



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

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

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

Fifth periodic report of States parties

Madagascar*

* The present report is being issued without formal editing.



Introduction

Madagascar has ratified the majority of the Conventions and Charters on the protection of human rights, including the 1993 United Nations Declaration on the Elimination of Violence Against Women.

In response to the Committee's repeated injunctions, the Malagasy Government, through the Ministry of Justice and the Ministry of Foreign Affairs, has taken the initiative of creating, by interministerial decree No. 18600 of 30 October 2003, a **committee in charge of the drafting of initial and periodic reports under international human rights instruments**.

This Committee is made up of:

- Government entities: the ministries of Justice; Foreign Affairs; Population, Social Protection and Recreation; National Education and Scientific Research; Economy, Finance and Budget, represented by the National Institute of Statistics; the Secretariat of State for the Ministry of the Interior and Administrative Reform with responsibility for public safety;
- Non-governmental entities, to wit, NGOs working in the field of human rights in Madagascar's six provinces; and
- members of civil society.

The last report under this Convention was submitted in 1994.

This report relates to the Convention on the Elimination of Discrimination Against Women.

Its development was assisted financially by the European Union under the Technical Cooperation Facility providing support for the activities of the committee in charge of the drafting of initial and periodic reports under international human rights instruments.

Executive Summary

Madagascar presented its last report in 1990 in accordance with the provisions of article 18 of the Convention, which commits States parties to the presentation of periodic reports.

Madagascar intends to continue its endeavours to restore dialogue with the Committee by submitting this report for review.

This report accounts for all implementation measures since the review of the previous report.

It deals with constitutional, legislative and administrative measures that seek to equalize the rights of men and women in the areas of

- politics,
- socio-cultural,
- matrimonial and marital affairs, emphasizing safeguards against domestic and marital violence.

In short, the efforts that have been made are enormous and attest to the Malagasy Government's willingness to comply with the requirements of the Convention and to implement the recommendations and observations to improve enforcement of the terms of the said Convention.

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Acronyms

ADEFI	Action pour le Développement et le Financement des micro entreprises
ADMMEC	Association de Développement du Mouvement Mutualiste d'Épargne et de Crédit
AECA	Association d'Épargne et de Crédit Autogérés
AFEM	Association des Femmes Entrepreneurs de Madagascar
AFI	Alphabétisation Formelle Internationale
AFI-D	Intensive functional literacy for development
AFJM	Association des Femmes Journalistes de Madagascar
AFJPD	Association des Femmes Juristes pour la Primauté du Droit
AGCU	Other large urban centres
AGOA	African Growth and Opportunity Act
ANP	Assemblée Nationale Populaire
APEL	Home and school associations
APEM	Association pour la Promotion des Entreprises de Madagascar
APIFM	Association Professionnelle des Institutions Financières Mutualistes
APROPOP	Population Programmes Support
ARI	Acute respiratory infection
ASD	African Statistics Day
ASPE	Association pour la Sauvegarde et la Protection des Enfants
ATT	Antitetanus Vaccine
AU	African Union
BCG	Bacillus Calmette-Guérin
BEPC	First cycle educational diploma
BTM	Bankin' ny Tantsaha Mpamokatra (rural development bank)
CAFED	Confédération des Associations des Femmes et Développement
CAFF	Collectif des Associations des Femmes de Fianarantsoa
CECAM	Caisses d'Épargne et de Crédit Agricole Mutuelles
CEDAW	Convention on the Elimination of Discrimination against Women
CEG	General training college
CEPE	Primary and elementary studies certificate
CFP	College of technical and vocational training
CHD	District Hospital Complex
CHR	Regional Hospital Complex
CHU	University Hospital Complex
CIODH	Comité d'Information et d'Orientation en Droits Humains
CLLS	Cellule Locale de Lutte Contre le Sida
CNaPS	Caisse Nationale de Prévoyance Sociale
CNDH	Commission Nationale des Droits de l'Homme
CNE	Conseil National Electoral
CNE	Conseil National de l'Emploi

