



**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**

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**Answers to the list of issues and questions with regard to the  
consideration of the fifth periodic report**

**Madagascar\***

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\* The present report is being issued without formal editing.



**General Considerations**

1. The single report of Madagascar constituting its second, third, fourth and fifth reports was prepared by an inter-ministerial committee with the participation of non-governmental organizations.

That committee, created by inter-ministerial decision No. 18600/2003 of 30 November 2003, comprising representatives of the key ministries concerned with the implementation of international legal instruments ratified by Madagascar and representatives of non-governmental organizations, was entrusted with the task of making up for delays in presentation and submission of initial and periodic reports to United Nations treaty bodies.

Known as the “Drafting committee for initial and periodic reports concerning human rights,” the committee prepared the delayed reports, including the report concerning the implementation of Convention on the Elimination of All Forms of Discrimination against Women.

For information, Madagascar submitted its reports on the implementation of Convention on the Elimination of all Forms of Racial Discrimination in 2004 and on the International Covenant on Civil and Political Rights in 2007.

The other reports on the implementation of economic, social and cultural rights and on the rights of the child are pending consideration.

Women’s participation in the preparation of the report has been ensured by the presence of women from non-governmental organizations working in the sphere of promotion and protection of human rights and especially the fundamental rights of women.

Of the 16 members of the Drafting committee, whose membership reflects former provincial capitals, 11 are women.

2. The Drafting committee also includes participants acting as focal points for each ministerial department concerned.

Representatives of the Directorate of the National Institute of Statistics provide statistical data disaggregated by sex.

The information collected was taken into account in the preparation and implementation of programmes initiated in the field of human rights protection.

These data are set out in the present document in response to each question posed.

In each legislative, regulatory or other area, progress is measured by comparing the initial situation with the situation prevailing at the time of preparation of the report.

**Constitutional, legislative and institutional framework**

3. Legislative reforms have been adopted with the aim of realizing equal rights between men and women. These reforms have been carried out with a view to abrogating certain discriminatory legislative provisions which disadvantage women.

### *Nationality*

In order to rectify the inequality of rights between women and men with respect to nationality, the Parliament in its first regular session of 2008 recently adopted Law No. 2008-017 of 2 July 2008, which authorizes ratification of the Convention on the Nationality of Married Women.

After ratification of the Convention, certain provisions of the Nationality Code will be revised with a view to improving the situation of women with regard to nationality.

### *Other legislative reforms adopted*

4. In order to put an end to discrimination based on sex and on age with regard to marriage, article 3 of the new Law 2007-022 of 20 April 2007 concerning marriage and matrimonial regimes now sets age 18 as the marriageable age for men and women.

### *5. and 6. Direct applicability of the Convention and possibility of invoking it before national courts*

The Constitution of the Republic of Madagascar, in its preamble, provides "...the Conventions on the rights of women and of the child...considering these to be an integral part of its law." Further, article 82.3.VIII provides that "Treaties or agreements which have been duly ratified or adopted shall, upon their publication, have higher authority than the laws..."

These provisions combined ensure the direct applicability of the Convention and its primacy over domestic law.

Women are thus able to invoke the Convention before the courts and the courts must apply it in cases of violation of its provisions. That will be so when the violation pertains to discrimination based on sex.

In Judgment No. 231 of 5 September 2003, the Supreme Court held in favour of Mrs. DUGAIN *et al.* as victims of discrimination based on sex.

In this connection, it should be stressed that direct applicability of treaties is not possible in certain cases. That is so when their application requires a prior revision of national laws.

In that regard, a reform of the laws on marriage was necessary in order to raise the marriageable age to 18 without distinction as to sex; hence the adoption of the new law referred to above.

The new law abrogated the discriminatory provisions which fixed the minimum age of marriage at 14 for women and 17 for men.

The same holds true in regard to criminal law.

In order to put an end to a discriminatory law disadvantaging women which punished them for adultery more severely than men, it was necessary to modify the provisions of articles 336 to 338 of the Penal Code by Law No. 96-009 of 9 August, 1996. Henceforth, both spouses may incur the same sentence for adultery, i.e. from three months to one year of imprisonment or 200,000 to 3,000,000 Ariary.

This change establishes equality before the law and the courts.

Despite the possibility afforded to citizens to invoke the Convention before the courts and the obligation upon the courts to apply it, it must be noted that judicial decisions referring to the application of ratified treaties are still rare.

Aware of this shortcoming, the Ministry of Justice has taken the initiative to implement a programme of dissemination of legal instruments relating to human rights addressed to citizens, and practical training programmes for officers of the law.

#### *Dissemination of the Convention*

In order to make the population aware of human rights treaties, including the Convention, so that they can be invoked before the courts to assert rights protected by international legal instruments, the Ministry of Justice produced a film presenting different forms of violence against women and the procedure to be followed in order to call upon the competent authorities. This film<sup>1</sup>, broadcast on 8 March 2008 by 4 television stations<sup>2</sup> to mark International Women's Day, serves as an ongoing awareness-raising tool with a view to combating violence against women.

There is also a service within the Ministry of Justice specializing in popularization of publications. This service participates in a continuing manner in the dissemination of legal information through radio and television broadcasts using methods which facilitate an understanding of the Convention and the procedure applicable to assert claims with the competent judicial authorities.

