (73.5 per cent) was higher than in urban areas (52.0 per cent). The eastern Atsimo Atsinanana and Vatovavy Fitovinany regions and the southern Androy region are experiencing poverty rates of over 80 per cent.

450. A recovery from the 2002 economic crisis began in 2003. Economic growth in 2004 and 2005 helped those living in rural areas as much as it did those in urban ones. The poverty rate on the whole fell from 72.1 per cent to 68.7 per cent between 2004 and 2005. Nevertheless, the reduction in rural poverty was more significant than its urban counterpart: just 1.7 points in urban areas versus 3.8 points in rural areas.

451. Among poverty indicators, the food portion of total consumption indicates that since 2004, on average, 70.1 per cent of consumption has been allocated to food. In rural areas, the proportion of food to total consumption is higher (76.1 per cent versus 56.6 per cent in urban areas).

452. The head of household's level of education is among the determinants of a household's standard of living.

453. For children, rates of economic poverty are higher. While the poverty rate for adults is 68.7 per cent, the rate for children is 74.6 per cent and is considerably higher in the more disadvantaged communities around Fianarantsoa (81.1 per cent) and Toliara (80.4 per cent).

454. The greatest hardships affecting children are those pertaining to the availability of drinking water (81 per cent) and housing (57.4 per cent). Here, too, there are great variations among regions of the country: while hardship in terms of drinking water is widespread, housing- and sanitation-related hardship is particularly great in the communities around Mahajanga and Toliara.

455. As regards the opinions of families on living conditions in 2005, 47.7 per cent of the population said that it was experiencing hardship. 0.3 per cent responded that they lived comfortably. In rural areas, half the individuals were categorized as among those who were experiencing hardship.

## 3. Measures taken

456. Social welfare is a priority clearly articulated in the MAP as Commitment 8: national solidarity. This is understood as comprising all the programmes intended to ensure an adequate standard of living for the population, particularly children, and to protect it against economic and social risks, including natural disasters.

457. Meeting the basic needs of the entire population is a major challenge, since 70 to 80 per cent of the population presents several vulnerability characteristics.

458. To achieve this, the Government's strategy relies on improving its management of social welfare, vulnerable groups' accessing basic social services, improvement in targeting of groups and overseeing expenditures and their impact on the well-being of population.

459. A risk management and social protection strategy (RMSPS) was formulated by the Government with World Bank support in 2004, through the work of a multi-sectoral technical committee. This strategy clearly establishes the multidisciplinary, multi-sectoral nature of social welfare and children as one of the favoured targets in the context of the family. The strategy was validated at the end of 2007, and in 2008 the Government planned to prepare the framework programme pertaining to it.

460. The National Strategy for Social Welfare complements the policy of sound macroeconomic management and reducing poverty through programmes on school drop-

out, access to health care by the poorest and most vulnerable population sectors, generalizing nutrition activities to benefit children under age five and a rapid, systematic response to natural disasters through highly labour-intensive works.

461. For the last few years, social welfare programme expenditures have made up, on average, 7 per cent of public expenditures. 60 per cent of the financing for social welfare comes from the public investment budget, financed by external sources and only 1 per cent from the regular budget. In 2003, 18 international partners actively maintained social welfare programs. Money spent to fight malnutrition made up the largest portion of social welfare expenditures between 2000 and 2003.

462. Programmes implemented to target the poorest and most vulnerable, with a view to reducing their social exclusion and promoting their access to basic services, include:

- *Regarding education*: a safety net for helping primary-school pupils and their families (subsidies for registration fees, subsidies for school kits for poor families and school meal programmes);
- *Regarding health*: social equity funds operating at basic health-care facilities (cost-recovery exemption for those with the fewest resources), free or subsidized treatment for some diseases (tuberculosis, leprosy, plague, schistosomiasis, malaria in areas of prevalence, HIV/AIDS), child-immunization programmes, subsidies for treated mosquito nets;
- *Regarding nutrition*: school nutrition, community nutrition, intensive nutritional recovery;
- *Regarding labour-intensive public works* (improving urban infrastructure and sanitation, and supplying water): employment providing a minimum wage plus benefits in kind.

463. Other programmes have been deployed to fight the social exclusion of children and young people who are not in school or have left school early. A psycho-social counselling programme for orphans and vulnerable children, supported principally by the Global Fund to Fight AIDS, started up in 2004. Its objective is to support the management of OVCs by providing psycho-social and educational support, offering socioeconomic support to families through income-generating activities (IGAs) and regularizing the legal status of children and families.

464. The LEMIZO initiative, or the social reintegration of the homeless, has been implemented by the MHFPSW. This activity consists of placing homeless and unemployed families and individuals from cities in community-based villages (such as Andranofeno, Andranovelona, Mandazaka, and others) to accomplish the goal of social reintegration.

465. A list of social welfare programmes for children can be found in annex V.

## VII. Education, leisure and cultural activities

### A. Education, including vocational training and guidance

466. Commitment 3 of the MAP, entitled Educational Transformation, outlines the most important objectives pertaining to education: the establishment of an “educational system that complies with world-class quality and effectiveness standards, that stimulates creativity and helps students make their dreams come true, and that provides Madagascar with the human resources needed to become a competitive nation and a successful player in the world economy.”

467. To obtain these results, Madagascar must meet the following educational challenges:

- Developing both preschool and parent education;
- Implementing a successful primary education system;
- Intensifying the fundamental system of secondary education;
- Improving the quality of secondary or upper secondary teaching;
- Developing professional training;
- Transforming teaching at higher levels;
- Eliminating illiteracy;
- Helping youth develop through sports and civic participation.

468. Since the latest report, changes have occurred in the Malagasy educational system. The Parliament has voted in a new law establishing the State policy on education, teaching and training. The key educational objectives for the period 2007-2012 are detailed in the MAP. The national Education for All (EFA) plan has received support in the form of international cooperation.

### **1. Legislative measures**

469. In article 24, the Constitution sets out that “the State organises public education, free and accessible to all. Education is compulsory for all.”

470. Law No. 2004-004 of 26 July 2004, on the general direction of the system of education, teaching and training in Madagascar, replaces Law No. 94-033. It stipulates in article 1, “Education is an absolute priority, and education is compulsory beginning at age six.”

### **2. Budgetary measures**

471. To reform the educational system and the EFA plan, it is necessary to mobilize considerable financial resources. In this regard, the Government has benefited from the Fast Track Initiative, with support in the amount of US\$ 100 million for the period 2009-2011.

### **3. Family support**

472. On average, every Malagasy family devotes 2.3 per cent of its budget to education. Aware of these families’ financial difficulties, in addition to awareness campaigns to support schooling, the Government has taken various incentive measures:

- Distributing school kits to all public and private primary-school students and school smocks to public-school students;
- Establishing a school fund at the rate of 2,000 ariary per child, starting in 2003;
- Subsidizing private schools;
- Subsidizing FRAM (Fikambanan’ny Ray Aman-drenin’ny Mpianatra, an association for parents of students) teachers;
- Financing performance contracts for private schools;
- Implementing school meal programs in disadvantaged areas;
- Providing textbooks and instructional materials.

#### 4. Linguistic policy

473. The Constitution states that Malagasy is the national language and that Malagasy, French and English are the official languages.

#### 5. Access to education

474. **Guarantee of access.** Since 2003 the EFA plan has established measures to make it easier to access education, through:

- Pursuing a policy of lessening the cost to parents;
- Supporting pupils in difficulty;
- Revising curricula;
- Integrating illiterate children in the formal education system;
- Recruiting teachers every year;
- Subsidizing schools and teachers.

475. **Access of girls to education.** In primary schools, the boy-to-girl ratio is 50.15 to 49.85. Nevertheless, at the secondary school level, significant disparities that are unfavourable to girls show up, particularly in regions of the southwest (where the ratio is 62 to 38), due in part to early marriage among girls and the traditional role of women at home.

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

- A campaign has been mounted to explain the advantages of girls' schooling;
- The promotion of girls' education was included in the leadership training of 17,433 Fokontanychiefs and 3,000 women in 2007;
- PACT/USAID scholarships are offered to girl pupils in the Analamanga and Antsinanana regions;
- Financial support is given to girls attending secondary schools in the Boeny region;
- A girl-to-girl strategy has been developed by UNICEF to encourage girls' education and prevent dropout;
- Boarding facilities are run by the Forum for African Women Educationalists for the best secondary school pupils;
- 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.

#### 6. Literacy

477. In 2006 approximately 48 per cent of the population over age 15 was illiterate. Over one million young people aged 11 to 17 are illiterate. The MAP objective is to reduce this illiteracy rate by 20 per cent by 2012.

478. Law No. 2004-044 establishes that literacy is an integral part of the non-traditional educational system. Decree No. 2003-834 of 5 August 2003 establishes the national policy on adult literacy and education.

479. Literacy programmes for unschooled children, and their respective methodologies, have been developed:

- Ambohitsoratra, learning to read and write Malagasy;
- ASAMA, a 10-month preparation method for the primary-school final examination;
- Ambatomikajy, to learn arithmetic;
- ASAMA, new version, for learners aged 9-10.

480. Since 2002, there have been a total of 7,415 beneficiaries of these programmes (tables 33 and 34).

481. Other NGO-developed programmes provide schooling to street children and reintegrate them into the traditional educational system after helping them to catch up.

482. The State's involvement with literacy includes training literacy workers, producing materials and constructing classrooms and literacy centres.

## 7. Retention, attendance, school performance

483. Various measures and programmes have been implemented to keep children in school for as long as possible and allow them to achieve a primary-school completion rate of 100 per cent by 2015.

484. The measures planned to reduce the school dropout rate include:

- 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);
- Improvement of pupils' motivation (excursions, prizes, scholarships and extra-curricular activities);
- Improvement of teachers' motivation (allowances, subsidies, bonuses and honours);
- Improvement of the quality of teaching (curriculum, teacher training, competence approach);
- Involvement of parents, local authorities and economic operators in school management;
- Involvement of pupils in the board of governors and disciplinary board;
- Creation of clubs and associations;
- Educational incentives (lower fees, open schools, integrated classes, scholastic counselling and assistance, appointment of form tutors).

485. 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.

486. 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.

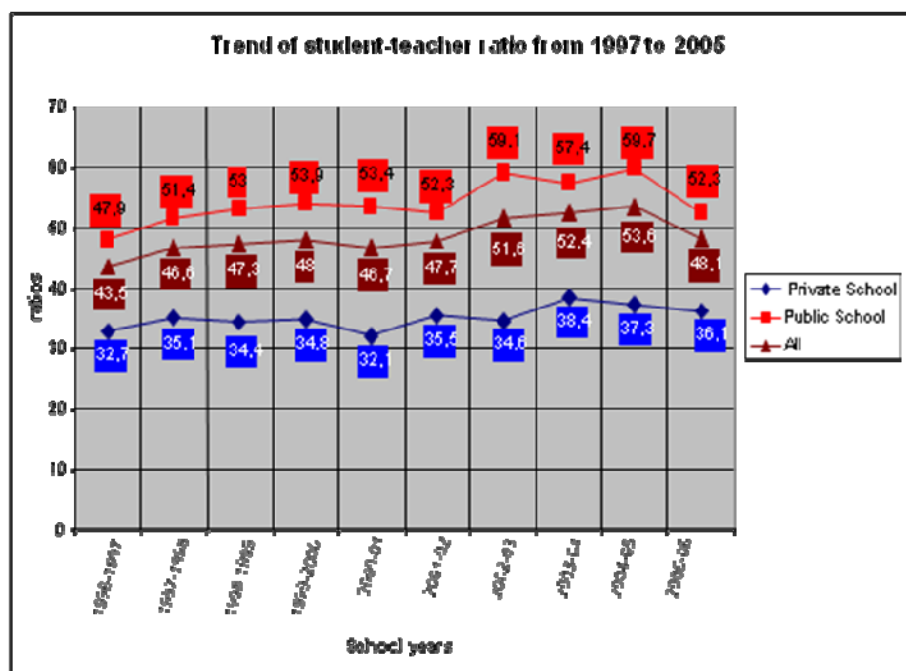
487. **Recruitment by the State.** The mass recruitment of teachers reached a high in 2006 (28,840 in 2006 compared to 19,309 in 2005, an increase of nearly 50 per cent), which allowed a significant increase in the number of teachers and decreased the student-to-teacher ratio.

488. In primary schools, public and private taken together, the number of teachers increased from 49,410 in 2000-2001 to 76,830 in 2005-2006, amounting to an average

annual increase of 9.2 per cent, compared to 9.7 per cent for the number of pupils. Consequently, the student-to-teacher ratio in public schools decreased to 52 in 2005-2006.

Figure 5

**Comparative table of teacher-student ratios in the public and private sectors**



489. The majority of new teachers hired are not public servants. At the end of the 2005-2006 school year, out of the 57,017 teachers surveyed in the 16,797 public and community primary schools, 28,840 were non-civil service (amounting to 51 per cent, compared to 17.9 per cent in 2000-2001).

490. In 2005-2006, 92 per cent of these non-civil service teachers (or 25,803) were subsidized by the MNESR. To reduce the fees paid by parents, who had at the outset taken the initiative to recruit the teachers, the Government decided to grant them subsidy, which nonetheless remains quite modest compared to the wages of public-servant teachers (0.9 x GDP per capita, compared to 4.7 x GDP per capita for public servants in 2005/2006). From 30,000 ariary in 2003, this subsidiary increased to 60,000 ariary.

491. **Recruitment by FRAM.** Because State recruitment of teachers was insufficient, parents affiliated with FRAM added their support by recruiting additional teachers, whom they themselves paid, in kind or in cash. Beginning in 2003, the State provided a monthly subsidy to these teachers.

492. **Motivation.** To motivate the teachers, isolated-post allowances are paid to staff working in isolated areas and a classroom supplies allowance to those working in classrooms. These allowances are, however, quite modest.

493. In 2004, all public primary-school teachers also received an educational kit composed of a school briefcase and a small number of instructional materials. In 2007 an educational planner, prepared and produced in collaboration with UNICEF, was distributed to them.



494. **Teacher training.** The Malagasy educational system retains a variety of teachers with regard to type and level of training.

495. The National Institute of Teacher Training (INFP) and its regional divisions (the CRINFPs), the Écoles normales supérieures (teacher-training colleges) and other colleges are the introductory-level training institutions for Malagasy teachers. Working teachers also receive continuing professional training at the INFP of the CRINFPs.