CNLS	Comité National de Lutte contre le Sida
CNPFDH	Confédération Nationale des Plates-Formes des Droits Humains
CNTEMAD	Centre National de Télé-enseignement de Madagascar
COEIO	Confederation of Organizations of Employers of the Indian Ocean
COLIER	Comité de Liaison des Intérêts Économiques de La Réunion
COMESA	Common Market for Eastern and Southern Africa
CONGOPDH	Collectif des ONG œuvrant pour la Promotion des Droits de l'Homme
CPAC	Centre Provincial des Arts et de la Culture
CRES	Comité pour le Redressement Économique et Social
CRLS	Comité Régional de Lutte contre le Sida
CSB I et II	Centre de Santé de Base Niveau I et Niveau II
CSFOP	Conseil Supérieur de la Fonction Publique
CSR	Conseil Supérieur de la Révolution
CST	Conseil Supérieur du Travail
CTM	Conférence des Travailleurs Malagasy
CTV	Centre de Tests Volontaires
DCPE	Document Cadre de Politique Économique
DDSS	Direction de la Démographie et des Statistiques Sociales
DEP	Direction de l'Enseignement Primaire
DI	Direction de l'Informatique
DIJE	Développement Intégral du Jeune Enfant
DIRDS	Direction Inter-Régionale des Districts Sanitaires
DLIST	Direction de Lutte contre les Infections Sexuellement Transmissibles [STI Control Department]
DMD	Dans les Médias Demain
DPS	Direction Provinciale de Santé
DSM	Direction des Statistiques des Ménages
DSRP	Document Stratégique pour la Réduction de la Pauvreté
DSY	Economic Analysis Department
EAM	Entreprendre À Madagascar
ECC	Education à la Citoyenneté et au Civisme
EDS	Enquête Démographique et de Santé [Madagascar Demographic and Health Survey]
EDSMD II et III	Second and third Enquêtes Démographiques et de Santé de Madagascar [Madagascar demographic and health surveys]
EEMS	Etablissement d'Enseignement Médico-Social
EFA	Education For All
EKA	Ezaka Kopia ho an'ny Ankizy (operation to deliver a birth certificate to children)
ENAM	École Nationale d'Administration de Madagascar
ENDS	Enquête Nationale Démographique et Sanitaire
EPI	Expanded Programme of Immunization
EPM	Enquête Permanente auprès des Ménages
EPP	Public primary school

ESAF	Enhanced Structural Adjustment Facility
ESEB	Enseignement Secondaire et Education de Base
ESEC	Commercial sexual exploitation of children
EU	European Union
FAF	Fiaraha-miombon'Antoka ho amin'ny Fampandrosoana (partnership for development)
FAFED	Fédération des Associations des Femmes et Développement
FARITANY	Province
FCE	Fianarantsoa Côte-Est
FEFIDES	Femme de Fianarantsoa Diplômées de l'Enseignement Supérieur
FER	Fonds d'Entretien Routier
FFKM	Conseil Oecuménique des Eglises Chrétiennes
FIATA	Fokontany Isotry Atsinanana, Tsaralalana, Ampasamadinika (Quartiers d'Isotry Est, de Tsaralalana et d'Ampasamadinika)
FID	Fonds d'Investissement pour le Développement
FIHAVANANA	A traditional moral value recognized throughout the country, which includes tolerance, conviviality, mutual respect and solidarity
FIRAISANA	Commune
FISA	Fianakaviana Sambatra (Family Welfare Association)
FIVMPAMA	Fivondronan'ny Mpandraharaha Malagasy (Association of Malagasy Economic Stakeholders)
FIVONDRONANA	District
FLE	Family life education
FMG	Malagasy franc
FNAE	Fédération Nationale des Agents de l'État
FNDR	Front National pour la Défense de la Révolution
FNUAP	Fonds des Nations Unies pour la Population
FOKONTANY	Neighbourhood (the smallest administrative subdivision in Madagascar)
FP	Family planning
FRAM	Fikambanan'ny Ray Aman-drenin'ny Mpianatra (home and school association)
GDP	Gross domestic product
GEM	Groupement des Entreprises de Madagascar
GTZ	Gesellschaft für Technische Zusammenarbeit
Ha	Hectare
HAE	Haute Autorité de l'État
HCC	Haute Cour Constitutionnelle
HDI	Human Development Index
HE	Higher education
HIAKA	Hetsika iadiana amin'ny kitroto sy ny aretina mpahazo ny ankizy (vaccination operation against measles and childhood diseases)
HIPC	Heavily Indebted Poor Countries Initiative
HIV/AIDS	Human Immunodeficiency Virus / Acquired Immunodeficiency