A Directorate for Human Rights has recently been created within the Ministry of Justice by Decree-Law No. 2008-438 of 5 May 2008. The Directorate is entrusted, inter alia, with implementing a UNDP-supported multi-year programme from 2008 to 2011. The purpose of the programme is to ensure that citizens know their rights and can assert them before the national courts that apply them.

The aim is to enhance the body of case-law referring to application of the Convention, in keeping with various final resolutions of treaty bodies, including those of the Human Rights Committee in 2007.

#### *Practical training for law enforcement personnel*

In 2007, introductory training in the application and observance of the Convention was provided to law enforcement authorities, including magistrates, police officers and correctional personnel, in four jurisdictions of the courts of first instance, namely Antalaha, Mananjary, Taolagnaro and Morondava.

Also involved in the training were officials of the bar, representatives of non-governmental organizations and local journalists. Some fifty participants were enrolled in each course.

In 2008, this training will be expanded to cover court personnel of Manakara, Farafangana and Tuléar.

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<sup>1</sup> Film entitled "Aina".

<sup>2</sup> Broadcast by Télévision Malagasy (TVM), Malagasy Broadcasting System (MBS), which broadcast nationwide, Viva TV and Océanie Télévision (OTV).

By 2011, the Government expects to provide similar training courses in 18 jurisdictions of the 36 courts of first instance. Similar courses will also be organized by the National School of Magistrates and Clerks and the National School of Correctional Administration, as part of initial training and further training programmes.

7. The definition of discrimination set out in the Convention is fairly broad. However, as indicated above, the preamble of the Constitution provides clearly that CEDAW is an integral part of the positive law of Madagascar.

Accordingly, the definition of discrimination set out in the Convention is integrated into domestic law.

In any event, the prohibition of discrimination imposes on the State party a negative obligation, namely the obligation to refrain from committing discriminatory acts or maintaining in its legislation provisions that discriminate against women. That prohibition also implies a positive obligation to set up procedures for victims to obtain redress by seeking reparations for harm resulting from discrimination.

### **Stereotypes and education**

#### *Customs and practices that discriminate against women*

8. With a view to combating discriminatory customs or practices, the Ministry of Justice, with support from UNDP, commissioned two studies in 2007 to identify the origin, contents and consequences of customs that prevent effective application of the Convention in North-Western Madagascar and in the region of Mananjary, situated in the South-East of the country.

In the North-West, the study focused on the practice of “Moletry” (bride price) which in some cases deprives a woman of the fundamental right to choose her future spouse (forced marriage). The distorted practice of this custom is spreading in this part of the island and preventing women from being treated in the same way as other women who are not members of the Tsimihety community.

In Mananjary, the study brought out the realities involved in the custom which prescribes the abandonment of a twin child.

Aiming at the gradual abandonment of these customs, the Ministry of Justice has planned local, regional and national dialogue workshops. The aim is to induce all local actors to take active part in these workshops and to generate a voluntary commitment to increasing awareness in the population as a whole.

Governmental and non-governmental representatives will be involved in each area of intervention.

Participants will thus include officials from regions, districts and communes, neighbourhood leaders and representatives of decentralized services of justice, education, health, culture, etc.

Efforts to involve civil society are being pursued through representatives of the bar, the press, non-governmental organizations, traditional and religious leaders, and public or private community centres.

These participatory and interactive dialogues should lead to the creation of a road map for the development of a national policy to combat all discriminatory customary practices, focusing on changing attitudes and behaviour.

Awareness-raising tools have been published in order to carry out this campaign effectively.

9. *The National Action Plan on Gender and Development (PANAGED)*

The adoption of the legislative and regulatory measures presented in this document stem from the implementation of the National Action Plan on Gender and Development (PANAGED).

These measures, referred to as MIRALENTA, aim at promoting equality between men and women:

- Before the law;
- With respect to laws and responsibilities in the areas of
  - Marriage
  - Parental responsibility
  - Capacity to manage marital property
  - Succession
  - Access to employment.

Each ministry concerned takes the gender dimension into account in developing its programme of action. Complementarity in the pursuit of these cross-cutting programmes is geared to achieving the objectives of PANAGED.

With a view to promoting women's autonomy, efforts have been made to:

- Promote income-generating activities for urban and rural women;
- Facilitate access to credit through micro-finance.

10. *National Plan of Action for Education of Girls*

The resolutions and recommendations that have been taken into account include those of:

- The World Summit for Children - New York, 1990
- The World Conference on Education for All – Jomtien 1990
- The Pan-African Conference on Education of Girls – Ouagadougou, 1993
- The International Congress on Population Education and Development – Istanbul, 1993
- The Summit of Heads of State of the Organization of African Unity – Cairo, 1993
- The International Conference on Population and Development – Cairo, 1994

Based on the above, the Government of Madagascar has adopted a National Plan for Education of Girls, known as PANEF, which aims at:

- Preparing girls for different roles as wife, mother, citizen and actor in development, with a view to their full self-realization;
- Eliminating disparities between boys and girls where they persist;
- Establishing conditions favourable to a differentiated and harmonious education for both sexes.

The four components of PANEF are focused on:

- (a) Formal education of girls with the specific goals of:
  - Universalizing basic education;
  - Improving the quality of teaching and conditions for learning;
  - Correcting the causes of school abandonment specific to girls and eliminating the gender gap in orientation towards schooling;
- (b) Non-formal education for young girls outside the school system;
- (c) Facilitating girls' access to schooling, illiterate mothers' access to education, and pursuing improved conditions for the female population.
- (d) Conducting studies and research specifically related to education of girls.