496. Students at the École normale supérieure and the CRINFPs have opportunities for interning in public schools.

497. During school vacations, FRAM teachers receive short training courses at the INFP and the CRINFPs.

## 8. Initiatives to advance teaching

498. To promote education, several initiatives have been taken, among them:

- Involving parents: implementing FAFs (Fiombonan'Antoka amin'ny Fampanandrosoana ny Sekoly - Partnerships for school development), associations that bring together parents of pupils and teacher representatives;
- Funding schools: To help keep schools operational, since 2003 the Government has been depositing 2,000 ariary per student directly into a small fund at all primary schools (public and private);
- Creating the TSF (Technical Support Facility) to support the ministry's initiatives to promote EFA;
- Local Competitive Funds (LCFs) for the Catalytic Fund, which injects capital into the schools and supports local initiatives to meet the EFA goals (16 projects have benefited from LCFs);
- Rehabilitating, reopening and equipping CRINFPs;
- Strengthening multi-sectoral collaboration to reach education-related goals;
- Implementing a programme that prepares instructional materials specific to CRINFPs;
- Organizing the presidential dialogue on Commitment 3 of the MAP, on education.

## 9. Changes in the educational system

499. New Law No. 2004-004 of 26 July 2004, on the general direction of the educational, teaching and training system in Madagascar, replaces Law No. 94-033. The main revisions pertain to promoting non-traditional education, strengthening education in civics and recognizing the public-private partnership.

500. The Office for Mass Education and Civics (Office de l'éducation de masse et du civisme, OEMC) was created within the Ministry of National Education to be the educational spearhead for citizenship and community involvement, which are part of non-traditional education.

501. For this purpose, programmes that provide training, raise awareness and disseminate communication tools to change behaviour are being implemented, such as the plan to "promote and defend a culture of human rights in educational facilities," financed by United Nations Democracy Fund (UNDEF).

502. The Directorate of Information and Communication Technologies (DICT), whose mandate is to conduct information, awareness and communication campaigns in order to

win the population's support of educational reform, has been created. This directorate is also entrusted with providing computer equipment to educational facilities and devolved MNESR facilities.

503. A new curricula-developing directorate was put into place at the Ministry.

#### **10. Oversight mechanism**

504. The Joint Mid-Year Review, which brought together the Ministry, technical and financial partners, private-school representatives, civil society and representatives from the Ministry of finance and the Ministry of decentralization, made it possible to evaluate the implementation of EFA and identify the problems encountered with a view to determining the appropriate solutions.

505. Decree No. 2008-028, which determines MNESR's functions as well as its ministry's organization, has implemented several internal features and systems for monitoring and evaluation:

- Support coordination for the Secretary General (CAGS), entrusted with overseeing the implementation of reforms;
- The Directorate of general coordination and follow-up, for monitoring action plans and implementing oversight of priorities;
- The Monitoring and evaluation office of the Directorate of basic and preschool education.

506. Since Madagascar's last report, progress has been made. Nonetheless, access-related problems remain because of isolation, remoteness and the persistence of a mindset of resistance to education in some regions, namely those in the southeast and northwest.

507. Regarding access, the low density and isolation of the school-age population, the mindset of resistance (in the southeast and northwest regions) concerning school, the severe poverty of the population and the slow pace of school construction are the main problems.

508. With regard to teaching quality, problems exist in the training of educators, particularly FRAM teachers, who have not received introductory-level teacher training.

509. For now, no compulsory measures have been taken to force parents to educate their children. Intensive awareness-promoting activities are undertaken to demonstrate to communities, especially rural ones, the advantages of schooling children in general and girls in particular.

#### **11. Academic performance**

510. The academic performance of Malagasy pupils and students, whether for the CEPE (Certificat d'études primaires élémentaires - primary-school diploma), BEPC (Brevet d'études du premier cycle - primary-cycle general certificate) or baccalaureate, whose average passing rate from 2001 to 2005 remained below 50 per cent, is not yet satisfactory,

511. **CEPE.** The main causes of the poor results are: using French to teach math, geography and general knowledge starting in ninth grade; reduced effective learning time due to the absenteeism of some teachers and pupils; an overloaded curriculum; and, in poor rural areas, food-related problems.

512. **BEPC.** The pass rate for the BEPC is between 33 per cent and 50 per cent.

513. **BEP CAP-CFA** (Certificat d'aptitude professionnel - Centre de formation artisanale). The results for the technical and vocational teaching exam are generally better than those for the general teaching exam.

514. **BAC**. The pass rate for the baccalaureate exam needs to be improved.

## 12. School enrolment

515. **Enrolment**. The number of pupils in both public and private educational facilities increased during the period 2002-2007. While primary-school enrolment experienced an increase of one million pupils in five years, enrolment in secondary schools and high schools doubled during the same period.

516. Like the number of pupils, the number of educational facilities has also increased. While the public sector dominates in primary-school education, there are more private secondary school than public ones.

517. **Budget**. The budget allocated to education rose consistently from 2001 to 2006, except for a small dip between 2002 and 2003. Taking into account the priority given to primary education, this sector's budget more than doubled, while funding allocated to investment nearly tripled between 2001 and 2006.

518. **Preschool education**. Pursuant to Law No. 2004-004, early-childhood schools include:

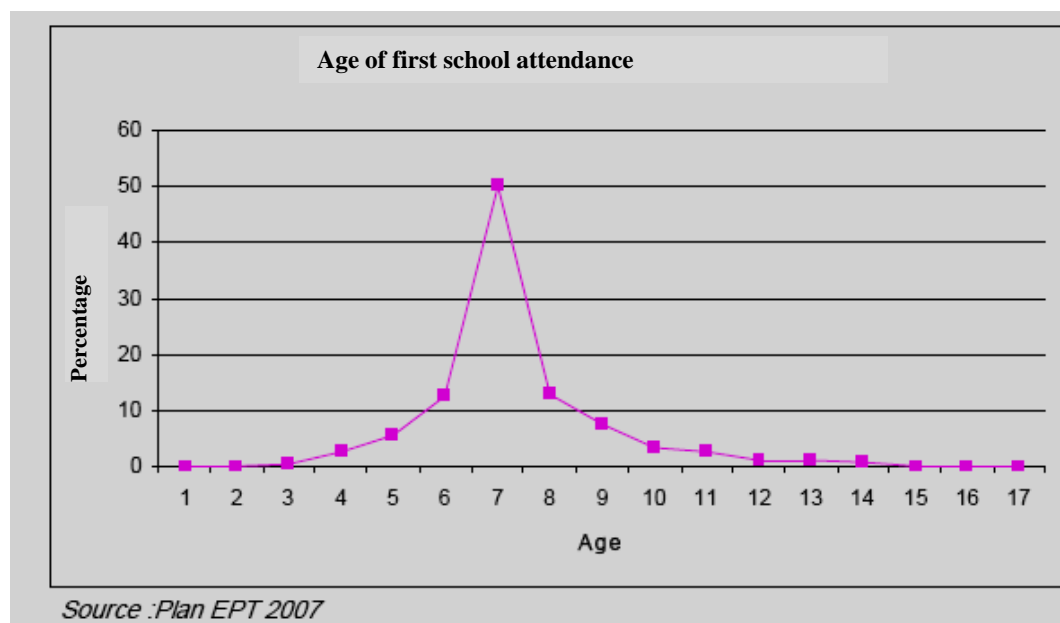
- Nurseries, which care for babies from ages zero to two years;
- Nursery schools, which provide care for children aged two to three years;
- Écoles maternelles (preschools), which educate children three to five years of age (art. 28);
- The preschool-education sector is not very advanced. Nonetheless, there has been a five to 20 per cent increase in the enrolment of children aged three to five who attend preschools. This trend has also appeared in villages with a parent-education programme;
- Managing preschool education is the responsibility of the Ministry in charge of education.

519. As regards early-childhood education, in 2006-2007 the Ministry retained 254 preschool educators, including 190 public servants, compared to 4,695 in the private sector.

520. To improve preschool education, inter-ministerial regulatory measures are being formulated to establish the conditions for opening preschool-education centres and institutions as well as the qualifications required so that the personnel may perform their duties properly.

521. **Primary education**. While Law No. 2004-004 establishes six years as the minimum age for compulsory primary education, more than 50 per cent of new entering students are seven or older, and more than 15 per cent are age eight or older.

Figure 6  
Age of first school attendance for the 2 – 19 age group



90 per cent of Malagasy children are registered to attend primary school.

522. **Gross school enrolment ratio.** Since the period 2000-2006, the gross school enrolment ratio has increased for primary school, from 94.1 per cent in 2000 to 123 per cent in 2006 (see table 62).

523. **Number of primary-school pupils.** The number of pupils in the Malagasy educational system has doubled in 10 years. There was a breakthrough in 2003-2004, the year in which school enrolment fees were abolished for public primary schooling.

Table 28

**Number of primary-school pupils, by sex, from 2002 to 2007**

Year	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007
All	2 856 480	3 366 462	3 597 731	3 698 906	3 837 363
Masc.	1 458 340	1 718 631	1 838 251	1 885 778	1 950 779
Fem.	1 398 140	1 647 831	1 759 480	1 813 128	1 886 584

Source: MENRS

524. **Secondary education.** Malagasy secondary education comprises primary-cycle secondary education (ESPC), or secondary school and second-cycle secondary education (ESDC), or high school. Secondary schools are connected to villages, while high schools are connected to districts.

525. The State provides a free secondary education and grants private teaching institutions various forms of assistance, including, among others, performance contracts for school-equipment supplies, subsidies and teacher training for teaching staff.

526. **Vocational and technical training (PTT).** From 1999 to 2006, the MNESR budget increased by 358 per cent. During the same period, the PTT budget decreased by 20 per

cent and made up only 2.43 per cent of the total budget allocated to education. The PTT budget accounted for 3.85 per cent of the national education budget in 1999 and 0.86 per cent in 2006.

527. In 2006 only 350 young people out of a total population of 100,000 attended PTT institutions. The number of pupils in the public sector was 22,442 in 2007, compared to 40,242 in private institutions. In 2007, Madagascar had 412 PTT institutions: 349 private and 63 public.

528. To improve this situation, the MAP provided for doubling the number of pupils attending PTT institutions, that is, from 350 to 700 young people out of a total population of 100,000.

529. **Higher education.** Every provincial capital has its own university, with an autonomous management vis-à-vis the State.

Table 29

**Number of higher education institutions by province**

<i>Universities</i>	<i>Career paths</i>	<i>Major schools</i>	<i>Institutions</i>		<i>Total</i>
			<i>Public</i>	<i>Private</i>	
Antananarivo	20	9	1	9	39
Mahajanga	4	-	1		5
Toliara	9	1	1		11
Toamasina	7	1	-		8
Fianarantsoa	4	2	-		6
Antsiranana	3	1	2		6
<b>Total</b>	<b>47</b>	<b>14</b>	<b>5</b>	<b>9</b>	<b>75</b>

Table 30

**Enrolment in higher education by sex, 2001 to 2005**

<i>Academic year</i>	<i>2000/2001</i>	<i>2001/2002</i>	<i>2002/2003</i>	<i>2003/2004</i>	<i>2004/2005</i>
All	21 599	22 607	26 315	31 675	34 746
Male	11 746	12 400	13 964	16 770	18 547
Female	9 853	10 207	12 351	14 905	16 199
% Girls	45,62	45,15	46,94	47,06	46,62

530. **Distance education.** To meet the strong demand for higher education, the Malagasy State has implemented a National Distance Education Centre (CNTEMAD) for the courses of study in management, economics and law. In 2004-2005, a total of 5,978 pupils were enrolled in these correspondence courses.

531. **Facilitating access to higher education abroad.** Advanced-standing students may receive national and foreign scholarships. The National Commission for Foreign Scholarships (CONABEX) is the institution entrusted with awarding scholarships to Malagasy students.

532. Developing bilateral relations has made it possible to receive scholarships for study in India, Japan, China, USA, Canada, Morocco, Iran, Algeria, South Africa and France.

*Effectiveness of the system*

533. The completion rate for primary school is relatively low. Fewer than half (47 per cent) of the pupils who enter in the first year complete the fifth year.

534. In response to this situation, measures have been taken to improve the educational system's effectiveness, including implementing:

- The programme "Improving education management in Madagascar" ("Amélioration de la gestion des éducations à Madagascar," AGEMAD), which works to improve the way in which the educational system is managed with regard to distributing resources and to transform it into a quality education;
- The programme that trains heads of institutions in how to manage them;
- The restructuring of primary education;
- The redesign of the continuing-education system;
- The adoption of the competency-based approach, to be standardized progressively during the period 2008-2009;
- Establishing 22 regional national-education directorates instead of the six provincial secondary-education and basic-education directorates (DIRESEB);
- Information and guidance campaigns, with an eye to enlightening pupils about available training options<sup>13</sup>.

### 13. Children excluded from school

535. In partnership with charitable and humanitarian organizations, street children are managed by either schooling or vocational training. Examples of these organizations are: the Andohatapenaka Development Centre, the Akamasoa Centre, Groupe Développement, the Graine de Bitume Association, the International Labour Organization/International Programme on the Elimination of Child Labour (ILO/IPEC) Project. According to the estimates of the Ministry of Civil Service, Labour and Social Laws (MCSLSL), there are some 1,400,000 child workers. It should be noted that some of them, before starting to work, already attended school. The objective of the ILO IPEC Project is the reintegration of these children by bringing them back into the educational system.

### 14. School discipline

536. The disciplinary rules in effect in educational facilities are communicated to pupils and their parents at the start of every school year. Disciplinary measures may extend to suspension or expulsion.

537. The Disciplinary Board is the mechanism responsible for implementing discipline in educational facilities. Composed of teachers, administrative personnel and student representatives, it is presided over by the principal in secondary and high schools. It rules on serious cases of breaches of discipline and recidivism on the part of students.

538. Corporal punishment is prohibited on any account under penalty of prosecution in the event that the child has sustained physical injury, which constitutes a criminal offence.

<sup>13</sup> In partnership with CITE, Hotel Carlton, civil society, universities, schools, public and private institutions of secondary and higher education (ISCAM, INSCAE, IST, ISP etc.) in Antananarivo and the regional capitals of Boeny, Haute Matsiatra, Atsimo Andrefana, Atsinanana, Diana.

539. In Mahajanga in September 2006, an introductory teaching manual on the rights of the child in primary schools entitled “Zo sy andraikitra ny ankizy” (Children’s rights and responsibilities) was published with the assistance of UNDP and distributed to primary-school teachers.