	Syndrome
HPO	High public office
HTA	Hypertension
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDP	Internally displaced persons
IEC	Information Education-Communication
IIZ-DVV	Institut für Internationale Zusammenarbeit des Deutschen Volkshochschul-Verbandes (international cooperation institute of the German adult education confederation)
ILO	International Labour Office
ILO	International Labour Organization
INSTAT	National Statistics Institute
IPEC/ILO	International Programme on the Elimination of Child Labour/ International Labour Office
IST	Institut Supérieur de Technologies
ITMN	Insecticide-treated mosquito nets
JSI	John Snow International or Jereo Salama Isika
KMF-CNOE	Komity Mpanara-maso ny Fifidianana—national electoral compliance committee
LGW	Life Giving Water
LRN	National reference laboratory
LSA	Life skills approach
LTE	Long-term employment
LTP	Lycée Technique et Professionnel
MENRS	Ministry of National Education and Scientific Research
MICS	Multiple Indicator Cluster Survey
MINESEB	Ministry of Secondary Education and Basic Education
MININTER	Ministry of the Interior
MINSAN	Ministry of Health
MTI	Intermediate means of transport
MTM	Ministry of Transport and Meteorology
NAC	Non-agricultural company
NC	Not categorized
ND	Not determined
NGO	Non-governmental organization
NHDR	National human development report
NICT	New information and communication technologies
NPO	Non-profit organization
OAU	Organization of African Unity
OECD	Organisation for Economic Cooperation and Development
OEMC	Office de l'Éducation de Masse et du Civisme
OMERT	Office Malagasy d'Études et de Régulation de la Télécommunication

ONC	Office National de la Culture
ONEP	Office National de l'Enseignement Privé
OPACO	Organisation Patronale des Comores
ORC	Opinion Research Corporation
OTIV	Ombon-Tahiry Ifampisamborana Vola (cooperative credit)
PANAGED	Gender and Development National Action Plan
PANEF	National Action Plan for Girls' Education
PARGED	Gender and Development Regional Action Plan
PATF	Technical Assistance for Rural Financing Project
PCD	Plans Communaux de Développement
PFU	User fees
PGDI	Programme de Bonne Gouvernance et de Développement Institutionnel
PMTCT	Prevention of mother-to-child transmission
PNLS	Programme National de Lutte contre le SIDA
PNPF	National Policy for the Advancement of Women
PPDES	Partenariat pour le Développement des Etablissements Scolaires
PPN	Staple product
PPP	Purchasing power parity
PWA	Person living with HIV/AIDS
RDSP	Rural Development Support Project
RGPH	Recensement Général de la Population et de l'Habitat
SAP	Structural adjustment programme
SDR	Special Drawing Rights
SEC	Sexual exploitation of children
SIPEM	Société d'Investissement pour la Promotion des Entreprises à Madagascar
SME/SMI	Small and medium enterprise/small and medium industries
SMIG	Salaire Minimum Interprofessionnel Garanti
SMTM	Sambatra ny Mamaky Teny sy Manoratra (happy are those who can read and write)
SNHFA	Service National Hors Forces Armées
SPC	Socio-professional category
SSD	Service de Santé de District
STD	Sexually transmitted diseases
STI	Sexually transmitted infection
SUC	Secondary Urban Centres
TDAP	Tetanus, diphtheria and pertussis vaccine
TFR	Total fertility rate
TIAVO	Tahiry Ifamonjena Momba ny Vola (Mutuelle d'Assistance Financière)
TVT	Technical and Vocational Training
UNDP	United Nations Development Programme
UNHCR	Office of the United Nations High Commissioner for Refugees

UNICEF	United Nations Children's Fund
UNMDH	Union Nationale Malagasy des Droits Humains
USAID	United States Agency for International Development
USD	US Dollar
WFP	World Food Programme
WHO	World Health Organization
WTO	World Trade Organization

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Part I

A.- Territory

1. Madagascar, the world's fourth largest island (after Greenland, New Guinea and Borneo) is located in the southwestern Indian Ocean, in the southern hemisphere, between 11° 57' and 25° 30' south latitude and 43° 14' and 50° 27' east longitude. Madagascar straddles the Tropic of Capricorn and is separated from the southeastern coast of Africa by the Mozambique Channel.
2. With an area of 587,051 km², Madagascar, the world's fourth largest island (after Greenland, New Guinea and Borneo) is regarded as a subcontinent. The island extends 1,600 km from Cap Sainte-Marie in the south to Cap d'Ambre in the extreme north, and is nearly 570 km across at its widest point. It has more than 5,000 km of coastline, bordered on the west by the Mozambique Channel and on the east by the Indian Ocean. The capital is Antananarivo.