With respect to formal education, efforts have been exerted to introduce non-discrimination based on gender into school curricula and teaching materials.

School authorities have mobilized to resolve the specific problems involved in re-integrating young single mothers into the educational system and to create conditions enabling girls to pursue the same studies as boys.

In non-formal education, PANEF proposes to carry out programmes for:

- Reintegration;
- Vocational integration;
- Reduction by 15% of the rate of female illiteracy and dissemination of non-discriminatory legislation.

### **Results achieved:**

Implementation of PANEF has made it possible to increase the number of girls attending primary school. From 1991 to 1996 there was a 12 point gap between the Gross Schooling Rates of boys and girls (102.9% against 89.5%). In 2001, that gap had been narrowed to 1.6% (117.4% against 115.8%).

In secondary education, parity was achieved in 2001. However, disparities persist in ex-provinces, as attested to by the statistics on first-level secondary education, with the exception of the capital, where the number of female students exceeds the number of male students.

Table 1  
Comparative table of parity in schooling in Madagascar and in the ex-provinces

	1997-1998			1998-1999			1999-2000			2001		
	Masc	Fem	Ratio	Masc	Fem	Ratio	Masc	Fem	Ratio	Masc	Fem	Ratio
<b>Madagascar</b>	<b>19.4</b>	<b>19.2</b>	<b>1.0</b>	<b>19.8</b>	<b>19.9</b>	<b>1.0</b>	<b>20.4</b>	<b>20.3</b>	<b>1.0</b>	<b>21.8</b>	<b>21.8</b>	<b>1.0</b>
Antananarivo	26.4	31.7	1.2	26.6	31.6	1.2	27.5	32.5	1.2	29.3	34.7	1.2
Antsiranana	26.4	22.1	0.9	21.3	19.0	0.9	23.8	21.7	0.9	25.2	22.7	0.9
Fianarantsoa	14.7	15.1	1.0	16.0	16.4	1.0	15.4	15.3	1.0	16.1	16.7	1.0
Mahajanga	17.8	12.7	0.7	18.4	13.1	0.7	21.4	15.8	0.7	23.9	17.1	0.7
Toamasina	18.0	15.9	0.9	18.8	19.5	1.0	17.9	18.3	1.0	18.9	19.6	1.0
Toliara	10.9	9.3	0.9	11.7	9.7	0.8	11.9	9.8	0.8	12.8	10.7	0.8

Source: Ministry of Education.

#### Obstacles encountered:

The main obstacle to education of girls is of a cultural nature. It is difficult to convince parents of the importance of educating girls, especially in the rural setting. Customary practices such as early marriage of girls and their emancipation at puberty are among the main causes of lack of schooling among girls.

Despite the results already achieved in the area of literacy, much remains to be done to improve the situation.

#### Access by girls to secondary and higher education:

Measures have been taken to encourage girls' access to secondary education.

In partnership with the non-governmental organizations Pact and the Forum for African Women Educationalists (FAWE), scholarships are granted to enable girls to pursue their studies at the secondary level.

Initiatives have been taken to provide schooling to illiterate children through a specific one-year programme in order to enable them to sit for the elementary primary school certificate examination (Certificat d'Etudes Primaires et Elémentaires –CEPE). This gives them an opportunity to gain access to first-cycle secondary schools (collèges d'enseignement général).

At the start of the 2008-2009 school year, the same approach is being tried to help unschooled children, including girls, achieve their first-cycle secondary school diploma (Brevet d'Etudes du Premier Cycle –BEPC). Upon receiving this diploma, they have the possibility of going on to technical and vocational education.

In general terms and without regard to gender, the main quantitative goals to be achieved by 2012 are as follows:

- Achieving 20% coverage for young children nationwide through development of community preschool education centres;

- Achieving at least 20% preschool enrolment for children in the 3 to 5 age group;
- Ensuring that all children aged 6 and 7 are enrolled in primary school by the year 2010;
- Achieving a schooling completion rate of 100% for the first 5 years of primary school and a completion rate of 65% for the first 7 years by the year 2015;
- Reducing the number of children repeating a grade in the new 7-year primary cycle to 5% by the year 2015;
- Doubling the gross schooling rate in first-cycle secondary schools by the year 2015 (from 19% in 2006 to 40% in 2015);
- Reaching a completion rate in first-cycle secondary schools of 34% by the year 2015 (new 3-year schools);
- Bringing the illiterate proportion of the population down to 20% through functional literacy campaigns for young people and adults and reintegration into formal education of children outside the school system;
- Creating best conditions for reform of secondary education as of the start of the 2008/2009 school year in pilot schools, to be followed by a generalized effort in 2013.

Achieving these goals will be ensured in institutional terms by:

- Adoption of new school construction strategies based on communal and community responsibility;
- Transparency of operations at all levels and in all phases, enabling the Ministry of Education and Scientific Research (MENRS) to re-focus on its pedagogical functions;
- Strengthening competences at the level of schools, Pedagogical Action Zones (ZAPs) and school districts by transferring responsibilities increasingly to them;
- Training the actors involved and allocating appropriate resources.

