



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Pre-session working group**

**Forty-second session**

20 October-7 November 2008

**List of issues and questions with regard to the consideration  
of periodic reports**

**Madagascar**

The pre-session working group considered the combined second, third, fourth and fifth periodic report of Madagascar (CEDAW/C/MDG/5).

**General**

1. Please provide information on the process of preparation of the combined second, third, fourth and fifth report of Madagascar and indicate to what extent non-governmental organizations, especially women's organizations, were consulted in the preparation of the report.
2. In its previous concluding observations, the Committee on the Elimination of Discrimination against Women (A/49/38, para. 192) expressed concern at the lack of statistics that could indicate the de facto situation of women in the country. Please provide information on steps undertaken to improve data collection in general and explain to what extent such data collection takes place on a sex-disaggregated basis and is used in policy and programme development and in monitoring progress towards the achievement of de facto equality between women and men.

**Constitutional, legislative and institutional framework**

3. The report indicates in paragraph 101 that family law is undergoing reform, especially with reference to nationality and divorce laws. Please provide detailed information on the current status of reform, along with the stipulated time frame for the adoption of the law.
4. The report indicates in paragraph 145 that the State party plans to introduce legislative reforms in relation to the age of marriage for girls and boys with a view to increasing it to 18 for both sexes. Please provide updated information in that regard.



5. The report provides little information on the status and legal order of the Convention vis-à-vis the Constitution and other national laws. Please clarify whether the Convention is directly applicable in litigation. Please provide information on cases where the Convention has been directly invoked in domestic courts.

6. Please describe how the Government is ensuring that laws and policies prohibiting discrimination are effectively enforced through the court system.

7. Please state whether the definition of discrimination in the Constitution is sufficiently broad or interpreted broadly enough to be comparable with that contained in the Convention. Does the definition cover practices which, although not intentionally discriminatory, are discriminatory in effect?

### **Stereotypes and education**

8. Please provide information on whether the State party has attempted to address through legislation or other programmes the modification of customs and practices that result in discrimination against women or perpetuate such discrimination.

9. According to paragraphs 126 to 128 of the State party's report, a National Plan of Action on Gender Development and six Regional Plans of Action on Gender and Development for the period 2004-2008 have been adopted. Please indicate whether any evaluation has been carried out and provide information on the impact of the plans on the equality of women. Also provide information on current budgetary allocation for the plans.

10. Please provide detailed information on the National Plan of Action for the Education of Girls mentioned in paragraph 123 of the report that was adopted in 1995, achievements in fulfilling the provisions enshrined in the Convention, and any obstacles to its implementation. Please indicate whether the Government envisages the adoption of temporary special measures in the field of education to increase girls' access to secondary and tertiary education.

### **Violence against women**

11. Despite the various national laws prohibiting sexual violence against women, the report indicates in paragraph 159 that, in practice, it is very rare for women victims to file complaints against their spouses with regard to conjugal violence, either because of ignorance of the law or fear of retaliation. Please provide information on the measures that have been undertaken to create awareness among women of their legal rights and steps which have been taken to protect from retaliation victims who report abuse.

12. Please indicate the extent and nature of violence against and abuse of rural women, their need for and access to support and other services and the effectiveness of measures to overcome violence.

### **Exploitation of prostitution and trafficking**

13. The report refers in paragraph 227 to the National Plan of Action, dating to 2002, which aims to combat sexual tourism at Nosy Be. Please provide detailed information regarding the steps taken to tackle sexual tourism and the impact of those steps.

14. Please provide information on trafficking of women and girls to and from the country. Are patterns of emigration into neighbouring countries being monitored and is there a system in place to monitor whether emigrants are engaged predominantly in sex work?

15. Please indicate whether the State party plans to provide skills training and support for the social reintegration and rehabilitation of prostitutes who want to leave prostitution.

### **Employment, rural women and access to property**

16. The report notes in paragraphs 41 and 43 that the average salary of working women in the private and the informal sector is very low. In its previous concluding observations, the Committee recommended that “care must be taken not to concentrate on traditional female occupations to avoid stereotyping and also to give them the opportunity of having better-paid occupations”. Please indicate whether new measures have been introduced to ensure that women receive equal pay for equal work.

17. Is there a provision for flexible working patterns, such as job-sharing or permanent part-time employment, to allow women or men to combine employment with family responsibilities? If there is an opportunity for flexible work, what effect does that mode of work have on the accrual of work-related benefits and on seniority and promotion?

18. Does the country have a network of childcare facilities? If so, does it meet existing needs? Does the Government support childcare, financially or otherwise? Do employers in the private sector provide childcare?

19. Please provide information on the current legal position with regard to the right of women to inherit property and whether women are formally treated equally with men under the law with respect to their legal capacity to conclude contracts and administer property. Kindly provide statistical data disaggregated by sex on current participation in the agriculture sector.

### **Health**

20. According to paragraph 59 of the report, most births take place outside health-care facilities (four out of five). Please indicate the factors which prevent women from having access to the Basic Health Centres and the steps undertaken so far to facilitate easy access to them.

21. The report states in paragraph 362 that family planning centres have been introduced. Please provide information on whether there are any awareness programmes to enhance women’s access to such family planning. Furthermore, please provide information on measures taken to make contraception accessible in order to limit illegal abortions. Are there statistics available for death and/or illness due to or related to abortion? What provisions are made for the care of women with incomplete abortions?

22. The report indicates in paragraph 378 that the State party has not yet implemented a social security system. However, it further notes that a programme of social protection is under consideration. Kindly provide information on the present status of such a programme and how women would be affected by it.

23. The report states in paragraph 63 that more women than men are infected with HIV/AIDS and that, in general, the number of HIV/AIDS infections has reached an alarming level. It also indicates that a national plan of action has been adopted. Please describe the impact of that plan, particularly with regard to the needs of women and girls. Please provide details of measures introduced to increase public awareness of the risks and effects of sexually transmitted diseases, particularly HIV/AIDS, targeting specifically women and girls. Does the national plan of action pay adequate attention to women's reproductive role and female subordination as factors that make women and girls vulnerable to sexually transmitted diseases, particularly HIV/AIDS?

#### **Participation in political and public life and decision-making**

24. According to paragraph 249 of the report, there is no legal discrimination against women preventing them from participating in elections, but facts and figures indicate that women's participation is lower than that of men. Please provide information on the measures taken to increase awareness among women in that regard and to address the issue generally.

25. The report indicates in paragraph 270 that quotas for women have not been envisaged in relation to access to the public sector. Please provide information on measures envisaged to overcome structural and other obstacles to the implementation of the quota requirements, and whether a nationwide training programme in leadership for women and acceptance of such leadership by men is being implemented.

26. The report indicates in paragraph 137 that the State party has failed to attain 50 per cent of seats for women in decision-making organs and 25 per cent of seats in the Parliament. Moreover, the number of women parliamentarians has gone down since the last report. Please explain that and provide information on steps taken to address the issue and the envisaged time frame to achieve the objectives laid out in the last report.

#### **Vulnerable groups of women**

27. The Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2003/75/Add.1) raised the concern that "women reportedly experience torture in some prisons, including rape". Please provide information on the number of women prisoners in Madagascar and the number of reports of violence, including sexual violence, against such women over the last 10 years.

#### **Optional Protocol**

28. Madagascar signed the Optional Protocol on 7 September 2000. Please indicate any progress towards accession.

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