## **15. Participation by children in administrative and judicial proceedings**

540. Students may express their opinions to the school’s board on issues pertaining to the administration and management of their school.

541. Judicially, it is acceptable for children to express their opinions on any matters that concern them.

## **B. Educational goals of the State**

### **1. International educational goals**

542. Madagascar has undertaken various initiatives and programmes with the aim of providing a primary education for all in accordance with the Millennium Development Goals.

### **2. Goals of the Ministry**

543. Primary-education objectives for 2015 are:

- Reaching a completion rate of 100 per cent in the first five years of primary school and 65 per cent in the first seven years;
- Doubling the gross school enrolment rate of children aged 11 to 13 years in the sixth and seventh years of study, increasing from 34 per cent in 2006 to 69 per cent in 2005;
- Reducing the drop-out rate and the rate of pupils repeating a year of school; and by 2015 reaching a completion rate in the fifth year of study of 94 per cent, compared to 50 per cent in 2006; and for the seventh year of study, 65 per cent, compared to 26 per cent in 2006;
- Reducing the percentage of pupils repeating a year of school to 5 per cent for the new primary programme of seven years.

544. With regard to quality:

- Ensuring that all pupils acquire the projected competences and skills at the end of each educational level;
- Ensuring that all six- and seven-year-old children are enrolled in the first year of primary school;
- Ensuring that no child is excluded from primary school because his or her parents lack the financial ability to pay their share of the current operating expenditures of the school.

545. Objectives for the first level of secondary education are:

- Growth: in 2015, nearly 728,000 public and private secondary-school pupils, compared to 580,000 in 2006;
- Quality: current drop-out rate of about 30 per cent reduced to less than 15 per cent;

- Rate of pupils repeating a year of school in the last year of the first level of secondary school of approximately 25 per cent reduced to 10 per cent.

### 3. Educational goals

546. Children's development is an important goal of the education of the Malagasy child. Article 14 (2) of Law No. 2004-004 provides that the role of school is "to develop the personality of the individual in all its aspects: physical, emotional, psychological, mental and moral, while ensuring the individual's right to form his person so as to sharpen his critical thinking and his will."

547. Article 16 of the same law provides for the aspect of preparation for adult life "to develop competencies and knowledge of how to strengthen these competencies and use them to solve problems that he may face."

548. The main international human rights instruments, including those pertaining to the rights of the child, are incorporated into the civics and citizenship-based programmes of primary and secondary schools. In addition, educational radio programmes are broadcast, awareness-raising sessions are held in schools and newspaper articles are published to inform students of and educate them about these rights.

549. The Malagasy language, ways and customs, and traditional socio-cultural values are taught at all levels of the educational system. In addition to French and English, which are two of the country's official languages, Spanish, Russian and German, as well various ancient and modern civilisations, are part of the Malagasy school curriculum.

550. Preserving the natural environment is also part of the programme of primary schools and high schools.

### 4. Private education

551. The right to private education is guaranteed by the Constitution: "the State recognizes the right to private education and guarantees the freedom to teach, subject to conditions of hygiene, morality and capacity established by law. Establishments of private education benefit from the same fiscal regime under conditions established by law." (art. 25).

552. There are currently eight National directorates of private education of which six are faith-based: Roman Catholic, Fianganan'i Jesoa Kristy eto Madagasikara (FJKM), Anglican, Lutheran, Rainisoalambo and Adventist.

553. Within the MNESR, the National private-education office (NPEO) is responsible for coordinating relations between private and State education. Among others items, it manages the subsidies allocated by the State and issues authorisations to open and teach at private schools.

554. Private education is heavily involved in meeting EFA objectives. As indicated earlier, the State provides considerable support to private educational facilities through: teacher training, financial support of these facilities through annual subsidies and providing school kits to pupils and teachers.

555. **Monitoring mechanism.** To prevent abuses and monitor respect of health and safety standards for children studying in private educational facilities, the ministry has implemented NPEO and the Regional private-education office (RPEO), which represent, respectively, central and regional private-education oversight organizations. The officials of these organizations are assisted by MNESR inspectors.

556. **Public-private partnership.** A subsidy for parental expenses is reserved for schools that charge monthly tuition of under 800 ariary. This programme provides a ninth-month



subsidy of 30,000 ariary per teacher. In 2006, more than 4,400 teachers, or 22 per cent of private primary-school teachers, received this subsidy. In 2007, 1,936 schools and 4,907 teachers received 1,318,380,000 ariary.

557. Moreover, in 2007 a 111,803,182-ariary operating credit was given to the eight private national directorates. For the performance contract pertaining to school construction or infrastructure-related equipment, facilities received 1,270,908,499 ariary.

558. **Private-sector data.** The following table provides facts about the private sector.

Table 31  
**Proportion of private establishments**

<i>Type of establishment</i>	<i>2002 /03</i>	<i>%</i>	<i>2003/04</i>	<i>%</i>	<i>2004/05</i>	<i>%</i>
Primary	18 977	100.00	20 160	100.00	20 636	100.00
Public	14 637	77.13	15 420	76.49	15 690	76.03
Private	4 340	22.87	4 740	23.51	4 946	23.97
Secondary school	1 596	100.00	1 679	100.00	1 855	100.00
Public	801	50.19	817	48.66	875	47.17
Private	795	49.81	862	51.34	980	52.83
High school	336	100.00	368	100.00	415	100.00
Public	108	32.14	112	30.43	114	27.47
Private	228	67.86	256	69.57	301	72.53

559. These statistical data indicate the trend toward an increasing number of private-education facilities.

560. From 2002 to 2006, 80 accreditations for private technical and professional training facilities were issued.

561. In 2006 there were 29 private institutes and private higher-education facilities, accredited by the State and open by ministerial order, in Madagascar, including three that were faith-based (two Catholic and one Adventist).

562. Immigrants and foreign nationals may also create their own educational facilities following the example of French *lycées* and American, Chinese and Islamic schools, having their own curricula and using their respective language as their teaching language. Their children may also attend public-education facilities.

563. The State recognizes diplomas issued by accredited private higher-education facilities.

## 5. Difficulties, goals set by the State

### *Difficulties*

564. Some difficulties must be overcome by the State-private education partnership:

- Shortage of personnel and means for State oversight;
- Dispersal of private schools, making oversight difficult;
- Problem of excess staff and insufficient instructional materials;

565. Efforts have been made to improve the completion rate of projected construction. For the period 2003 to 2007:

- 4,562 out of 5,590 new classrooms were completed;
- 500 new classrooms out of 628 projected were delivered.

566. Technical and programming standards are being prepared to solve problems stemming from multiple Project Coordination Units (PCUs), and the lack of standardization and construction models.

567. There is a weakness in the quality of EF1 public school teachers: 47.86 per cent of the public primary-school teachers have a teaching diploma, with 56.14 per cent for public-servant and contractual teachers and 6.1 per cent for the non-public servant teachers (NPSTs).

568. Only 1 per cent of primary-school teachers are capable of teaching French (as per the French proficiency exam, administered in 2006). The use of French as a teaching language has led to:

- A weak command of the Malagasy language;
- A weak command of the French language;
- Poor results in mathematics (as per PASEC [Programme d'analyse des systèmes éducatifs de la Confemen] reviews of primary-school pupils' acquired knowledge).

569. To compensate for this, on UNESCO's recommendation and with the support of the World Bank, the State has reformed its educational system based on using the mother tongue as the teaching language in primary school while using French and English as taught foreign languages: French will be taught as a foreign language beginning in the first year and English beginning in the fourth year.

#### *Prospects*

570. **Revising the school construction policy.** Starting in 2007-2008, for a greater return on construction-based investments, the MNESR intends to assume responsibility for coordinating school construction programmes, adopting unified construction standards and involving the community as the beneficiary in managing construction.

571. In 2009-2010, 90 per cent of construction and renovation will be carried out according to this approach. The delegated contractor approach will decrease from 744 classrooms in 2007-2008 to 300 in 2009-2010.

572. The priority given to constructing new classrooms will be a benefit to the fokontany, which are without schools or have schools without complete programmes in remote, poor rural areas.

573. **Reforming the educational system.** To ensure the acquisition of adequate, lasting skills at the end of the first cycle, the Malagasy State has decided, beginning with the 2008-2009 academic year, to increase the length of primary education from five years to seven.

574. **Restructuring basic and secondary education.** As a result of extending the primary cycle to seven years, basic and secondary education have been restructured. The primary level is spread over seven years and comprises three courses. The first level of secondary school lasts two years.

575. **Secondary schools of excellence and open schools.** The MAP provides for establishing secondary schools of excellence (SSE) to spearhead the improvement of educational quality.

576. Following the example of other countries, Madagascar intends to implement flexible education programs, offering pupils unable to attend formal school the option of studying and taking exams.

577. **Revising curricula.** The curricula in effect date back to the 1970s and 1990s. In order to adapt the curriculum to the country's socio-economic reality and the demands of competition resulting from globalization, and to meet the EFA objectives, a revision of curricula is planned.

578. The reform pertaining to reforming the curricula will be implemented beginning with the 2008-2009 academic year and will be carried out gradually according to a predetermined programme.

Table 32

**Programme to implement the APC in basic education at the initial primary level**

<i>Phases</i>	<i>2003/2004</i>	<i>2004/2005</i>	<i>2004/2005</i>	<i>2005/2006</i>	<i>2007/2008</i>	<i>2008/2009</i>
Experimentation	CP1 CP2	CE	CM1	CM2		
Pre-generalization		CP1 CP2	CE	CM1	CM2	
Generalisation			CP1 CP2	CE	CM1	CM2

Table 33

**Implementation of reform of basic education**

<i>School year</i>		<i>School year</i>						
		<i>2008/09</i>	<i>2009/10</i>	<i>2010/11</i>	<i>2011/12</i>	<i>2012/13</i>	<i>2013/14</i>	<i>2014/15</i>
1 <sup>st</sup> year	No. of school districts (CISCOs)	20	65	111				
	Phase	Exp	Pre-Gen	Gen				
2 <sup>nd</sup> year	Number of CISCOs		20	65	111			
	Phase		Exp	Pre-Gen	Gen			
3 <sup>rd</sup> year	Number of CISCOs			20	65	111		
	Phase			Exp	Pre-Gen	Gen		
4 <sup>th</sup> year	Number of CISCOs				20	65	111	
	Phase				Exp	Pre-Gen	Gen	
5 <sup>th</sup> year	Number of CISCOs					20	65	111
	Phase					Exp	Pre-Gen	Gen
6 <sup>th</sup> year	Number of CISCOs	20	65	111				
	Phase	Exp	Pre-Gen	Gen				
7 <sup>th</sup> year	Number of CISCOs		20	65	111			
	Phase		Exp	Pre-Gen	Gen			
8 <sup>th</sup> year	Number of CISCOs			20	65	111		
	Phase			Exp	Pre-Gen	Gen		

School year		School year						
		2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
9 <sup>th</sup> year	Number of CISCOS				20	65	111	
	Phase				Exp	Pre-Gen	Gen	
10 <sup>th</sup> year	Number of CISCOS					20	65	111
	Phase					Exp	Pre-Gen	Gen

579. To support efforts to implement new curricula, 40 million teaching manuals and other reading materials are to be published and distributed from 2009 to 2015.

580. **Modifying the academic calendar.** Revising the academic calendar, while taking seasons and the cultural calendar into account, is in progress.

## C. Leisure, recreation and cultural and artistic activities

### 1. Legislative measures

581. Article 26 of the Constitution “guarantees every individual the right to participate in the cultural life of the community, in scientific progress and in the benefits which result therefrom.”.

582. According to Commitment 3, Challenge 7 of the MAP, extracurricular activities and sports are essential for complementing formal educational programmes and developing in young people a competitive spirit and a performance-oriented and enterprising attitude.

583. Law No. 2004-28 of 9 September 2004, on the national youth policy, has been adopted. It introduces clarifications with regard to leisure and the cultural activities of children and young people.

### 2. Administrative measures

584. The Ministry of sports, culture and leisure is the institution responsible for sporting and cultural activities as well as leisure. Other institutions, such as the Ministry of national education, also develop, within the framework of their activities, leisure, sports and cultural programmes for all children without discrimination.

585. **Rest and leisure.** The Ministry of national education determines school vacation periods so that pupils and students may rest.

586. There are 38 youth centres, including 19 operational ones, in 20 regions, and neighbourhood centres in some fokontany, in disadvantaged neighbourhoods in particular. These centres develop recreational and cultural activities. They include libraries and offer remedial courses in French, martial arts classes, sports tournaments, etc.

587. **Actions undertaken.** The Ministry has:

- a) Encouraged the creation of youth associations;
- b) Supported regional and community-based youth councils;
- c) Built and renovated sports structures;
- d) Equipped 20 youth centres.

588. **Budget: leisure and cultural activities.** The school districts, regional directorates of national education (RDNEs) and the MNESR are endowed annually with funds to organize a sports and academic cultural championship. Approximately 1,500 students from 22 regions participate in this athletic and academic cultural event.

### 3. Activities and programmes

589. To realize children's rights to leisure and cultural activities, recreational, sports, cultural and arts programmes are implemented locally, regionally and nationally.

590. Detailed information about this topic is provided in the annex on leisure and sports activities.

### 4. Difficulties

591. The right to leisure and cultural activities remains relatively limited for street children in urban and rural areas. Nevertheless, NGOs including the Andohatapenaka Development Centre, the Akamasoa Centre, Groupe Développement, the Graine de Bitume Association and the ILO/IPEC Project mentioned above include cultural and leisure activities for street children in their programmes.

592. In rural areas, Reading and Cultural Information Centres and Reading and Cultural Animation Centres and mobile libraries offer leisure and reading-based activities for children and young people. During holiday fairs, rural children have the right to leisure activities.

### 5. State prospects

593. The Ministry of sports, culture and leisure has made a priority of building and rendering operational socio-cultural and sports structures by 2010.

## VIII. Special protection measures

### A. Children affected by armed conflict

594. Madagascar is not affected by the problems of children involved in armed conflicts.

#### 1. Legislative and regulatory measures

595. In accordance with the provisions of article 2 of Law No. 2005-037 of 20 February 2006 amending and complementing some provisions of Ordinance no. 78-002 on the general principles of national service, the minimum age for recruitment into the army to perform national military service is set at 18 years, even in cases in which a total or partial mobilization has been declared. In this regard, Madagascar has done better than the Convention by setting the minimum age of mandatory enlistment in the armed forces at 18. The Convention, in article 32.2, has stipulated that ... "*persons who have not reached the age of 15 years may not take part in combat.*"

596. It should also be noted that Decree No. 2007-563 of 3 July 2007, pertaining to child labour, expressly prohibits the forced recruitment of children for armed conflicts.