In higher education, the main challenges are:

- Reforming institutions of higher education in Madagascar;
- Developing the open distance education and open university models;
- Promoting the extension and expansion of higher education establishments such as Higher Institutes of Technology (Instituts Supérieurs de Technologie) by developing short-term educational programmes which lead to real occupations.

### **Violence against women**

11. The persistence of a culture of secrecy creates obstacles to effective application of the Convention. In the Malagasy mentality, it is customary not to make public display of domestic quarrels, including conjugal violence. Continued

efforts at awareness-raising are the best way to change behaviours and attitudes in this regard.

The paucity of judicial decisions on domestic violence does not make it possible at the present time to provide specific information on how prevalent it is.

12. To inform women about their rights under the Convention and the law, the Ministry of Justice has produced and distributed an educational film focusing on combating violence against women. The film presents the various forms of violence affecting women and the rules applicable in bringing cases to court with a view to obtaining adequate redress and punishment of the perpetrator.

The film seeks to make known to women the laws applying to violence and to provide instruction for officers of the courts on the application of the laws in national courts.

Cases of violations of rights, including domestic violence, are not being resolved in isolated areas or places remote from the courts.

In 2007, with a view to remedying that situation, the Government partnered with UNDP to set up three rights protection houses in marginal localities in Antananarivo, Mananjary and Fort Dauphin. These rights protection houses are entrusted with providing a local response to the needs of the most disadvantaged persons who wish to assert their rights without necessarily going to court. They work primarily through conciliation, not seeking to take the place of the judicial authorities.

In serious cases, they guide or advise victims regarding steps to be followed in order to involve the competent authorities. Less serious cases of domestic violence are resolved by the rights houses known as Legal Clinics or “Trano Aro Zo”.

In 2008, two additional legal clinics will be established in Manakara and Farafangana.

By 2011, the Government plans to establish at least ten legal clinics in high-risk localities.

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

13. In order effectively to combat prostitution and trafficking, Madagascar has just adopted a new law, Law 2007-038 of 14 January 2008, modifying and complementing certain provisions of the Penal Code concerning trafficking in persons and sex tourism.

This law covers:

- Trafficking in, sale of, abduction and exploitation of persons;
- Preventing and combating trafficking in persons;
- Penalties for the perpetrator(s) of trafficking;
- Protection and help for victims, including their social reintegration through the establishment of reception centres.

As part of the implementation of the project known as FITIA (Fight against Trafficking and Abuse), the Government organized a national awareness-raising

campaign against sex tourism affecting minors, in cooperation with the Parliament and the NGO Catholic Relief Services, with support from USAID and UNICEF.

In the judicial arena, a Swiss national was sentenced to five years' imprisonment and expelled from the country.

Two nationals of Mauritius suspected of involvement in a case of sexual exploitation of minors in Nosy Be were expelled.

Two other nationals of Mauritius and two Germans were arrested and released for lack of sufficient evidence.

In 2007, posters displaying images regarding the law, the procedures and the authorities to be alerted in cases of trafficking in children were published and disseminated in Nosy Be, Fort Dauphin, Morondava and Diego Suarez.

14. Madagascar has just adopted another legal instrument enabling it to strengthen the fight against trafficking and prostitution of women. At its first session of 2008, Parliament adopted a law authorizing ratification of the International Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others.

The application of this convention covers internal trafficking and trafficking to foreign countries, including neighbouring islands.

Madagascar is not a country of destination receiving women or girls from foreign countries who engage in prostitution.

There does not exist an identified network exploiting the prostitution of Malagasy women or girls engaging in such activities in the neighbouring islands.

However, the Government intends to combat trafficking which affects women or girls displaced from their place of residence for prostitution in other areas.

As part of judicial cooperation with France, in cases relating to exploitation of prostitution in the island of La Réunion, the Government can seek extradition of the perpetrators and bring them before the courts.

15. With a view to social reintegration and rehabilitation of prostitutes wishing to give up prostitution, the Government has created reception centres at Antananarivo, Toamasina and Toliara. These centres have afforded assistance to some 105 victims of child labour and trafficking in persons, providing reintegration into schools or vocational training centres. The doctors who work at the centres provided medical care and counselling to victims, and labour inspectors provided help with finding employment. A similar centre is currently under construction in Nosy Be.

Other centres will be created in high-risk areas, as needed.

Fourteen networks for child protection, established by UNICEF, are active in ensuring protection of children in major cities against the worst forms of child labour. Among these networks are those established in Diego Suarez, Fort-Dauphin and Mananjary.

These networks also alert public opinion to the danger of trafficking and sexual exploitation of children for commercial motives.

## Employment, rural women and access to property

### 16. Women's participation in agriculture

In Madagascar, employment remains strongly concentrated in the primary sector. Over 82% of employed persons are engaged mainly in agricultural activities (farming, fishing, hunting, forestry) and activities in the extractive industries. Non-agricultural employment consists largely of commercial activities (5% of total employment) and other services for households (6% of total employment). Public sector officials and employees account for over 2%. Jobs in processing industries are in a minority and account for only 3.5% of jobs created in Madagascar. In urban areas, the share of agricultural jobs is down to 48%.

On the other hand, jobs in commerce and other services for households account for 14% and 17% respectively. Jobs in industry exceed 10%.