B.- Population

1. History

3. The country's first known inhabitants were the Vazimba. They moved inland towards the centre of the island following the arrival of immigrants of Asian, African and Arab origin, in particular Indonesians, Malays and East Africans. Other population groups came later (Indians, Chinese, and Europeans).
4. Before the arrival of Europeans in Madagascar, several indigenous kingdoms were formed from the sixteenth to the nineteenth century. In the nineteenth century, the rulers of Imerina, after wars of conquest, began to exert a certain hegemony over the other kingdoms.
5. Colonized by France since 1896, Madagascar regained its independence on June 26, 1960.

2. Ethnic groups, language, and customs

6. The Malagasy people consist of 18 ethnic groups linked by one national language, "*Malagasy*", with its dialectal variants as determined by geography, history and culture.
7. Throughout the evolution of the Malagasy socio-political system, traditional customs have always held a significant place in the levers of social control. Some of these customs are at odds with the implementation of the Convention on the Elimination of Discrimination against Women.

3. Foreign communities

8. Madagascar has a number of foreign communities.

Table 1 Distribution of foreign communities

<i>Nationality</i>	<i>Percentage</i>
French	40
Chinese	20
Comorians	12
Indo-Pakistanis	18
Others (British, Africans, Arabs, Mauritians, Italians, Norwegians, Greeks, Germans, Koreans)	10

Source: Ministry of the Interior and Administrative Reform, November 2003.

4. Madagascar's main demographic characteristics

9. The population of Madagascar was 12,238,914 according to the last general census of population and housing, done in 1993, and was estimated at 16,908,000 in 2004 by the National Statistics Institute,¹ with a growth rate that has stabilized at 2.8%.
10. As an island far from the world's great migratory flows, Madagascar has very few exchanges of population with the outside world. The effects of international migration phenomena are negligible in Madagascar.

5. Geographical distribution of the population

11. The majority of the Malagasy population lives in rural areas.

**Table 2 Demographic structure by province, sex and place of residence in 2004.
Mean variant projection**

<i>Province or place of residence</i>	<i>Sex</i>		<i>Total</i>	<i>%</i>
	<i>Male</i>	<i>Female</i>		
Antananarivo	2,510,000	2,494,000	5,004,000	29.6
Antsiranana	641,000	651,000	1,292,000	7.6
Fianarantsoa	1,856,000	1,874,000	3,730,000	22.1
Mahajanga	949,000	948,000	1,897,000	11.2
Toamasina	1,429,000	1,427,000	2,856,000	16.9
Toliara	1,204,000	1,226,000	2,430,000	14.4
Urban	2,343,000	2,427,000	4,770,000	28.2
Rural	6,104,000	6,034,000	12,138,000	71.8
Madagascar	8,447,000	8,461,000	16,908,000	100.0

Source: RGPH 1993-DDSS/INSTAT.

¹ INSTAT.

Table 3 Population structure by major age groups and by sex in 2003

Age	Percentage		
	Total	Men	Women
0-14	44.3	22.4	21.9
15-64	52.4	25.9	26.4
65 and up	3.3	1.6	1.7
Total	100.0	49.9	50.1

Source: RGPH 1993-DDSS/INSTAT

12. The Malagasy population is young. The median age of the population is 16.3.

6. Main demographic indicators

6.1. Birth rate, fertility rate and mortality rate

13. As shown in the following table, the various sources of data (RGPH 93, ENDS² 92 and EDS³ 97) show that Madagascar has a high fertility rate and that fertility begins early. The total fertility rate (TFR) is 6, and the proportion of girls 15-19 years of age that have already begun their reproductive life is rather high: 30% according to EDS 1997. According to EDSMD-III (2003-2004), TFR is 5.2 children, so there has been a notable decrease since 1997 (see Table 5, next page).