#### 2. Administrative measures

597. The Malagasy State has implemented a National Commission for the Implementation of International Humanitarian Law (IHL). Created by Decree No. 2006-435 of 27 June 2006, and in accordance with the provisions of article 2 of the

aforementioned decree, the National Commission for the Implementation of International Humanitarian Law has competence to:

- Implement the ratified treaties pertaining to international humanitarian law;
- Propose measures to render national legislation compatible with international treaties;
- Evaluate measures taken;
- Advise the Government on the development of international humanitarian law;
- Disseminate information about international humanitarian law throughout the national territory.

### **3. Educational measures and dissemination of the Convention**

598. Information about IHL is imparted at the military academy, at military-unit schools and in gendarmerie units. Training-of-trainers sessions have been organized.

### **4. Protection of children during hostilities**

599. Because Madagascar has ratified the two additional protocols to the Geneva Conventions of 12 August 1949, these protocols are applicable to Madagascar with regard to protecting children during hostilities, including their evacuation as provided in article 78.

### **5. Physical and psychological rehabilitation and social reintegration of child victims of armed conflict**

600. Madagascar plans to adopt a national policy for the physical and social rehabilitation of child victims of armed conflict.

601. In the armed forces there are currently units intended to intervene in socio-humanitarian disasters. The Ministry of National Defence becomes involved in humanitarian and medical interventions in natural and man-made disasters and other emergencies. At the same time, a civil-defence corps is responsible for coming to the aid of and rehabilitating populations that are victims of all manner of disasters.

### **6. Progress in implementation of articles 38 and 39**

602. Setting 18 as the minimum age of mandatory national service represents progress made in implementing article 38.

603. Moreover, implementing child protection networks, which constitute a component of the psycho-social care and counselling of child victims of all forms of neglect, exploitation or abuse, mistreatment or torture, complies with the provisions of article 39.

## **B. Children in trouble with the law**

### **1. Legal framework**

604. Article 13 (3 and 4) of the Constitution provides that “No one may be prosecuted, arrested or detained except as determined by law and according to the forms that it has prescribed” and that “No one may be punished except pursuant to a law promulgated and published prior to the commission of the punishable act.”

605. These provisions constitute a guarantee that children are not to be prosecuted for acts not provided for by law and are not to be detained arbitrarily.

606. The administration of justice to minors is governed by ordinance no. 62-038 of 19 September 1962.
607. Ordinance no. 62-038 assigns particular importance to the personal value and dignity of the child.
608. A child suspected or accused of a criminal offence:
- Is presumed innocent until legally proven guilty. Consequently, newspapers are forbidden from publishing photographs of a child involved in a criminal proceeding;
  - Is informed as soon as possible of the charges brought against him or her, either directly or through his or her parents, whose presence is required at his or her hearing.
609. To gain an understanding of the minor's personality and to protect the child's dignity, the ordinance provides that a social inquiry be conducted, that the information remain confidential and that closed proceedings be held in the case of a crime or offence.
610. Malagasy penal legislation does not recognize the criminal responsibility of minors under 13 years of age. As a result, child-protection measures alone are taken for minors of this age in cases in which a criminal offence is committed.
611. If the minor in trouble with the law is over 13 years of age and has been found guilty, the extenuating circumstance of minority will be applied to the fullest.
612. For minors ages 16 to 18, the extenuating circumstance of minority may only be overridden by the family court through a ruling stating specific grounds therefor.
613. Out of respect for the opinions and best interests of the child, minors are to be heard at all phases of the proceedings. They may express their opinions freely, and all of the family court judge's rulings take into account the best interests of the child.
614. In the best interests of the child, article 581 of the Code of Criminal Procedure prohibits the application to a minor of measures of physical restraint.
615. At all events, the Convention on the Rights of the Child is applicable pursuant to article 132 (4) of the Constitution, which provides that "*treaties and agreements that are regularly ratified or approved have, upon publication, greater authority than that of laws ...*". Consequently, it may be invoked before the courts, which must apply it.
616. Law No. 2007-021 of 30 July 2007, amending and complementing some provisions of the Code of Criminal Procedure pertaining to pre-trial detention reduces the length of detention before sentencing in both the correctional and criminal contexts, and is generally applicable to minors. Pursuant to article 334 *bis*, the custodial warrant issued by an examining magistrate or pre-trial detention chamber is valid for six months in the correctional context and eight months in the criminal context.
617. Further, an innovation introduced by this law is to limit orders of detention to 30 months, whereas previously they were unlimited.
618. Decree No. 2006-901 of 19 December 2006 concerns preparing detained persons for social, family and vocational re-assimilation.

## 2. Specialized institutions for minors

619. The office of the public prosecutor does not include personnel specialized in juvenile justice. The public prosecutor chooses, among his or her deputies, those who will be responsible for dealing with matters in which minors are involved.

620. Madagascar has non-specialized family court judges. Nonetheless, they receive periodic practical training at the Justice administration training school, through continuing education in partnership with UNICEF. Since 2006, three family court judges have been in charge of cases involving Antananarivo minors. In the other courts, the chief judge acts as a family court judge or names a magistrate of his or her choosing for this function.

621. There is a lack of social services pertaining to the criminal matters of minors. Only the family court in the capital has a social worker charged solely with handling cases of children at risk.

622. The absence of specialized personnel, such as the volunteer parole officers provided by law, does not allow for implementing or monitoring measures other than remanding children to their parents and depriving them of their liberty.

623. The lack of specialized skills is somewhat compensated for by training modules on the rights of the child taught at the Justice administration training school as part of induction training or continuing education.

624. Since 1999 Madagascar has had a squad, linked to the Judicial police directorate, that specializes in processing offences pertaining to children, the vice squad and office for the protection of juveniles (VSOPJ). The service has branches in the provincial capitals and in some cities (Antsiranana, Mahajanga, Fianarantsoa, Toamasina, Toliara and Nosy Be). Its mandate includes both prevention and enforcement. It does not systematically manage all matters pertaining to minors due to an insufficient number of employees, especially in the regions, where the VSOPJ is also responsible for other legal matters.

### **3. Handling of cases of minors**

#### *Difficulties encountered by the justice system for minors*

625. These difficulties are caused by:

- Delays due to the difficulty of obtaining birth certificates and somatic test results to determine the child's age;
- A shortage of means of transport and communications between the court and the centres where the children are present;
- The absence of parents or of persons civilly responsible for the children before family court judges at hearings due to the geographical distance of the children's residence or, sometimes, a lack of interest towards the child placed;
- A lack of respect for the right to defence, limited to cases punishable by a sentence of more than five years, in which case the child receives the assistance of a public defender paid by the State;
- Deprivation of liberty is resorted to when alternative measures are inadequate.

626. While recognizing these problems, the Ministry of Justice has undertaken actions to ensure that the fundamental guarantees of children in trouble with the law are respected; meetings with those in charge of implementing laws pertaining to the affairs of minors and with civil society members working for the interests of children in trouble with the law were held in 2006 and 2007 with UNICEF support. These meetings were organized with the goal of considering appropriate reform so as to better protect children in accordance with the provisions of the Convention.

627. A baseline survey was taken to evaluate the situation of minors in re-education centres and some prisons.



628. As a result of these actions, the Ministry of Justice issued a formal directive to all presiding judges, public prosecutors, family court judges, examining magistrates and district attorneys in charge of minors' affairs that while they await reform initiatives, efforts must be made to speed the processing of minors' cases, making the utmost respect for liberty the rule and detention the exception to the rule.

629. In response to the aforementioned difficulties, a new bill is being prepared with a view to improving the situation of children in trouble with the law.

630. The recommendations of the document are as follows:

- Not placing minors under 13 years of age under custodial arrest, and if minors are in detention, lodging requests for their provisional release from custody with a view to their release or to revocation of their placement;
- Not placing minors 13 to 16 years of age under custodial arrest --if necessary, however, placing them in re-education centres only;
- Closing minors' files that are pending as from 1 April 2007, within three months of receipt of the investigative report;
- Docketing for trial cases involving minors at the earliest available hearing date.

631. The results obtained have been encouraging. Nonetheless, structural problems persist, and their solution depends on the aforementioned reform.

#### *Treatment of minors deprived of liberty*

##### Prohibition of arbitrary detention.

632. Arbitrary detention is forbidden in the constitutional and legislative texts of Madagascar. It is strictly prohibited by the Malagasy Penal Code.

633. Article 13 (3) of the Constitution provides that "No one may be prosecuted, arrested or detained except in cases determined by law, according to the forms prescribed by law."

##### Arrest, detention or imprisonment as measures of last resort

634. As mentioned above, due to an absence of programmes that implement alternatives to detention, judges must resort to remanding children to their parents, foster care or even incarceration in cases in which parole could have been applied.

##### Non-discriminatory treatment

635. Article 23 of Decree No. 2006-015, on the general organization of the Prison administration, provides that "no discrimination against persons detained may be based on the status of their health or their gender, race, language, religion, origin, political opinions or social situation."

636. This non-discrimination measure is applied to minors deprived of liberty.

##### Right to life, survival and development

637. In Madagascar, capital punishment is not applicable to children.

638. The right to survival is ensured by respecting the right to food, guaranteed by Decree No. 2006-015 (art. 72).

639. Complementing the provisions of Decree no. 2006-015 of 17 January 2006, Decree No. 2006-901 of 19 December 2006, on preparing detained persons for social, family and

vocational reintegration, ensures any person deprived of liberty of access to schooling and vocational training and to physical, sports and cultural activities.

640. Efforts remain to be made to improve the food, care, education and vocational training provided in both penal institutions and re-education centres. The support of partners and NGOs working to protect the rights of the child is essential in this area.

#### Prison alternatives

641. With the goal of giving much greater leeway to judges so they may avoid resorting to detention, the State is planning to begin reforms aimed at adopting alternative measures to incarceration.

#### Re-education centres

642. Through judicial order, re-education centres accept children. These children are either at risk or awaiting trial, or they may have already been tried.

643. There are eight re-education centres in Madagascar; five in the capital, of which three are for girls. Three others are in Antsirabe, Mahajanga and Toamasina.

644. Two of these centres are public: the centre in Anjanamasina and the one in Antsirabe, which is managed by the Association for the safety and protection of children (ASPC).

645. Only the Anjanamasina centre, governed by Decree No. 60-376 of 29 September 1960, is directly linked to the Ministry of Justice. This centre accepts an average of 55 minors and its capacity is 80 minors. On average, the length of a minor's stay in this centre varies from three months to two years. The crimes committed are essentially theft, rape and corrupting a minor.

646. The other centres that belong to associations are private. For the most part, their personnel come from the Corrections and rehabilitation unit (as guards).

647. On average, the other centres' capacity is between 35 and 50 children.

648. In the re-education centres, children at risk are grouped with children in trouble with the law. This situation was remedied at the St. Jean centre in Antananarivo, which from then on has received only girl children at risk.

649. The other "private" centres also accept children placed by family court judges, but they send information about these children only erratically. This anomaly will be remedied with the adoption of a new decree pertaining to re-education centres.

#### Prisons

650. Pursuant to article 10 of Decree No. 2006-015, on the general organization of the Prisons administration, *facilities intended for children shall house juvenile offenders*. Pursuant to this article, planning is proceeding to gradually separate the children's facilities from those for adults. In view of the relatively limited means that exist, there are still prisons for adults that accommodate adolescents in trouble with the law.

Table 34  
**Prison population by gender and status (September 2007)**

<i>Gender</i>	<i>Categories</i>			<i>Percentage</i>
	<i>Convicted</i>	<i>Accused</i>	<i>Total/gender</i>	
Men	6 907	10 034	16 941	94.12
Women	250	481	731	4.06
Boys	57	247	304	1.69
Girls		24	24	0.13
Total /categories	7 214	10 786	18 000	100.00
Percentage	40.08	59.92	100.00	

*Source:* Detention monitoring and statistics service/ DGAP/ MINJUS.

651. In 14 prison districts in September 2007, out of a total of 304 adolescents in prison, 20 per cent (61) were convicted and 80 per cent (243) charged (Source: Ministry of Justice).

652. The table above indicates that there is no systematization of detention for children in trouble with the law.

#### Treatment of children in detention

653. Article 16 of Decree No. 2006-015 forbids prison staff and persons with access to prisons from abusing children detained in these prisons or placed in re-education centres.

654. Moreover, articles 65 to 75 of the same enactment guarantee persons deprived of liberty the right to sanitation, health, a varied diet of cooked food and sufficient space for sleeping.

655. The Code of Conduct for Corrections and rehabilitation personnel, the subject of Order no. 10 340/2007, prohibits any inhuman and degrading treatment of detained persons, including children deprived of liberty.

656. If abuse does occur, the opportunity to lodge a complaint is granted to children in accordance with article 123 of the aforementioned decree. This guarantee will be extended in aid of children placed in re-education centres, after a proposed decree created to that end is adopted.

657. In collaboration with UNDP, the Ministry of Justice has published and distributed a "Practical Guide to Human Rights," intended for persons in charge of implementing laws (magistrates, police, gendarmes and prison staff). This guide reflects, among others, the general principles that prohibit the abuse of child prisoners.

658. Since 2006, 400 persons responsible for implementing laws in eight jurisdictions have been trained in using and implementing the Convention effectively. These training sessions will be held in other jurisdictions.

#### Conditions of detention of children in trouble with the law

659. **Separating minors from detained adults.** As mentioned above, the goal is to gradually separate minors from detained adults.

660. In prisons, the separation of children from adults is not yet in effect. Owing to the lack of sufficient infrastructure, some children in trouble with the law are placed in the same prisons.

661. Regulatory measures have been adopted to gradually separate minors' areas from those of adults; this includes Decree No. 2006-015 of 17 January 2007, which in article 28 provides for maintaining detained persons, men, women and children in separate facilities or areas.

662. Separate wards reserved for minors have been instituted in Antanimora/Antananarivo, Vatomandry, Taolagnaro, Toliara and Toamasina. The minors' area in Antanimora is completely apart from the wards reserved for adults, which eliminates any risk of promiscuity involving the adult detained persons. The other detention facilities are endeavouring to implement these measures, within the limits of their budgets, after establishing priorities. In five prisons in northern Madagascar, children are in continuous contact with adults in the courtyard, the toilets and the water supply points.