Table 2  
**Urban and Rural Employment by Sector**

Unit: %

	<i>Urban</i>	<i>Rural</i>	<i>Combined</i>
Agriculture/primary	48.4	89.9	82.0
Food industry	0.8	0.1	0.2
Textile	2.3	0.4	0.8
Contruction, Public Works/ Labour intensive	3.9	0.6	1.2
Other industries	4.1	0.6	1.3
Commerce	13.7	2.8	4.9
Transport	2.8	0.3	0.8
Private health	0.3	0.1	0.1
Private education	1.1	0.3	0.5
Public administration	5.8	1.2	2.1
Other private services	16.8	3.7	6.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Source: INSTAT/DSM/EPM2005.

No significant difference is observed between men and women in the structure of employment other than the fact that women are more inclined to commercial activities: 6% of jobs are female as against only 3% for men.

Women account for 64% of employed persons as against 66% for men.

In other words, women are active in all sectors of the economy, including agriculture, to almost the same extent as men.

As indicated in the answer to question No. 9, MIRALENTA also applies to employment and includes access to equal pay for equal work without regard to gender.

In order to alleviate the short supply of jobs in relation to demand from women, access by women to micro-credit loans has been facilitated to enable women to generate activities conducive to their autonomy in urban or rural settings.

Madagascar has a national micro-finance strategy for the period 2008-2010 and for a total of three million US dollars. The goal of the Madagascar Action Plan is to raise the impact of micro-finance institutions from 7.6% to 13% by the time horizon of 2012, enabling 850,000 borrowers to have access to all forms of credit, as compared with 278,000 in 2006. To reach that goal, three lines of action have been adopted:

- Improving the economic and regulatory framework;
- A viable and steady supply of products and services that are appropriate, innovative, diversified, and increasingly available in areas not covered;
- Organizing the institutional framework in a manner which enables sound structuring and efficient management of the sector.

In the years to come, the Government intends to give high priority to developing micro-finance as a way of leveraging the productive activity of the poor, most of whom are farmers and people in the informal urban economy.

17. At present there do not yet exist modalities of flexible work with job sharing and permanent part-time positions favourable to combining work with family responsibilities.

On the other hand, work schedules in the public sector have been adjusted, with the work day starting at 9 A.M. in order to enable women and men to organize and harmonize their family schedules with their work schedules.

In order to enable women to devote more time to their children following childbirth, a maternity leave of 3 months has been instituted for women, compared with 15 days for men.

18. Madagascar has established facilities to receive unschooled children, street children, and children morally at risk.

Law 2007-023 of 20 October 2007, in article 50 (4), provides for placement with another family, a private institution or a trustworthy person for children in the aforementioned situation. Educational assistance measures are implemented to help them to overcome educational or other difficulties.

To that end, the Government has a re-education centre in Anjanamasina Antananarivo. The centre receives children in social cases or children in trouble with the law. At present, a re-education centre is under construction in Diego-Suarez.

In private sector enterprises, rooms are being provided for breast-feeding. Private sector enterprises are not yet providing child care facilities. However, there are public child care centres to help women occupying permanent jobs.

**Legal situation with regard to women's right to inherit property.**

19. Law No. 68-012 of 4 July 1968 concerning succession, wills and gifts, does not contain discriminatory provisions regarding the capacity of female heirs to inherit real property. However, in practice, the heirs may agree that the female heirs will receive a sum of money representing their share of the estate. This objectionable practice derives from the false belief that women are meant to follow their spouse. Enabling women to inherit real property is falsely perceived as jeopardizing the preservation of ancestral estates. To remedy the situation, the Ministry of Justice is conducting awareness-raising campaigns with a view to introducing a culture favourable to equal rights between men and women and the effective application of the Convention.

Law No. 2007-022 of 20 August 2007 on marriage and matrimonial regimes provides that the spouses have the same rights and the same responsibilities with regard to administering marital property.

**Health**

20 and 21. In order to facilitate women's access to basic health centres, the Government has exerted efforts to increase the number of centres.

In general, the national health system is characterized by weakness in human resources, under-equipment and poor performance.

With regard to human resources, there is a significant shortage of paramedical personnel in the Basic Health Centres (CSBs), with a ratio of 1 paramedic to 4 CSBs. There is also a poor distribution of personnel (41% of health personnel are providing service to 21% of the total population).

With respect to geographical coverage, less than 65% of the population is located within 5 kilometres of a health care facility and the rate of utilization of basic public health services is 50%.

Moreover, in 2006, no Departmental Hospital Centre (CHD) was complying with required standards. Only 30% of CSBs and 16% of Regional Hospital Centres (CHRs) had appropriate technical equipment, personnel and buildings.

In the period 2005 – 2006 there was a decline in use of CSBs.

The rate of assisted childbirth in CSBs declined from 26.1% to 22% and the rate of outpatient consultations from 49% to 32.4% (source: report on implementation of the Poverty Reduction Strategy Paper in 2006).

Financial resources allocated to the health sector are still insufficient to meet needs. Expenditure on health as a percentage of GDP diminished markedly between 2004 and 2005, from 1.7% in 2004 to 0.9% -4 in 2005.

Table 3.

**Budgetary appropriations for the Ministry of Health, Family Planning and Social Protection (MINSANPF/PS)**

<i>Year</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>	<i>2006</i>
Total budgetary appropriation (nominal, billions of Ariary)	51.4	53.2	69.8	99	102.1	120.6	100.3	99.4	140.8	164.6

At present, Madagascar is gradually moving towards free medical care for the sick. With support from the United Nations Fund for Population Activities (UNFPA), nine districts are benefiting from implementation of projects aimed at provision of free care to the female patient and a companion when there are complications in childbirth.