Table 4 Fertility rate by age and total fertility rate according to EDSMD-I (1992), EDSMD-II (1997), and EDSMD-III (2003-2004)

Age group	ENDS 1992 ¹	EDS 1997 ²	EDSMD-III 2003-2004
15-19	157	180	150
20-24	270	279	245
25-29	272	254	235
30-34	226	215	189
35-39	192	152	130
40-44	89	88	69
45-49	19	25	17
TFR 15-49 years	6.1	6.0	5.2

Note: Fertility rate by age group, per 1,000 women.

1. National demographic and health survey (ENDS): Refeno et al., 1994.

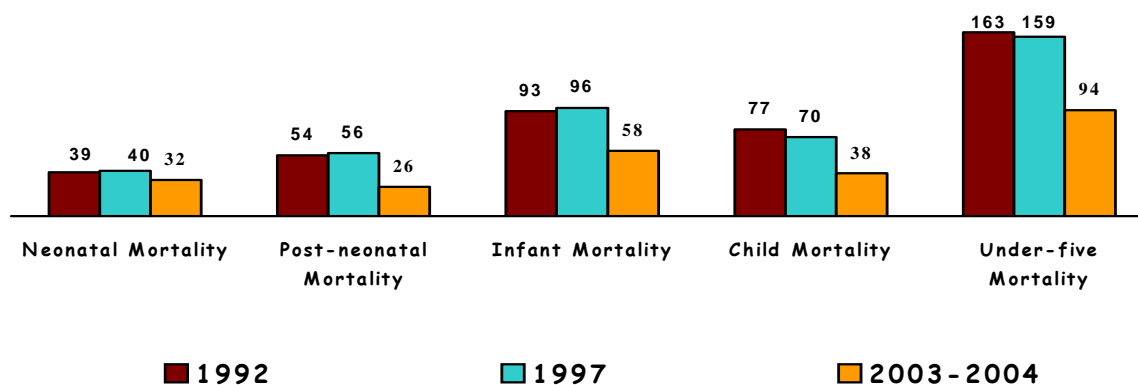
2. Demographic and health survey (EDS): DDSS, 1998.

² ENDS: Enquête Nationale Démographique et Sanitaire [national demographic and health survey].

³ EDS: Enquête Démographique et de Santé [Madagascar demographic and health survey].

14. As regards infant mortality, the most recent studies (ENDS 1992, RGPH 1993, MICS survey⁴ 1995, EDS 1997, 2000 MICS survey) estimated it at 93 %.

Graph 1 Mortality before 5 years of age



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

Table 5 Main Demographic Indicators

Indicator	Autonomous province						Madagascar
	Antsiranana	Fianara-tsoa	Mahajanga	Toamasina	Antananarivo	Toliara	
Population (2004 projection)	1,291,000	3,730,000	1,896,000	2,856,000	5,003,000	2,430,000	16,908,000
Density (in inhab./ km ²)	30.0	36.4	12.6	39.7	85.8	15.1	28.8
Sex ratio	98.28	98.6	99.88	99.84	100.54	97.81	99.56
Prevalence rate for modern contraception methods (%) in 2000	10.8	5.1	5.3	9.4	15.9	5.4	9.7
Age of mother at first birth (years) in 2000	18.6	19	18.4	19.9	20.4	19	19.5
Age of first sexual relations (year) in 2000	16.1	16.6	16	17.3	18.3	15.4	16.9
Total fertility rate (TFR) in 2000	5.21	6.87	6.61	5.61	5.37	6.18	5.97
Infant mortality rate (%)	72.9	120.9	112.4	104.1	72	114.4	99.3
Demographic growth rate (%)	2.5	3.2	2.7	3	2.8	2.6	2.7

Sources: National demographic and health survey (ENDS) 1997. INSTAT, Projections et perspectives démographiques (RGPH), 2000. INSTAT, Inventaire des Fivondronana (1999). National Planning Office.

⁴ MICS: Multiple Indicators Clusters Survey.

6.2. Life expectancy

15. In 1993, life expectancy at birth for Madagascar as a whole was higher for women than for men.

Table 6 Life expectancy at birth by province and by sex

<i>Faritany</i>	<i>Sex</i>	
	<i>Male</i>	<i>Female</i>
Antananarivo	56.68	59.99
Antsiranana	52.84	56.48
Fianarantsoa	43.70	44.62
Mahajanga	52.24	54.85
Toamasina	52.02	53.02
Toliara	51.90	53.45
Madagascar	51.30	53.30

Source: Demographics and Social Statistics Office (DDSS), RGP 93, INSTAT

16. According to the sources of EDSMD III 2003-2004, life expectancy has risen and now stands at 58.1 and 56.3 for women and men respectively.