663. Separation from adults is not in effect for girls, since there is no area for female minors in the prisons. Female minors are placed in the areas reserved for women.

664. Separating the accused from the convicted has not yet been achieved.

665. **Contact with family.** Articles 93 to 97 and articles 98 to 99 of Decree No. 2006-015, on the general organization of the Prison administration, grant detained children the right to have contact with their family and defence counsel through correspondence and visits.

666. Visiting days are scheduled to take place twice a week in all prisons in Madagascar. The internal regulations governing these institutions systematically provide for these visits, in accordance with Decree No. 2006-015. These visits may only be suspended under exceptional circumstances (following an escape or in the case of an escape risk). The same is true in the re-education centres.

667. Detained children also receive visits from social workers.

668. **Independent oversight mechanism.** A central unit responsible for correctional education was implemented in 2004 at the Ministry of Justice. This unit is charged with visiting and inspecting all prisons that receive detained children and all re-education centres. Given limited means, such visits have not been able to be conducted at all of the centres. Centres cited for cases of child abuse are given high priority for the visits.

669. In addition, Decree No. 2006-015 of 17 January 2006 provides for implementing monitoring commissions charged with inspecting institutions falling within their jurisdiction in the areas of health conditions, safety, nutrition, provision of care, work, discipline, adherence to regulations, conduct of the registry office, education and preparing the detained persons to return to society.

670. The Ministry of Justice is currently building a partnership with the civil society active in developing the best prison conditions. The goal is to establish a periodic sharing of visits to follow up on the conditions of minors in detention.

671. **Complaint procedure.** Article 123 of Decree No. 2006-015 allows children deprived of liberty, as it does any detained person, to petition or lodge a complaint with the head of the institution regarding life in detention.

672. The detained child may request a hearing with the magistrates and officials responsible for visiting and inspecting the institution, without any member of the prison personnel being present.

673. Article 124 stipulates that the detained child may, at any time, address correspondence to the judicial authorities.

674. **Educating children in trouble with the law.** Pursuant to article 7 of Decree No. 2006-901, "Primary education is provided in penitentiary institutions." Article 8 stipulates in substance that detained children may take official examinations.
675. In this regard, courses that comply with the official curriculum of the Ministry of National Education are given by school district-designated teachers.
676. Some re-education centres receive private outside support for maintaining an educational curriculum.
677. In addition to basic education, at the Anjanamasina Antananarivo re-education centre a literacy programme exists for children who have never been schooled. In Mahajanga, volunteer resource persons provide apprenticeship and professional training courses in mechanics or agriculture with the goal of preparing children for social reintegration.
678. The penal institutions in Antananarivo and Mahajanga and some re-education centres have reading centres. Detained minors may also view educational television programmes there.
679. **Medical care and services.** Pursuant to Decree No. 2006-015, every prison must have at least one doctor, one dentist and/or one nurse (art. 76). The doctor must make regular inspections of the food, sanitation, health and cleanliness (art. 80), and for illnesses requiring special care provisions must be made for admission to a hospital (art. 81).
680. 60 per cent of penal institutions have an infirmary. As far as possible, the Prison administration currently provides prisons with a nurse and assigns a licensed nurse practitioner. In addition, national and international NGOs (Doctors of the World, Médicap International, Sentinelle, SAF/FJKM [Sampan'Asa Fampandrosoana, Department for Development/Fiangonan'i Jesosy Kristy eto Madagasikara, The Church of Jesus Christ in Madagascar], Catholic Chaplaincy for Prisons and others) collaborate with the Ministry of Justice to improve the medical care provided to detained persons.
681. **Social reintegration of minors.** Article 25 of Law No. 95-010 of 10 July 1995, on the status of Prison administration personnel, provides for two categories of specialized staff (specialized teachers and professional-development supervisors) responsible for re-educating and socializing detained minors.
682. Preparing detained persons, including children in trouble with the law, for social, family and professional reintegration was established by Decree No. 2006-901 of 19 December 2006.
683. For the ninth European Development Fund (EDF), the European Union supported three re-education centres in Antananarivo and the centre in Mahajanga with a view to preparing minors for social reintegration, particularly by providing the centres the means for reintegrating children and helping them to readapt, and strengthening teachers' re-socialization skills.
684. Likewise, Médicap International, NGO Sentinelle, Bethlehem Association, Association for the safety and protection of children (ASPC), FIVE Association and others contribute in the same vein.
685. To better accomplish the goal of reintegration, the Directorate General for the Prisons administration recently recruited 10 specialized teachers and 10 vocational-development supervisors who are currently in an 18-month training programme at the National school of corrections and rehabilitation, located in Toamasina.

## **C. Children in situations of exploitation, including physical and psychological rehabilitation and social reintegration**

### **1. Economic exploitation of children**

686. The International Labour Organization (ILO) estimates that in Madagascar approximately one in three children aged seven to 17 years, or 1,377,800 children, work.

687. In 2001 approximately one million (935,000) children under 15 years of age (six to 14 years old) were engaged in an income-earning activity. In 2005, the figure decreased by 23 per cent compared to the situation in 2001.

688. Per age bracket, the rate decreased from:

- 19 per cent in 2001 to 13 per cent in 2005 for the six-to-nine age bracket,
- 31 per cent to 24 per cent for the 10-to-14 age bracket.

689. These figures are a result of the changes in household economic conditions, school enrolment programmes and the fight against child labour.

690. Nevertheless, it should be noted that the case of Toliara, where in 2005, 33 per cent of children ages six to 14 worked, remains of concern. (It was estimated that 35 per cent were boys and 30 per cent girls.)

691. The case of Toliara, where in 2005, 33 per cent of children ages six to 14 worked (35 per cent boys, 30 per cent girls), remains of concern.

692. The great majority of children work in agriculture (94 per cent in 2001), in family-based operations. As a result, in rural areas, one child under age 15 in five works.

693. Eliminating child labour requires long-term efforts. Eradicating the worst forms of child labour is a priority.

- Commercial sexual exploitation (CSE);
- Domestic labour;
- Mining and quarry labour;
- Labour in salt works and fisheries;

694. A first National survey on child labour (NSCL) is under way. It is being headed by the National Institute of Statistics (NIS) with support from the International Labour Office and UNICEF.

### **2. Legislative measure**

695. In 2000 and 2001, Madagascar ratified ILO Conventions 138 on minimum age and 182 on the worst forms of child labour.

696. In an effort to implement the ILO conventions pertaining to child labour, a reform was carried out through adoption of Law No. 2003-044 of 28 July 2004 on the new Labour Code, repealing Law No. 94-029 of 25 August 1995. Articles 100 to 103 lay down the new provisions on child labour.

### **3. Regulatory and administrative measures**

- The prescribed implementing provisions aim to:
- Prohibit the use of children under age 18 in the worst forms of labour, including:
  - Immoral work;

- Work that exceeds the child's strength, and forced labour;
- Dangerous or unhealthy work;
- The use of children as maids and domestic servants<sup>14</sup>
- Child labour that exceeds 18 hours.

697. Through Decree No. 2004-985 of 12 October 2004, the National Commission to Combat Child Labour (NCCCL) has been implemented.

698. Similarly, Order 13520/2007 of 17 August 2007 created the Regional Observatory for Child Labour (ROCL) within each Regional Child Labour Committee (RCLC).

699. In 2001, as a result of the ratification of Convention 182, an interdisciplinary coordination working group (ICWG) composed of technical experts from various ministries was implemented to continue the fight against the worst forms of child labour.

700. In 2004 the ICWG held regional consultations that led to formulating the National Action Plan against Child Labour (NAPACL). The Plan is spread over 15 years. The proposed actions were prepared in conjunction with the other programmes that contribute to reducing poverty. The expected results are closely related to, and interdependent with, meeting education policy and social welfare objectives.

701. The NAPACL provides strategic directions, a framework for implementation and follow-up and perspectives on financing the national programme for i) first and foremost, preventing the practice of the worst forms of child labour (WFCL) ii) extricating and re-integrating those already engaged in these activities and iii) protecting all child workers over the minimum working age from exploitation and dangerous work.

702. The main strategies of the NAPACL are:

- Strengthening and implementing the legal and judicial framework;
- Creating opportunities for training, educating and assisting victims;
- Increasing household income;
- Creating awareness.

703. Phase I (2004-2008, current) covers strengthening and establishing a judicial and regulatory framework at all levels, preparing a WFCL national training and education programme and launching the first round of programmes of action in the targeted regions. Phases II (2009-2013) and III (2013-2017) will involve expanding the actions undertaken in terms of target population, areas of intervention and consolidating acquired knowledge. The goal is to reduce significantly the incidence of WFCL by 30 per cent at the end of the first phase, to five per cent at the end of the second phase and to less than one per cent at the end of the programme.

704. At the beginning of 2004, the Ministry of Labour created a unit to promote fundamental rights and a special division of Child Labour Prevention, Abolition and Monitoring (CLPAM), to tackle child-labour problems.

705. The CLPAM division currently has six national staff members and seven in the various regional directorates (two in Diana, two in Atsimo Andrefana, one in Atsinanana and two in Analamanga).

<sup>14</sup> Decree no. 2007-563 of 3 July 2007 on work by children.

#### 4. Awareness-raising, education and training

706. With regard to consciousness-raising activities to reduce child labour, the Ministry of Labour, in partnership with the International Labour Office (ILO)/International Programme on the Elimination of Child Labour (IPEC), has created various tools to increase awareness.

- For 2005-2006, 2000 biannual calendars with messages about banning child labour;
- Broadcast spots;
- Decals;
- Leaflets;
- Information manuals for regional heads on the regions' role in the fight against child labour;
- A compilation of texts for parliamentarians and stakeholders in programmes of action.

707. With support from ILO/IPEC, the National Commission to Combat Child Labour (NCCCL) and CLPAM have, in interactions with policy makers and local officials, advocated for communicating with and raising the awareness of national and regional officials, economic entities and civil-society organizations, in particular during the observance of World Day against Child Labour (12 June).

708. In 2005, the prime minister and some parliamentary representatives participated in the campaign against child labour as actors in televised spots, showing the "Stop child labour" "red card" being used.

709. In 2007 this clip was updated, bringing together various national artists.

710. The Malagasy Football Federation also took part in the campaign, installing "Give Child Labour the Red Card" signs at tournaments in both the capital and some regions.

711. Every year, thousands of T-shirts with the message "Stop child labour" are also manufactured and distributed.

#### 5. Progress achieved

712. Progress made has been demonstrated by achieving legislative reform, establishing implementing structures and carrying out various programmes. In 2008:

- 29 programmes of action are being carried out within the framework of the ILO/IPEC programme.
- 1,792 children were removed from the worst forms of labour, reintegrated into the educational system and provided professional training (Source: Independent midterm assessment, November 2007).
- 120 children participated in academic catch-up programmes and reintegration into public primary schools as part of the Manjary Soa project.
- 90 per cent of the 130 children who received vocational training in the clothing industry received placement.
- 60 children from three centres in Antananarivo, Toliara and Toamasina were the recipients of school-reintegration measures and 20 other children received professional training in the Antananarivo centre.



## 6. Difficulties

713. There have been delays in implementing regional structures due to a lack of appropriate structures in regional labour departments and an insufficient number of labour inspectors specialized in the fight against child labour. The systematization of statistical data collection is being designed.

714. Social acceptance, the indifference of the public and the complicity of parents and families are obstacles to immediate, satisfactory results of the fight against child labour.

## 7. Respect for general principles

715. That children of both genders are prohibited from engaging in labour demonstrates respect for the principle of non-discrimination.

## 8. Penalties or other appropriate sanctions

716. Article 261 of Law No. 2003-044 of 28 July 2004, on the Labour Code, punishes, by a fine of one million to three million ariary and by imprisonment of one to three years, or by only one of the two aforementioned forms of punishment, the perpetrators of offenses in articles 100, 101, 102 and 103.

717. Fines have increased by 150 to 200 times, and prison sentences of two weeks to one month have increased to one month to three years.

## 9. Inspection mechanisms

718. In 2008, a training session aimed at the 68 labour inspectors in the fight against child labour was scheduled by the Ministry of Labour with the CLPAM team.

## 10. National policy or strategy

719. The fight against child labour is part of Commitment 8, Challenge 4, of the MAP. This affirms the State's determination to tackle this scourge.

720. The main elements of the NAPACL strategy are eradicating child labour and prioritizing the fight against the WFCL by creating a legal framework and an institutional, economic and educational environment favouring the development of children and removing any threat to their survival.

721. In addition, in December 2007 the Ministry of Justice, in partnership with UNICEF, formulated a National plan of action to combat violence against children (NPAVC), including eradicating WFCL.

## 11. Coordination and monitoring mechanism

722. Madagascar is among the African countries with a National Commission to Combat Child Labour (NCCCL).

723. The aforementioned NCCCL is pivotal in implementing the NAPACL. It is responsible for:

- Implementing and overseeing the NAPACL;
- Directing and monitoring ILO/IPEC activities in Madagascar;
- Providing counsel on legislative and regulatory texts pertaining to the fight against child labour.
- Validating, monitoring and supporting the preparation of the action programmes of civil societies and NGOs in these areas.

724. At the regional level, Decree No. 2005-523 of 9 August 2005 allocates to the Regional Child Labour Committee (RCLC) the missions assigned to the NCCCL at the national level.

725. In addition, it is responsible for carrying out all directives coming from the NCCCL.

726. Within the Ministry of Labour, the CLPAM supports the NCCCL specifically by collecting data on child labour, with initiatives to combat this scourge, and by building a data bank to monitor child labour trends in the country.

727. Regionally, the ROCL is responsible for carrying out CLPAM missions with the support of the RCLC.

## **12. Indicators adopted and used**

728. Aside from some isolated data taken from a few surveys, before 2007 there was no system for automatically collecting qualitative data on child labour in all industries. For that reason, the State, with ILO/IPEC support, has undertaken the first large National study on child labour (NSCL), financed by the U.S. Department of Labour (USDOL).

729. To remedy the lack of data on child labour, and with ILO/IPEC support, the State has pursued the NSCL, financed by the USDOL. In May 2007, this study was already set in motion with the training of NIS officers in child labour. The results will make information available that may help improve the strategy of the fight against child labour.