*Challenges facing the Madagascar Action Plan (MAP) to 2012*

Seeking to make a significant quantitative leap, the Madagascar Action Plan (MAP) intends:

- To increase life expectancy by 10 years;
- To double usage of CSBs (outpatient consultations, childbirth);
- To reduce the total fertility rate by 2 points;
- To reduce the infant mortality rate by half;
- To reduce the maternal mortality rate by half;
- To eliminate the main contagious diseases, notably malaria, tuberculosis and congenital syphilis;
- To reduce to 28% the rate of malnutrition among children under age 5;
- To win the fight against HIV/AIDS by keeping the prevalence rate under 0.95%;
- To reduce infant mortality due to unhealthy water.

In order to reduce maternal mortality due to clandestine abortions, the Government has set in motion initiatives to facilitate access to contraceptive methods.

Table 4  
Sources of supply

<i>Source of supply</i>	<i>Pill</i>	<i>IUD</i>	<i>Injectable</i>	<i>Condoms</i>	<i>Female sterilization</i>	<i>Combined</i>
<b>PUBLIC SECTOR</b>	<b>56.5</b>	<b>(34.0)</b>	<b>67.6</b>	<b>2.3</b>	<b>66.9</b>	<b>57.4</b>
Government hospital	11.6	(4.6)	7.9	1.9	65.7	11.6
Government health care centre	44.9	(29.4)	59.8	0.4	1.2	45.8
<b>PRIVATE MEDICAL SECTOR</b>	<b>33.6</b>	<b>(66.0)</b>	<b>31.8</b>	<b>9.8</b>	<b>31.3</b>	<b>31.5</b>
Private hospital, clinic	1.3	(16.4)	2.0	0.5	30.6	4.4
Private health care centre	3.5	(15.1)	9.1	0.5	0.0	6.6
Pharmacy	13.5	(0.0)	0.5	6.4	0.7	3.9
Private doctor	7.5	(2.8)	13.1	2.3	0.0	9.6
PF/FISA Centre	8.0	(31.8)	7.1	0.2	0.0	7.1
<b>OTHER SOURCES</b>	<b>9.3</b>	<b>(0.0)</b>	<b>0.1</b>	<b>76.8</b>	<b>0.0</b>	<b>8.9</b>
Community Volunteer	0.5	(0.0)	(0.0)	3.0	0.0	0.4
Shop	5.2	(0.0)	(0.0)	69.7	(0.0)	7.3
Kiosk	0.0	(0.0)	(0.0)	1.1	(0.0)	0.1
Church	1.7	(0.0)	0.1	(0.0)	(0.0)	0.4
Friend, relative	1.8	(0.0)	(0.0)	2.9	(0.0)	0.7
Other	0.3	(0.0)	0.2	2.9	0.0	0.4
ND	0.1	(0.0)	0.1	8.1	1.8	1.2
<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>
Number	227	34	598	91	57	1 028

Source: EDSMD – III Madagascar 2003-2004. Distribution ( %).

Regarding the question whether care is available for women who have undergone an incomplete abortion, it should be noted that doctors are obliged to provide appropriate care to save the life of the woman, without regard to any other concern, failing which they may be held accountable for failure to assist a person in danger.

22. The programme referred to in paragraph 378 of the report aims at remedying the lack of a social security system. Implementation of the programme will make it possible to improve conditions for women, particularly for those living in extreme poverty. The table below presents the follow-up evaluation of implementation of the programme emerging from the Madagascar Action Plan (MAP).

**Table 5**  
**Adoption and implementation of an institutional framework for social protection**  
**Challenge 4: IMPROVING SUPPORT FOR THE VERY POOR AND VULNERABLE**

<i>Results Effects/Outputs</i>	<i>Indicators</i>	<i>Base line</i>	<i>Target 2012</i>	<i>Sources</i>	<i>Responsible entity</i>	<i>Frequency of collection</i>
<b>Effect 1-Improved support for the very poor and vulnerable</b>	<b>Percentage of families with over 3 indicators of poverty</b>	<b>90%</b>	<b>49%</b>	<b>EPM</b>	<b>INSTAT</b>	<b>ANNUAL</b>
<b>Output 1:</b> Basic social services (health, education nutrition) available to vulnerable and very poor groups	Proportion of the very poor and vulnerable population with access to health care	38%	53%	Report of RMA CSB	Ministry of Health	Annual
<b>Output 2:</b> Improved security systems for the vulnerable and very poor	Number of newly created jobs per year	225	450	Report of the General Directorate for Social Protection	Ministry for Social Protection	Annual
<b>Output 3:</b> State coordination and oversight of interventions for the vulnerable and very poor	Percentage of social protection interventions coordinated and monitored	0%	100%	Survey of NGO activity reports	General Directorate for Social Protection	Annual

**Table 6**  
**Improving women's participation in social, economic and civic affairs**  
**Challenge 5: PROMOTING GENDER EQUALITY AND WOMEN'S AUTONOMY**