7.- Characteristics of Malagasy households

7.1. Average size of households

17. The survey of households done in 2002 indicated that the average size of Malagasy households was 5.0 persons. It varies from one province to another. In general, households headed by men are larger than those headed by women.

Table 7 Size of households by sex of head of household

<i>Faritany</i>	<i>Heads of household</i>		<i>Aggregate</i>
	<i>Men</i>	<i>Women</i>	
Antananarivo	5.1	3.6	4.9
Fianarantsoa	5.4	4.2	5.1
Toamasina	5.2	3.2	4.8
Mahajanga	5.3	3.4	5.0
Toliara	5.8	4.7	5.6
Antsiranana	4.7	3.5	4.4
Aggregate	5.3	3.8	5.0

Source: INSTAT/DSM, 2002.

7.2. Socio-demographic characteristics of heads of household

18. Malagasy society is based on the patriarchal system.
19. The various matrimonial situations are: monogamous customary marriage, legal marriage, monogamous cohabitation, polygamous customary marriage and polygamous cohabitation.
20. According to the following table, one of every five Malagasy households is headed by a woman.

Table 8 Distribution of households by sex of head of household

<i>Faritany</i>	<i>Sex of head of household</i>			<i>Aggregate</i>
	<i>Men</i>	<i>Women</i>	<i>Total</i>	
Antananarivo	84.7%	15.3%	100.0%	29.5%
Fianarantsoa	74.9%	25.1%	100.0%	20.2%
Toamasina	79.2%	20.8%	100.0%	16.9%
Mahajanga	81.8%	18.2%	100.0%	11.1%
Toliara	78.2%	21.8%	100.0%	14.3%
Antsiranana	73.0%	27.0%	100.0%	8.2%
Aggregate	79.6%	20.4%	100.0%	100.0%

Source: INSTAT/DSM/EPM2002.

C. - Administrative organization and general political structure

1.- Administrative organization

21. The country is organized into six autonomous provinces, subdivided into 22 regions, 111 districts and 1,558 communes.
22. The urban and rural communes consist of several neighbourhoods, themselves subdivided into sectors.

Table 9 Surface area and administrative information for each province

<i>Autonomous provinces</i>	<i>Surface area (in km²)</i>	<i>Number of</i>		
		<i>Regions</i>	<i>Districts</i>	<i>Communes</i>
Antsiranana	43,056	2	9	140
Antananarivo	58,283	4	19	296
Toamasina	71,911	3	18	223
Fianarantsoa	102,373	5	23	397
Mahajanga	150,023	4	21	230
Toliara	161,405	4	21	272
Madagascar	587,051	22	111	1558

2. General political structure

23. The organization of the State set out in Title III, article 41 of the 1992 Constitution lists the various State entities, including:
- The President of the Republic and the Government, which together constitute the executive branch;
 - The National Assembly and Senate, which constitute the legislative branch;
 - The Constitutional High Court.

D. - Human development indices

1. Human Development Index (HDI) at the national level

24. In 2002, the HDI for Madagascar stood at an estimated 0.480. In that year, real GDP per capita calculated in purchasing power parity (PPP)⁵ was \$811. Aggregate gross school enrolment rate for all levels of schooling is 48.3%, while life expectancy at birth for the whole population is 53 years. In other words, on the theoretical human development measurement scale of 0 to 1, Madagascar was until this year at less than half of maximum achievable; this places the island among the countries with poor human development.
25. However, the HDI grew steadily between 1997 and 2000. From 0.468 in 2001 it rose to 0.480 in 2002 and 0.499 in 2005, placing Madagascar in 146th place out of 177 countries.⁶

2. Human Development Index (HDI) by province

26. In 2002, the human development disparities between provinces remained real: greater than 0.500 in Antananarivo, greater than 0.400 in Antsiranana, Toamasina and Mahajanga, and less than 0.400 in Fianarantsoa and Toliara.

3. Gender-adjusted human development index (GDI)

27. The slight difference between the GDI and HDI in 2002 attests to the absence of discrimination between men and women.

⁵ Purchasing power parity (PPP) An exchange rate that accounts for price differences among countries, allowing international comparisons of real output and incomes. One dollar expressed in PPP in a given country is the amount needed to buy the same quantity of goods and services as can be bought for one US dollar in the US. In Madagascar, the PPP value of a dollar has been estimated based on the data in the world report (2002) and the exchange rate (\$/FMG).