## **13. Technical cooperation and international assistance programmes**

730. Given its limited means, Madagascar needs technical and financial assistance to support it as it implements the Convention on the Rights of the Child. In this context, it receives UNICEF support through the “Good governance for children’s rights” programme, ILO/IPEC support through the “Fight against the worst forms of child labour” action and support from UNDP and the Malagasy State through the “Voluntary action against violence” project.

## **D. Drug use**

### **1. International instruments**

731. Madagascar has ratified:

- The Geneva Convention of 26 June 1936 for the Suppression of the Illicit Traffic in Dangerous Drugs;
- The Single Convention on Narcotic Drugs of 1961;
- The Vienna Convention of 21 February 1971 on Psychotropic Substances;
- The Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

### **2. International cooperation**

732. In connection with international cooperation, various accords have been signed by Madagascar with a view to drug control:

- Administrative and functional understanding between Madagascar and the Federal Islamic Republic of the Comoros regarding the fight against illicit traffic in drugs;

- Cooperation agreement regarding mutual assistance between Madagascar and France. This agreement pertains to the extradition of drug traffickers;
- Convention on mutual administrative assistance in customs matters between Madagascar and France.

### 3. Legislative matters

733. Law No. 97-039 of 4 November 1997 establishes the ways and means of monitoring narcotic drugs and psychotropic substances and their precursors in Madagascar.

734. To better protect children against the illicit use of narcotic drugs, article 108 of this law has established as a cause of aggravated punishment committing the offences set out in articles 95 to 103, "... in a teaching or educational institution ... a social services centre or other places in which pupils or students participate in educational, sports and social activities, or in the immediate vicinity of these institutions and places." The same is true for providing toxic chemical inhalants to a minor.

735. In addition, favourable treatment measures also applicable to minors are specified in article 116, which provides that "the court may, in lieu of or in addition to the punishment, call upon the child to undergo treatment and care appropriate for his or her state."

### 4. Structural measures

736. Madagascar has an Inter-Ministerial Drug Control Coordination Board (IDCCB).

737. The narcotic drugs central unit centralizes all information that can facilitate the search for and prevention of illicit trafficking and coordinates, both nationally and internationally, all operations directed toward suppressing this trafficking.

738. The state secretariat charged with public safety contains a narcotic drugs and psychotropic substances central unit within the police unit, and the gendarmerie contains the narcotic drugs unit.

739. Decree No. 2003-164 of 25 February 2003 establishes the policy and strategies for implementing eradication, which has generated the preparation of the national master plan to combat drugs and related criminal activity.

### 5. Social and educational measures

740. Through the central narcotics units, awareness campaigns have been run at schools and educational facilities.

741. In addition, the fokontany leaders have been trained in drug control at leadership training sessions held in 2007. They are responsible for promoting public awareness in their districts in order to detect drug usage, culture, manufacturing and trafficking and to warn competent authorities.

742. The activities carried out by the Office for Mass Education and Civics (OMEC) of the MNESR include raising awareness in youth of the dangers of using narcotic drugs.

### 6. Social reintegration

743. The social reintegration of child addicts is carried out through detoxification treatment in the Anjanamasina re-education centre, where they receive physical and psychological support.

744. The families of children from outlying areas may apply to community centres or NGOs, which can direct them to referent doctors or general hospitals and provide them support, including financial assistance.

## 7. Surveillance of child drug use

745. Under the provisions of article 14 of Decree No. 2007-563 of 3 July 2007, concerning child labour, "Recruiting, using, offering and employing children of either gender to manufacture or traffic in narcotic drugs are prohibited."

746. By "traffic in narcotic drugs" is meant any offer, putting on sale, distribution, brokerage, sale, delivery in any manner, shipment, dispatch, transport, purchase, possession or use of drugs.

The police enforce the drug laws through their surveillance work.

## 8. Protection of children from consumption of alcohol, tobacco and narcotics

747. Law No. 61-053 of 13 December 1961, on the fight against alcohol dependency, prohibits the consumption of alcohol and the use of drugs in educational institutions. This breach of discipline may, in some cases, lead to removal from school, particularly when the offending behaviour may have collateral effects on other pupils.

748. Likewise, the sale of tobacco products by and to minors under age 18 is prohibited (by Inter-ministerial Order No. 18.171/2003 of 22 October 2003).

749. The NGOs take part in protecting children against the use of alcohol, tobacco and narcotic drugs through various awareness-raising and mobilizing activities.

## E. Sexual exploitation and sexual violence

750. Pursuant to ILO Convention 182, the commercial sexual exploitation of children (CSEC) is one of the worst forms of child labour (WFCL) and, as such, has adverse effects on the physical and psychological development of children. It affects girls for the most part. The sexual exploitation of boys does exist but is less visible, given that it is considered to be a taboo subject.

Table 35

### Cases of violence linked to sex concerning children processed by DPMPM (VSOPJ) during the period January to December 2006 by type of violence and by sex

	<i>Number of cases</i>	<i>% of total cases</i>	<i>Number of cases of girls</i>	<i>% girls</i>	<i>Number of cases of boys</i>	<i>% boys</i>
Corruption of a minor	89	51.15%	87	51.18%	2	50.00%
Rape	65	37.36%	65	38.24%		
Indecent assault	15	8.2%	13	7.65%	2	50.00%
Incest	5	2.7%	5	2.94%		
<b>Total</b>	<b>174</b>	<b>100.0%</b>	<b>170</b>	<b>100.0%</b>	<b>4</b>	<b>100.0%</b>

751. In 2006, of 344 cases processed by the VSOPJ, 174, or 50.58 per cent, were sex offences perpetrated against children.

752. Sexual violence against a child is any act of a sexual nature, and/or any attempt to obtain a sexual act, by force, intimidation, threat or persuasion, including comments or advances of a sexual nature regarding the child. Sexual violence comprises rape, sexual harassment, indecent assault, enticement, inducement to promiscuity and incest, which are established as criminally punishable offences.

## 1. Legislation

753. The punitive component was strengthened by Law No. 2007-038 of 17 December 2007, which amends and complements some provisions of the Penal Code concerning the fight against human trafficking and sex tourism. This law imposes a legal obligation to disclose cases of procurement, sexual exploitation and sex tourism.

754. If there is failure to report, anyone aware of the existence of procurement, sexual exploitation or sex tourism involving minors who does not disclose it to the competent authorities shall be considered an accessory.

755. Moreover, to better protect child victims against all manner of sexual abuse, the liability period for running of the statute of limitations first begins at the majority of the child, established at age 18.

756. Sentences handed down for the crimes pertaining to trafficking, sexual exploitation, sex tourism and incest committed against children may not be stayed.

757. The new law on marriage also aims to combat the harmful practice of early marriage, seen as one of the manifestations of violence perpetrated against children.

758. Decree No. 2007-563 of 3 July 2007, pertaining to child labour, defines sexual exploitation as recruiting, using, offering and employing children of either gender for prostitution, the production of pornographic material or entertainment or commercial sexual exploitation.

759. Order No. 1111 of 28 March 1966 prohibits young people from accessing nightclubs, dance clubs and other establishments of the same nature unless accompanied by their parents, thus giving greater force and effect to protecting children against sexual exploitation and violence.

760. Criminal law pertaining to procurement is applicable to parents if the purpose of their visits to these establishments is the prostitution of their children and if they derive a profit from said visits.

## 2. Other measures

761. In addition to measures pertaining to the economic exploitation of children and child labour, the Government has taken other steps to coordinate the fight against sexual exploitation and violence.

762. The implementation of call centres and counselling centres at every adolescent reproductive health centre (ARHC), to manage cases of rape, abuse and incest, should be noted.

763. “Multi-sectoral networks” for children’s rights’ protection in 14 localities lead prevention- and rehabilitation-based activities for victims of sexual exploitation and violence.

764. These networks manage:

- The psychological support of child victims through listening and support units;
- Medical treatment;
- Case oversight during legal proceedings;
- Practical and educational case management.

765. With UNICEF support, the Ministry of Social Welfare has led awareness campaigns by producing mini-posters, decals and leaflets. The Ministry of Justice has also led campaigns to stamp out procuring and all sex crimes.

766. As part of implementing Order No. 1111 of 28 March 1966, systematic, periodic raids and surveillance have been carried out by police in nightclubs.

767. A partnership agreement between the national gendarmerie and the Groupe Développement NGO was established in 2005 to prevent abuse in general and sexual exploitation and violence in particular and to protect children. On the one hand, Groupe Développement produces teaching and awareness-training materials and provides them to the national gendarmerie. For its part, the national gendarmerie is committed to introducing training seminars for active personnel into the programmes at the national gendarmerie college (NGC) in Moramanga and the national gendarmerie school (NGS) in Ambositra.

768. In 2005 and 2006, four training sessions were held for the training staff at the NGC, the NGS, the military police of the peripheral territorial squads of Antananarivo and the Moramanga and Ambositra brigades, including two pertaining to the sexual exploitation of children and two on listening to child victims of sexual exploitation (see tables).

769. Training materials on legislation, processes, listening techniques and tips on hearings pertaining to abuse have been produced with UNICEF support to serve as basic training documents for police, judges and military police.

770. Other training materials on sexual exploitation have been prepared by Groupe Développement for tourism professionals, young people, teachers and community leaders.

771. The fight against the sexual exploitation of children has mobilized those at the highest political levels of the country. Toward the end of 2007, the president and prime minister travelled to Nosy Be, considered one of the main centres of sex tourism, to discuss with local officials measures to combat this scourge. Afterward, resources were allocated, police personnel mobilized and arrests made of some foreign nationals.

772. Women play an essential role in the fight against sexual violence and exploitation. In 2007, on the initiative of the President of the Republic, a leadership training session was organized for 1,500 women. One of the key messages of the session was centred on combating the use of child prostitution and sex tourism for commercial ends.

### **3. National strategy to ensure protection**

773. In addition to the NAPACL, a reference paper on the fight against the most intolerable forms of child labour (WFCL) including sexual exploitation, on 7 December 2007 the Malagasy Government adopted, through the Ministry of Justice and in partnership with UNICEF, a National plan of action to combat violence against children (NPAVC) of which the fight against sexual exploitation and sexual violence is among the main strategies.

774. The Statistical Information and Monitoring Program on Child Labour (SIMPOC), a national survey on child labour, has included the “sexual exploitation for commercial means” component as one of the worst forms of child labour (WFCL).

### **4. Coordination mechanism**

775. In addition to the NCCCL, the NPAVC also provides for implementing a coordination mechanism in its strategic objective no. 6.

### **5. Legislation ensuring appropriate legal and other assistance**

776. Article 76 of Law No. 2007-023 of 20 August 2007, on the rights and protection of the child, states that “*the recommendation to initiate legal proceedings and the notices to appear that are sent to the parents, the guardian, the person or representative of the department to which the child has been entrusted and the child capable of discernment*”

mention the rights of the parties to select an attorney or to request that one be appointed to represent them” and that “the recommendation and the notices also inform the parties of the opportunity to consult the file.”

## 6. Penal violations

777. Article 333 *quater* of Law No. 2007-038 stipulates that “sex tourism, incest and trafficking in persons, including children, are offences.”

778. Article 334 *ter* of the aforementioned law provides that “whoever hires, trains or corrupts even a consenting person for purposes of prostitution shall be punished by a sentence of two (2) to five (5) years and a fine of 1,000,000 ariary to 10,000,000 ariary. If the offence has been committed against a child of either gender under the age of 15 years, the perpetrator shall be punished by hard labour.”

779. Pursuant to article 334 *quater*, “as defined by article 333 *ter*, sexual exploitation shall be punished by a sentence of five (5) to 10 (ten) years of imprisonment and a fine of 4,000,000 ariary to 20,000,000 ariary.”

780. Sexual exploitation shall be punished by hard labour if it has been committed against a child of either gender under the age of 15 years.

781. And if the sexual exploitation has been committed for commercial ends against a child of 18 years of age, the perpetrator shall be punished by hard labour.”

782. Article 334 *quinto* provides that “whoever has had sexual intercourse with a child in exchange for any manner of payment or any other benefit shall be punished by a sentence of two (2) to five (5) years of imprisonment and a fine of 1,000,000 to 10,000,000 ariary, or by only one of the two aforementioned sentences.”

## 7. Extraterritoriality

783. Articles 335 *ter* of Law No. 2007-038, on the fight against trafficking in persons and sex tourism, make provision for the principle of extradition, that “nationals and persons who have their habitual residence in Madagascar who engage in trafficking, sexual exploitation or sex tourism in other countries shall be prosecuted and punished in accordance with the provisions of the Penal Code.”

784. Article 335 *quater* of the same law also makes provisions for extradition requests for persons sought in a foreign State, processes and principles provided for by the extradition treaty in effect between the requesting State and Madagascar.

785. The final paragraph of this article stipulates that “in the absence of an extradition treaty or legislative provisions, the extradition shall be carried out according to the procedure and with respect for the principles specified by the standard extradition treaty adopted by the United Nations General Assembly in resolution 45/116.”

## 8. Data concerning the realities

786. The phenomenon of sexual exploitation is an alarming reality in some localities of Madagascar. Despite this growing visibility, it is not yet possible to estimate the extent of this phenomenon owing to a lack of reliable quantitative instruments nationally.

787. The data emanating from studies undertaken on sexual exploitation for commercial purposes are isolated but do present a snapshot of the situation. In 2000, it was estimated that between 1,309 and 2,217 of the 170,000 inhabitants of Toamasina and between 700 and 800 of the 50,000 inhabitants of Nosy Be were child victims of sexual exploitation. In 2005, 19,000 out of 21,000 children were working in Ilakaka, of which approximately 70 per cent of the girls ages 12 to 18 years old were victims of sexual exploitation for

commercial ends. In 2006, a quarter of the total of 2,640 children aged 6 to 17 who were working in Antsiranana were victims of sexual exploitation (Cf. ILO). In the Atsimo Andrefana region (Toliara I and Ifaty), 28 per cent of the child workers aged 12 to 17 were victims of CSEC<sup>15</sup>.

788. The results of the NSCL will produce new information and indicate the actions to take to fight this scourge.

789. As regards sexual violence, the 2005-2007 national police statistics cite corruption of a minor, rape and indecent assault as among the offences most frequently committed against children. The overwhelming majority of victims of sexual violence are girls: of the 174 cases of offences of a sexual nature documented by the DVSOPJ in 2006, 172 (half of all offences perpetrated against children) involved girls of all ages<sup>16</sup>. Young girl children are not spared this kind of violence: 20 per cent of all sexual violence has been perpetrated against young girls aged zero to six years.