<i>Results Effects/Outputs</i>	<i>Indicators</i>	<i>Base line</i>	<i>Target 2012</i>	<i>Sources</i>	<i>Responsible entity</i>	<i>Frequency of collection</i>
<b>Effect 1: Gender equality and women's autonomy promoted</b>	<b>Private sector wage gap between men and women (MAP)</b>	<b>36%</b>	<b>18%</b>	<b>Private sector survey</b>	<b>Ministry of Labour and Social Affairs</b>	<b>Annual</b>
<b>Output 1:</b> Women active in political life	Percentage of women in Parliament (MAP)	12%	30%	Survey of parliamentarians	National Assembly	Every 5 years
<b>Output 2:</b> Women's access to economic and social opportunities improved	Percentage of director and senior executive positions held by women	29%	40%	Social road map	INSTAT	Annual
<b>Output 3:</b> Status of women improved	Percentage of women with power to decide the use of their income	47%	57%	EDS III	INSTAT	Every 5 years

23. A high rate of sexually transmitted diseases has been observed. The rate of syphilis among pregnant women stands at 8% despite a low prevalence of HIV/AIDS.

To address the problem, the public authorities organized a response in three stages, as follows:

- An initial phase, termed the medical phase, focused on the prevalence of HIV/AIDS and ISTs among high-risk groups from 1988 to 1995;
- The second phase was characterized by strategies geared essentially towards enhanced prevention of HIV/AIDS and ISTs and social mobilization, integrating the campaign against HIV/AIDS into the Primary Health Care Centres, and operational coordination;
- The third phase, as from the year 2000, involved civil society in the campaign. Thus, NGOs, community groups, associations, etc. were involved in implementing the national plan.

From 1998 to 2000, the Ministry of Health assumed responsibility for designing the National Plan to Combat AIDS (PLNS), its implementation and the mobilization of resources.

The National Plan to Combat AIDS, which has been in operation since 1988, comprises four entities:

- The National Council to Combat ISTs/AIDS (CNLS) brings together different ministerial departments and is entrusted with framing policy decisions. It is assisted by a joint coordinating committee which comprises governmental institutions and their technical and financial partners;
- A Technical Coordinating Committee comprising three commissions: the "clinical and biological commission," the information, education and communication (IEC) commission, and the commission on ethics and human rights;
- A Joint Committee for Follow-up and Coordination;
- The PLNS Secretariat is provided by the ISTs/AIDS Service of the Ministry of Health.

Implementation of the national plan aims at a rate of 0.95% among pregnant women by the year 2012, and aims in the medium term to maintain that rate in order not to exceed 1%.

The table below shows the HIV/AIDS situation in Madagascar:

Table 7  
HIV positive results in Madagascar

<i>Provinces</i>	<i>Number</i>	<i>VIH+</i>	<i>%</i>	<i>IC 95%</i>	<i>Valeur of p</i>
Antananarivo	1 660	5	0,30	(0,11-0,74)	0,007
Antsiranana	1 723	26	1,51	(1,01-2,24)	0,007
Fianarantsoa	1 510	20	1,32	(0,83-2,08)	0,007
Mahajanga	1 680	25	1,49	(0,98-2,22)	0,007
Toamasina	1 516	12	0,79	(0,43-1,42)	0,007
Toliary	1 534	18	1,17	(0,72-1,89)	0,007
<b>Madagascar</b>	<b>9 623</b>	<b>106</b>	<b>1,10</b>	<b>(0,91-1,34)</b>	<b>0,007</b>

Source: Ministry of Health, Family Planning and Social Protection.

With regard to measures taken to inform the population, especially women and girls, regarding the risks and effects of sexually transmitted diseases, particularly HIV/AIDS, the tables below show the results achieved based on a survey and an awareness-raising campaign:

Table 8  
Indicators of perceptions of risk of HIV/AIDS

<i>Characteristics</i>	<i>Women</i>			<i>Men</i>		
	<i>Percent who have heard about AIDS</i>	<i>Percent who believe there is a way to avoid HIV/AIDS</i>	<i>Number</i>	<i>Percent who have heard about AIDS</i>	<i>Percent who believe there is a way to avoid HIV/AIDS</i>	<i>Number</i>
<b>AGE</b>						
15-19	69.7	55.2	1.528	76.0	64.5	416
20-24	80.9	65.4	1391	89.4	76.1	416
25-29	80.7	64.8	1347	88.9	78.2	400
30-39	82.1	69.1	2095	92.7	81.9	543
40-49	80.9	65.8	1587	90.0	79.7	832
<b>MARITAL STATUS</b>						
Single	77.5	65.2	1694	82.9	73.7	757
Had sexual relations	77.6	64.9	840	86.1	78.5	456
Never had sexual relations	77.4	65.5	854	78.0	66.6	301
In couple	80.3	65.3	5139	90.9	79.1	1331
Separating	75.7	59.1	1116	83.5	64.3	127
<b>Place of residence</b>						
Capital	99.2	96.2	466	100.0	99.1	139
Other cities	91.6	82.3	1509	95.7	91.0	382
Urban area	93.4	85.6	1975	96.8	93.2	521
Rural	74.3	57.4	5974	84.9	71.3	1695
<b>Provinces</b>						
Antananarivo	91.4	82.6	2671	97.2	93.2	701
Fianarantsoa	67.5	47.5	1599	87.1	68.4	416
Toamasina	72.8	62.2	1196	81.0	73.8	380
Mahajanga	74.9	57.8	987	92.8	73.3	276

<i>Characteristics</i>	<i>Women</i>			<i>Men</i>		
	<i>Percent who have heard about AIDS</i>	<i>Percent who believe there is a way to avoid HIV/AIDS</i>	<i>Number</i>	<i>Percent who have heard about AIDS</i>	<i>Percent who believe there is a way to avoid HIV/AIDS</i>	<i>Number</i>
Toliara	75.2	49.8	957	65.1	48.7	261
Antsiranana	80.3	67.3	539	91.4	80.3	183
<b>Level of education</b>						
None	50.2	27.5	1741	66.8	40.5	363
Primary/literate	79.6	61.5	3757	86.4	73.3	1088
Secondary or above	98.7	95.0	2451	99.6	98.0	765
<b>COMBINED</b>	<b>79.0</b>	<b>64.4</b>	<b>7949</b>	<b>87.7</b>	<b>76.4</b>	<b>2216</b>

Source: Ministry of Health, Family Planning and Social Protection. *Population and Health Survey, 2003-2004*.

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

24. In order to inform women about their rights to participation in public affairs, the Government has organized a series of workshops with a view to training women for leadership, including women mayors and neighbourhood leaders.

25. Discrimination is not noticeable in women's access to the public sector. The results of several competitive recruitment processes to enter the civil service reveal a high rate of success among female candidates. Consequently, the absence of a quota for women in this area is justified.

The number of women attaining positions of responsibility has been increasing for at least a decade: heads of regions, chief executive officers, ministers, etc.

At present, two ministries of sovereignty, the ministries of justice and defence, are headed by women.

26. In the last presidential election, there were two women candidates, which bears witness to women's aspiration to attain the highest elective office.

The decline in the number of women parliamentarians results from voting by universal suffrage. On the other hand, at the communal level, many women have been elected.

27. Madagascar ratified the Convention against Torture and Other Inhuman or Degrading Treatment or Punishment in 2005. The law transposing said Convention was recently adopted at the parliamentary session of May, 2008. In any case, there have been no allegations of torture or other cruel, inhuman and degrading punishment or ill-treatment from women prisoners. The application of the new law against torture and other inhuman and degrading treatment or punishment and the establishment of an oversight commission for correctional institutions, introduced by Decree-Law No. 2006.015 of 17 January 2006, are measures that have been taken to prevent and punish acts of torture or other cruel, inhuman and degrading treatment or punishment.

28. In light of the paucity of case-law pertaining to the Convention on the Elimination of All Forms of Discrimination against Women, the Government of Madagascar intends initially to implement a programme falling within the framework of the project “Support for Promotion and Protection of Human Rights” with funding from UNDP, whose period of implementation will be from 2008 to 2011. This project aims, inter alia, to disseminate human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women. The aim is to ensure that female citizens are aware of their rights and are able to invoke them before the courts. At the same time, they should be able to apply provisions of the Convention in cases of violation of rights protected under the Convention.

Since bringing a case before the Committee on the Elimination of Discrimination against Women under the optional protocol requires the prior exhaustion of domestic remedies, it is important at the national level to first take appropriate measures for an effective application of the Convention.

Accordingly, Madagascar intends to ratify the optional protocol to CEDAW and will initiate the process to that end after a broad dissemination of the Convention and assimilation of its application at the level of national courts based on an increasing number of judicial decisions relating to the Convention.

**ACRONYMS**

Agent VBC	Agent Volontaire de Base en milieu Communautaire [Community volunteer]
BEPC	Brevet d'Etudes du premier Cycle de l'enseignement secondaire [First-cycle secondary diploma]
BTP/HIMO	Bâtiment et Travaux Publics/Haute Intensité de Main d'Œuvre [Construction and public works/Labour-intensive]
Centre de PF/FISA	Centre de de Planning Familial/ Fianakaviana Sambatra [Family planning centre/Fianakaviana Sambatra]
CEPE	Certificat d'Etudes Primaires et Élémentaires [Elementary primary school diploma]
CHR	Centre Hospitalier Régional [Regional hospital centre]
CISCO	Circonscription Scolaire [School district]
CNLS	Comité National de Lutte contre le Sida [National committee to combat AIDS]
CSB	Centre de Santé de Base [Basic health centre]
CSSP	Centre de Soins de Santé Primaire [Primary health care centre]
DSRP	Document Stratégique pour la Réduction de la Pauvreté [Poverty reduction strategy paper – PRSP]
EDS	Enquête Démographique et de Santé [Population and health survey]
EPPM	Enquête Permanente et Périodique des Ménages [Permanent and periodic households survey]
FITIA	Fight Against Trafficking and Abuse
IMF	Institutions de Micro Finances [Micro-finance institutions]
INSTAT	Institut National de la Statistique [National Institute of Statistics]
MAP	Madagascar Action Plan
MENRS	Ministère de l'Education Nationale et de la Recherche Scientifique [Ministry of National Education and Scientific Research]

MINSANPF/PS	Ministère de la Santé, du Planning Familial et de la Protection Sociale [Ministry of Health, Family Planning and Social Protection]
MIRALENTA	Egalité de genre [Gender equality]
PANAGED	Plan d'action nationale pour la promotion de la femme [National action plan for the advancement of women]
PANEF	Plan National pour l'Education des Filles [National plan for education of girls]

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