790. Cases of incest are generally not reported; nonetheless, the 2006 national police statistics began to mention this kind of crime (five cases of accusation of incest), perhaps indicating a collective change in the mindset pertaining to this serious violation<sup>17</sup>.

791. This preponderance of sexual violence is also experienced locally. Nearly half the 331 new cases processed by the support and counselling unit for child victims of abuse in the city of Mahajanga involved sexual violence. The victims were, for the most part, girls (69 per cent), and the average age of the victims was 10 years.

792. Forced marriage is a form of sexual violence against young girl children, because the children involved are not capable of giving or refusing their consent (WHO, 2002). Forced and/or early marriage is sometimes the result of ancestral custom that allows for the opportunity to offer a woman in marriage against her will. The practice of “moletry” may compel a woman or child to enter into a union or a pre-marriage.

793. With a view to abandoning this discriminatory practice, the Ministry of Justice, in partnership with UNDP, has commissioned a study on “moletry” to fully understand this custom that is practiced in the northwest part of the country. The results of this study will serve as a basic document at local, regional and national dialogue workshops, with an eye to changing behaviour in this area.

794. This dialogue will have to involve leaders of civil society, churches and State officials at all levels. The strategy adopted is to implement the concluding observations of the Human Rights Committee at the close of the review of Madagascar’s periodic report on Pacte International’s application pertaining to civil and political rights, reviewed in New York in February 2007.

## 9. Progress achieved

795. In partnership with UNICEF, the Ministry responsible for population produced a film against the sexual exploitation of children and in 2006 broadcast it on national television to 12,000 children in several large cities, including Toliara.

796. For the celebration on 8 March 2006, an inter-ministerial team organized rallies in Ambalavao Fianarantsoa to make the population aware of the danger of “Tsenan’ampela” (“young girl market”), during which adolescent girls prostitute themselves.

<sup>15</sup> See ILO, basic study on WFCL in the north and south in December 2006.

<sup>16</sup> It remains to be determined whether there is a trend favourable to reporting of this type of sex crime involving young girls, from any perspective, by comparison with other types of crimes.

<sup>17</sup> The Penal Code does not define the crime of incest.



797. In addition, through multi-sectoral networks, the Ministry carries out awareness-raising and community-mobilizing activities by organizing events dedicated to combating violence:

- Festival in Antananarivo and Toamasina and puppet shows in the neighbourhoods;
- Production and dissemination of posters, information cards and photo-stories;
- Radio theatre and 100,000 leaflets on the rights of the child, pertaining in particular to the fight against exploitation.

798. The Ministry also provides training in the Convention on the Rights of the Child to multi-sectoral networks, employing 30 community presenters per network.

#### **10. Difficulties encountered**

799. The main problems encountered have been:

- Insufficient quantity and quality of resource persons in the area of protecting children's rights;
- Poor geographic coverage of activities;
- Low level of professionalism and specialization pertaining to case management and provision of services to assist child victims with readjustment and reintegration;
- Problems relating to the sustainability of the activities initiated as part of cooperation programmes or projects;
- Absence of a data collection and processing system pertaining to children's rights, including sexual violence.

### **F. Sale, trafficking and abduction of children**

800. Like all of the world's countries, Madagascar has not escaped the illicit practice of trafficking in persons, especially children and women. This exploitation, whose ultimate aim is profit, can occur both beyond and inside the borders of the island country. The source environment is generally the rural areas.

801. Various types of factors are involved, including an increase in international adoption, the policy of expanding tourism and globalization. The weakness of the Malagasy economy and poverty expose children, youth and women, the majority of whom are at a poverty rate that exceeds 75 per cent, to the risk of sale, trafficking and abduction.

#### **1. Legislative measures**

802. Madagascar is a party to the United Nations Convention against transnational organized crime and its protocol to prevent, suppress and punish trafficking in persons, especially women and children.

803. As part of the goal of protecting the rights and well-being of the child as well as preventing trafficking, the Malagasy State also ratified the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption (on 14 September 2004) and the African Charter on the Rights and Welfare of the Child (on 30 March 2005).

804. To implement these conventions, Madagascar has revised its legislation:

- In incorporating the Convention on the rights of the child (CRC) into its substantive law, the Constitution of Madagascar places particular importance on protecting the rights of the child;

- Some offences specified in the protocol are already incorporated into Malagasy criminal law.

805. The State has adopted Law No. 2005-014 pertaining to simple adoption and full adoption, both national and international, with the goal of ensuring that Malagasy legislation conforms to international instruments.

806. Article 333 *ter* 2 of Law No. 2007-038 of 17 December 2007, amending and complementing some provisions of the Penal Code on the fight against trafficking in persons and sex tourism, states, “*the expression trafficking in persons means the recruitment, transport, transfer, lodging or reception of persons, by threat or use of force or other forms of constraint, through abduction, fraud, deception, abuse of authority or a situation of vulnerability, or through the offer or acceptance of payments or benefits in order to obtain the consent of one person with authority over another for the purpose of exploiting or engaging in the illegal full adoption of a child by a person known as a trafficker.*”

## 2. Regulatory measures

807. In implementing Law No. 2005-014 of 7 September 2005, two decrees have been issued:

- Decree No. 2006-596 of 10 August 2006, establishing the ways and means of implementing Law No. 2005-014 of 7 September 2005, which concerns:
  - Implementing the central authority;
  - Regulating shelters authorized to provide social services and for adoption;
  - The documents required;
  - The amount of the adoptive parents’ financial contribution;
- Decree No. 2006-885 of 5 December 2006, governing the foster family. This decree concerns:
  - The use of child placement;
  - The family court judge’s exclusive jurisdiction to issue any ruling pertaining to placement;
  - The conditions and length of placement with the foster family;
  - The characteristics and obligations of the foster family;
  - The rights and obligations of the family of origin;
  - Monitoring of and follow-up with the foster family.

## 3. Administrative measures

808. To maintain and coordinate the fight against selling, trafficking in and abducting children through international adoption, the following were created:

- The central authority;
- The Office for Mass Education and Civics (OMEC) within the MNESR, to popularize documents pertaining to human rights and the rights of the child, and to promote awareness within the educational community of these rights. This office maintains devolved facilities regionally and in every district.

- The Commission for the reform of children's rights, through Decree No. 2005-025 of 18 January 2005, to realize the recommendations of the Committee for the legal protection of children's rights.

809. The central branch of the vice squad and office for the protection of juveniles, within the State secretariat charged with public safety, in order to:

- Prevent the sale of children, child prostitution and child pornography;
- Fight against these scourges by prosecuting perpetrators of offences related to pornography, the sale of children and child prostitution;
- Undertake awareness-promoting activities in educational institutions and at fokontany (basic communities) meetings.

810. Two guides, entitled "The Protection of the Child" and "Combating Trafficking in Children," have been prepared for use by parliamentarians.

#### **4. Allocation of resources appropriated**

811. Strategy or national action plan (NAP):

- The NAPACL and the NPAVC make the fight against trafficking in persons one of their priorities;
- The Statistical Information and Monitoring Program on Child Labour (SIMPOC) has incorporated a "child trafficking" component.

#### **5. Mechanism of coordination and oversight**

812. In addition to the NCCCL and the national coordinating unit provided for by the NPAVC, there is also a presidential-level commission that coordinates all programmes and activities against human slavery and trafficking in persons (HSTP).

#### **6. Indicators selected and applied**

813. In Madagascar, trafficking in persons is a phenomenon that exists in all areas of the country, whether for economic exploitation, in most cases domestic labour, or for sexual purposes. It remains low-profile, however, owing to the victims' fear.

814. As regards trafficking in very young children for purposes of international adoption:

- In 2004, the central branch of the vice squad and the office for the protection of juveniles received 17 complaints and reports, 11 of which could be processed. Five child trafficking networks were broken up. Twenty persons involved in this trafficking were brought to justice, including two doctors, three midwives, two social workers and five shelter officials. Eighteen persons in 20 were placed under custodial arrest;
- In 2005, 13 cases in 18 were processed, which allowed two trafficking networks to be broken up. Fourteen persons out of the 22 summoned for questioning were placed under custodial arrest;
- In 2006, two cases were processed and two persons implicated, one of whom was placed under custodial arrest;

815. During that three-year period, out of 43 abducted children, 28 were returned to their legitimate parents. Fifteen other children were adopted internationally.

816. The report of the United States ambassador to Madagascar mentions that there are child sexual exploitation networks located between the rural area and the coastal areas.

817. In 2005, the prosecution of the court of first instance in Mahajanga processed six cases of abduction of minors.

#### **7. Training activities addressed to authorities**

818. In 2007, as part of the fight against trafficking in humans, the Malagasy Government, with the financial support of the ILO/IPEC and UNICEF, sent a labour and social laws inspector to monitor the training session held by the ILO International Training Centre in Turin on trafficking in persons, labour-related dimensions and the targeting of children.

819. In 2007, the Ministry of sports, culture and leisure, as part of the Public Investment Programme (PIP), trained presidents of the Communal Youth Council (CYC) and regional delegates on the topic of “HSTP and young people.”

#### **8. Structures and programmes**

820. Within the Ministry of the interior there is a unit responsible for emigration. The Government has implemented a programme intended to prevent this scourge: the Programme to combat human slavery and trafficking in persons (HSTP), a multi-sectoral programme whose overall objective is to attain optimal standards pertaining to the fight against human slavery and trafficking in persons and whose specific goals are to eliminate child labour, especially its worst forms, and to prevent and fight against the sale of children.

#### **9. Measures adopted**

821. Information, education and communication (IEC) campaigns, financed by the United States Agency for International Development (USAID) and implemented by Catholic Relief Service (CRS) in partnership with the NGOs Mitia and Aina in Toliara, Toamasina and Nosy Be, inform and raise awareness among the public about the dangers of emigration and trafficking in persons and about the sanctions imposed against these offences pertaining to trafficking in persons, paedophilia and sex tourism. For this reason, awareness-promoting spots are broadcast on national and local radio and television stations. A multi-sectoral commission is responsible for overseeing these campaigns to protect the population in general, and women and children in particular, from the dangers of trafficking in persons; activities involving disseminating texts, raising awareness, mobilizing the public and training are undertaken by the Government in partnership with civil society and international bodies.

822. The regions of Diana and Anosy are considered high-risk zones for expanding sexual exploitation of children. Conscious of this risk, the programme Governance for the protection of children supports strengthening child-protection networks, particularly in the districts of Antsiranana, Ambanja, Nosy Be and Taolagnaro. The component of preventing and fighting against trafficking is based on training stakeholders, strengthening coordination mechanisms and promoting awareness in children and their parents, the community and public officials.

### **G. Protection of children in natural disasters**

823. Madagascar is periodically struck by natural disasters such as cyclones, floods and drought. Cyclones followed by floods are the most frequent threat, resulting in loss of human life and destruction of housing, crops and infrastructure.

824. Every year hundreds of thousands of persons are affected. They are displaced and subsequently accommodated in temporary housing sites: schools, churches, tents and other

public buildings. The level of vulnerability of the displaced children is high owing to problems with the supply of drinking water, food and medicine.

825. This vulnerability is accentuated for the most destitute and those displaced in isolated areas.

826. To address this situation, the Government, through the National Office of Disaster and Risks Management (NODRM) and in partnership with UNICEF, the United Nations Population Fund (UNPF), WHO, the World Food Programme (WFP), UNDP, Red Cross International and other entities, provides emergency response.

### **1. Major recent emergencies**

827. At the beginning of 2004, the cyclones Elita and Gafilo resulted in 300 deaths and more than 1,000 injured persons, affected several hundred thousand people and left 360,000 homeless. Infrastructure and crops were widely affected throughout most of the country.

828. There were four devastating cyclones during the cyclone season of 2006-2007. The northwest section and the entire east coast were affected, with more than two million victims. There were 180 deaths and several injuries. Roads in the northern part of the country were destroyed.

829. Risk of the spread of epidemic diseases, such as cholera, plague, and others, persists.

### **2. Response**

830. The Prime Minister's office and the Ministry of the Interior are the decision-making entry points and are in charge of coordinating the parties involved. Some ministries have developed their own response capabilities (Ministry of Health disaster response unit, Civil defence corps, Road maintenance directorate, Ministry of Defence development force, some ministries' disaster response funds, and others).

831. Owing to the geographic and economic situation, the Government's response capability is sometimes insufficient, but the will to mobilize more resources and optimize humanitarian action is real and manifests itself through the National Office of Disaster and Risk Management (NODRM).

### **3. Institutional framework, background and existing mechanisms of coordination**

832. Law No. 2003-010, promulgated in September 2003, and its annex, determine the national strategy for disaster and risk management. It stipulates in article 2 that "*disaster and risk management is part of the overall framework of activities that pertain to safety and civil security.*"

833. Disaster and risk management falls under the responsibility of the Prime Minister and is decentralized down to the local level (the fokontany).

834. Coordinating disaster and risk management is part of NODRM's mandate. This responsibility includes preparation, prevention, strategic planning and humanitarian and operationalized response through a commission of stakeholders that responds to disasters (CRIC), and specialized groups.

835. Nationally, there are two entities, the Emergency Management and Prevention Unit (EMPU), which performs analysis and follow-up, and the National Council for Disaster and Risk Management (NCDRM), of which NODRM is the operational arm.

836. Created within the Prime Minister's office, the EMPU is a technical body responsible for assisting the Prime Minister and the NCDRM in making decisions, formulating strategies and evaluating disaster and risk management.

837. The actions undertaken during natural disasters take into account survival in general and that of children in particular, through:

- Providing food, shelter, sanitation and care;
- Normalizing their environment: promoting a return to school as quickly as possible;
- Providing protection and decreasing the risk factors conducive to abuse and ill-treatment.

838. During the 2007-2008 cyclone season, 10 recreation areas were created in Mahabo, in the Menabe region, for child disaster victims. These areas make it easier to provide psychological counselling to children who have lost one or more family members. The areas were set up in shelters already in existence. The beneficiaries are child disaster victims not enrolled in school. This arrangement is also designed to prevent these children from being called upon to engage in the post-disaster reconstruction work in which their families are engaged.

## Annex I

## Statistical tables

## Demographic situation

Table 36  
Population according to marital status by gender of head of household

Marital status	Gender		All
	Men	Women	
Legally married	37.4	2.6	32.4
Monogamous customary marriage	49.7	4.8	43.3
Polygamous customary marriage	1.7	0.1	1.5
Monogamous couple	6.3	2.3	5.8
Polygamous couple	0.1	NS	0.1
Divorced	0.1	2.6	6.7
Separated	1.3	38.6	8.7
Widowed	2.4	43.4	8.3
Single	1.0	5.7	1.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Source: INSTAT/DSM/EPM 2005

## Socio-economic context

Table 37  
Selected economic indicators : trends

	2000	2001	2002	2003	2004	2005
Real GDP (millions of USD)	3 659	3 879	3 388	3 179	3 866	4 931
Economic growth rate (%)	4.7	6.0	-12.7	9.8	5.3	4.6
Poverty rate (%)		69.6	80.7	73.6	72.1	68.7

Source: INSTAT, EPM 2001, 2002, 2004, 2005.

Table 38  
Gross Domestic Product (GDP) in nominal terms and in real terms and rate of inflation

Year	Nominal GDP (milliards of ariary)	Nominal GDP (milliards of Malagasy francs)	Real GDP		Growth (%)	Inflation %
			(milliards of 1984 ariary)	(milliards of 1984 Malagasy francs)		
2002	6 008	30 040	432	2 160	-12.7	15.2
2003	6 777	33 885	474	2 370	9.8	2.8
2004	8 156	40 778	499	2 494	5.3	13.8

Year	Nominal GDP		Real GDP		Growth (%)	Inflation %
	(milliards of ariary)	(milliards of Malagasy francs)	(milliards of 1984 ariary)	(milliards of 1984 Malagasy francs)		
2005	10 095	50 476	522	2 609	4.6	18.3
2006	11 781	58 904	547	2 736	4.9	11.5
2007	13 899	69 495	583	2 913	6.3	10.7%

Source: Office of Economic Analyses, INSTAT.

Table 39  
Average value of exchange rate in Madagascar from 2001 to 2008

Year	USD		EURO	
	Average for the period	End of period	Average for the period	End of period
	Average 2003	1 238	1 239	1 399
Average 2004	1 868	1 900	2 320	2 364
Average 2005	2 003	2 017	2 488	2 497
Average 2006	2 142	-	2 686	-
Average 2007	1 874	-	2 563	-
January 2008	1 781	-	2 618	-

Source: Central Bank of Madagascar.

Table 40  
HDI and SHDI 2003-2005

	2003	2004	2005
Human development index (HDI)	0.505	0.514	0.527
Sex-specific human development indicator (SHDI)	0.503	0.513	0.524

Source: Second national follow-up report on the MDGs, 2007.

Table 41  
Rate of employment by ILO age groups

Age	Rate of employment (%)
6-14	19.6
15-64	88.1
65 and over	65.3
All	64.6

Source: INSTAT/DSM/ EPM 2005.



Table 42  
**Budgetary appropriations to social ministries from 2000 to 2005**

	2000	2003	2005
State budget (executed) milliards of ariary	1 035	1 325	1 502
% of approved budget executed	79.9	918	63.2
% of budget for health	5.6	6.5	5.7
% of budget for education	13.9	16.6	22.2
% of budget for justice	1.1	1.5	1.5
% of budget for population	0.45	0.5	0.5
% of budget for social affairs	21.1	251	29.5

Source: Finance Laws, World Bank.

Table 43  
**Main performance indicators for budgetary appropriations**

Indicators	2003		2004		2005		2006		2007		Sources
	Obj/Realized	Obj/Realized	Objective	Objective	Objective	Objective	Objective	Objective	Objective		
Total education budget (base 100 = 2003)	100	132.0/141.8	172.4	175.8	194.5	MENRS					
Share of budget for MENRS over total budget (%)	15.8/20.13	21.8/23.41	21.05/21.38	21.51	21.65	MENRS					
Total budget for health (base 100 = 2003)	100	120/106	146	189	232	MSFP					
Share of budget for MSFP over total budget (%)	8.7/9.0	8.8/8.34	8.6/7.89	8.31	8.59	MSFP					

Source: DSRP June 2005.

Table 44  
**Multi-sectoral and multidisciplinary community networks for child protection**

Region	City
Analamanga	Antananarivo
Vakinankaratra	Antsirabe
	Antsiranana
Diana	Ambanja
	Nosy Be
Haute Matsiatra	Fianarantsoa
Vatovavy Fitovinany	Mananjary
Boeny	Mahajanga
Atsinanana	Toamasina
	Maroantsetra
Analanjirifo	Sainte Marie
Atsimo Andrefana	Toliara
Anosy	Taolagnaro

<i>Region</i>	<i>City</i>
Menabe	Morondava

Table 45  
**Distribution of population by gender of head of household : urban/rural**

<i>Gender of head of household</i>	<i>Location</i>		<i>All</i>
	<i>Urban</i>	<i>Rural</i>	
Man	83.7	86.2	85.6
Woman	16.3	13.8	14.4
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

*Source:* INSTAT/ DSM/ EPM 2005.

Table 46  
**Recapitulation of awareness-raising activities conducted by networks from 2003 to 2007**

<i>Situation</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Number of operating networks	5	6	7	8	14
Number of trained leaders	150	180	235	265	544
Number of awareness meetings held	3 456	4 036	4 586	5 160	6 900
Number of parents reached	70 000	81 600	93 200	104 800	149 600

*Source:* MINSANPFPS/ DPFE

## Annex II

### Legislative reform

1. Law No. 2007-023 of 20 August 2007 on the rights and protection of children, replacing *Order No. 62-038 of 19 September 1962, which was for a long time the only law governing children on the sole basis of two articles (3 and 8). This law governs parental authority, guardianship and measures of educational assistance, enumerating the different measures of protection, provides for identification of cases and lays down the judicial procedure whereby cases come before family court.*
2. Law No 2007-350 of 30/04/2007 concerning marriage and marital property regimes *lays down the marriageable age and governs marital property.*
3. Law No 2005-014 of 7 September 2005 concerning adoption *updates the law of 1963 and governs simple and full adoption, national and international.*
4. Decree No 2006-596 of 10 August 2006, laying down modalities of application of Law No. 2005-014 of 7 September 2005 concerning adoption, *creates a central adoption authority, replacing the inter-ministerial commission created by Decree No 94-272 of 19 April 1994, governs approved receiving centres of a social character and for adoption, defines documentation required for the procedure and the amount of the financial contribution of adoptive parents.*
5. Decree No 2006-885 of 5 December 2006 governing the foster family, *defines the concept of foster family, the categories of children who may be placed in these families, the procedure for placement of the child with a foster family, the characteristics, rights and obligations, and oversight of foster families, as well as the rights and obligations of families of origin.*
6. Law n No 2007-040 of 14 January 2008 on the issuance of supplementary judgments for birth certificates in the framework of the EKA national birth recording programme, *extends supplementary judgment authority to district administrative authorities.*
7. Law No 2007-038 of 14 January 2008 amends and complements certain provisions of the Penal Code concerning the fight against trafficking in persons and sex tourism.
8. Law No 2007-021 of 30 July 2007 amends and complements certain provisions of the Code of Criminal Procedure *in order to reduce the number of persons in pre-trial detention and to expedite procedures.*
9. Law No 2003-044 of 28 July 2004 enacting the Labour Code *raises the minimum age for employment from 14 to 15. It prohibits night work and overtime work for children up to age 18. It imposes the obligation to observe a daily rest period of twelve consecutive hours for child workers and lays down the maximum number of working hours. It prohibits employment of children in work exceeding their strength.*
10. Decree No 2007-563 of 3 July 2007 concerning work by children *lays down modalities of application of Law No 2003-044 of 28 July 2004 enacting the Labour Code with respect to provisions pertaining to children. It defines working conditions for children (light work, need for authorization by the Labour Inspector, conditions of hiring of children, obligations of employers, need for a medical examination, etc.) and refers to the criminal penalties applicable to breaches of the provisions of the decree.*
11. Decree No 2006-015 of 17 January 2006 lays down the general organization of the prison administration. It governs conditions of detention and work by inmates, including

children in detention. In accordance with the Labour Code, it sets the minimum age of work at 15 and provides for the establishment of oversight commissions.

12. Law No 2005-040 of 20 February 2006 on the fight against HIV/AIDS and protection of the rights of persons living with HIV/AIDS.

13. Implementing decree pursuant to Law No 2005-040 of 20 February 2006 on the fight against HIV/AIDS and protection of the rights of persons living with HIV/AIDS.

14. Law No 2004-004 of 26 July 2004, providing general guidelines for the system of education and training in Madagascar, *provides for compulsory education from age 6 but does not prescribe sanctions against parents who fail to comply with this obligation.*

15. Law No 2006-031 of 24 November 2006 lays down the legal regime for ownership of real property without title. *It confers legal recognition on lands occupied on a traditional basis, considering that such lands constitute a family heritage transmitted from generation to generation or are a part of a family's traditional pastures.*

16. Law on management of risks and disasters (2003). *It legally formalizes the national strategy for risk and disaster management and the new structure and organization of the National council on rescue and relief operations, transforming it into the National Risk and Disaster Management Bureau (BNGRC), an operational entity responsible to the Ministry of the Interior. It also creates the Council for management of emergencies (Conseil pour la gestion des urgences- CPGU), which is a political organ under the office of the Prime Minister.*

## Annex III

### Policies and programmes

First Development Plan for the Health Sector (Premier Plan de développement du secteur santé – PDSS) (2006)

Programme of action to integrate health inputs (Programme d'action pour l'intégration des intrants de santé – PAIS)

National policy for a community approach to health (Politique nationale d'approche communautaire en santé) (under preparation)

National «Water and sanitation for all » programme (2005)

National policy for the advancement of women (2000) and National plan of action on gender and development (Plan d'action national genre et développement - PANAGED) (2003)

National strategy for risk management and social protection (2007)

National policy for risk and disaster management (2003)

National strategy for development of statistics (2007), aiming at restoring statistical capacities of Madagascar, focusing on three strategic dimensions, i.e. strengthening statistical arrangements, improving the supply of statistics and developing regional statistics.

National employment support programme (Programme national de soutien à l'emploi – PNSE) (2006) : runs parallel to the national employment policy in concretizing the goals of MAP. Over a five-year period, the PNSE gives priority increasing access to decent jobs for the most disadvantaged groups in the labour market. The realities of children's work « has prompted PNSE to target youth –including those who have been child workers—in order to enhance their employability.» The strategic dimensions are local development of competencies (vocational training, enhancing qualifications, micro-finance), giving impetus to job-creating sectors (public investments and development projects, small and medium-sized companies, increasing productivity), and improvement in the legal and institutional framework of employment.

Various human resource training programmes (health, education, risk and disaster management, leadership, social accountability, training and coaching of fokontany chiefs, etc.)

## Annex IV

### Leisure, sports, recreation

#### Recreational activities

Each school year during February some school days are devoted recreational activities: sports, cultural events

Radio / television programmes for children and youth are broadcast by national and local stations : “Radio Fanabeazana”, “Tzorabitsika”, “Izany Ka Tanora”.

Screening of animated cartoons, films for children, interactive broadcasts, radio programmes on stories and legends, “Tanora Sahy” (Mahajanga), roadcasts on the promotion of children’s rights : “Janjino ty ajà misafà” (MBS Toliara). Etc.

In June, children’s month is marked by educating the public about children’s rights and holding various contests and recreational events for children.

The Tokotanibe culture fair is held for children and youth.

Itinerant cinema, “bibliobus” mobile library.

Celebration of the end of the school year and outings for promoted pupils (3rd grade, end of primary)

Celebration of Mardi Gras for children in private schools by holding of a carnival.

### Sports, cultural and artistic competitions

#### Sports

Participation in the Indian Ocean Games and the Francophonie Games

Special junior-league sports competitions known as « President’s Cup »

National, regional, local and institutional championships are organized by the extramural activities service (service des œuvres péri et para scolaires -- OPPS) of MENRS and its devolved structures in the DRENS and the CISCOs, consisting of sports competitions and contests: talent-quest radio shows, dance, traditional hairdressing, folklore.

National judo tournament for children aged 8 and over, during each vacation period.

Regional football championship for boys and girls in Tamatave, with 154 male and female teams, sponsored by companies of Toamasina and Alaotra Mangoro

National championship modelled on 2007 island games, children’s version “Kids’ Games”

“Kitra Fokontany” sports events : football for seven boys and girls, basketball, volleyball

#### Arts and culture

Writing contests, story and poetry contests, etc. organized by the ministries, often in cooperation with the United Nations system or bilateral partners

Contests sponsored by private entities : singing, “Pazzapa” with RTA, slam with Alliance française, etc.

### **Educational/training events**

Training of 150 youth reporters aged 13 to 18 recruited from secondary schools and religious, sports or artistic associations, clubs, scouts federation.

Distance learning through radio broadcasts aimed at children in preparatory schools in partnership with UNICEF.

Activities by radio and television: religious education programmes.

Opening of schools or centres for sports training: National sports academy, AJESAIA and Académie Ny Antsika, which organize school sports programmes for children and youth; National youth institute, which trains youth monitors and leaders; two sports training centres.

### **Growth and development activities**

Establishment of youth councils at different levels:

Community youth councils: 88 communities

Regional youth councils: 8 regions

National youth council: 1

Establishment of the Children’s Parliament, a joint initiative of the National Assembly and UNICEF

Granting of approvals to youth associations: 51 associations of nationwide scope, and 228 local associations, of which 214 are secular and 14 are faith-based

Artistic training at the National centre for teaching of music

Development of local libraries: village libraries, CLIC and CLAC

Creation of clubs within schools: journalism club, anti-AIDS club, environmental club, science club, artistic and cultural club, UN, UNESCO clubs

Organization of science fairs, book weeks, open house days, exhibitions

Study and discovery trips, vacation camps, exchange student programmes, outdoor classes.

### **Leisure and sports for persons living with a disability**

Specialized associations and centres are seeking to promote sports among disabled persons, particularly among disabled children. Sports competitions are often organized both to encourage self-esteem in the disabled child by giving him an opportunity for self-fulfilment and to give the public and the population a chance to see disabled persons in a different light.

Handisport, a very active sports federation, is approved by the Ministry of youth and sports. Handisport brings together several sports, including wheelchair basketball, athletics for the blind or visually impaired, pétanque, torball, etc. At the 2007 Indian Ocean Games, which took place in Madagascar, Malagasy disabled persons won several medals.