⁶ Source: NHDR 2005, UNDP.

Table 10 Gender-adjusted human development index

<i>Indicator</i>	<i>Sex</i>		<i>Aggregate</i>
	<i>Men</i>	<i>Women</i>	
Percentage of total population (in %)	49.9	50.1	100.0
Life expectancy at birth (in years)	52.0	53.9	53.0
Elimination of illiteracy in adults (in %)	75.1	62.4	68.7
Schooling, all levels (in %)	47.7	45.7	46.7
Percentage of population working compared to total labour force (in %)	50.9	49.1	100
Real GDP per inhabitant (in PPP dollars)⁷	n/a	n/a	929.2

Source: INSTAT/DSM/EPM2002.

n/a = not available.

28. In 2002, only the province of Antananarivo had a GDI greater than 0.500.

E.- Economic, social and cultural indicators

29. Since the last report in 1994, significant economic reforms have been implemented. These reforms relate to economic liberalization, the disengagement of the State from the productive sector, and the progressive privatization of companies in the secondary and tertiary sectors.

1. Gross domestic product (GDP)

30. Except for the year 2002, which saw a political crisis, Madagascar recorded a constant increase in GDP from 1997 to 2005. While nominal GDP almost tripled over this period, real GDP showed a progression of only 10.53%.

⁷ Purchasing power parity.

Table 11 Gross domestic product (GDP) in nominal and real terms and inflation rate

<i>Year</i>	<i>Nominal GDP (billions of Ariary)</i>	<i>Nominal GDP (billions of FMG 1984)</i>	<i>Real GDP (billions of Ariary)</i>	<i>Real GDP (billions of FMG 1984)</i>	<i>Growth (%)</i>	<i>Inflation (%)</i>
1997	3,610	18,050	409	2,045	3.7%	7.3%
1998	4,070	20,350	425	2,125	3.9%	8.5%
1999	4,671	23,355	445	2,225	4.7%	9.7%
2000	5,377	26,885	466	2,332	4.8%	9.8%
2001	5,969	29,845	494	2,470	6.0%	7.3%
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%
2005*	9,914	49,568	531	2,655	6.4%	5.8%

Provisional.

Source: Economic Analysis Department, INSTAT.

2. Inflation

31. The year 2004 was characterized by an across-the-board rise in consumer prices. Fuel, staples and health necessities were especially hard hit. The government took various measures to correct this.
32. The inflation was caused, in particular, by the passage of two particularly devastating cyclones, the rise in the price of fuel and rice on the international market, and the sharp depreciation of the Malagasy currency during the first half of 2004. The 2005 budget (Loi des finances) called for inflation to fall to 5.8%, with a 6.4% growth rate.

3. Depreciation of currency

33. Since 2004, the Malagasy currency has depreciated very sharply.

Table 12 Average value of Madagascar exchange rate from 2001 to 2004

Year	USD		EURO	
	Average for the period	End of period	Average for the period	End of period
2001 Average	6,588	6,585	5,903	5,872
2002 Average	6,832	6,831	6,369	6,369
2003 Average	6,192	6,193	6,996	7,047
Jan. '04	6,451	6,738	8,131	8,365
Feb. '04	6,858	7,094	8,671	8,822
Mar. '04	7,468	8,837	9,169	10,806
Apr. '04	9,022	9,526	10,818	11,272
May '04	10,015	11,364	12,021	13,947
Jun. '04	11,438	10,405	13,884	12,576
Jul. '04	10,802	10,356	13,261	12,385
August-04	10,200	10,230	12,357	12,324
Sept. '04	10,319	10,370	12,562	12,767
2004 Average	1,869	-	2,320	-
2005 Average	2,003	-	2,488	-
Jan. '06	2,139	-	2,588	-
Feb. '06	2,174	-	2,597	-
Mar. '06	2,194	-	2,634	-
Apr. '06	2,187	-	2,679	-

Source: Madagascar Central Bank.

4. Poverty

34. The macroeconomic recovery of the late nineties was accompanied by a modest reduction in the poverty level. The proportion of citizens living below the poverty line—defined as the level of total expenditure needed to buy a minimum basket of 2,100 calories per capita—fell by 2% between 1997 and 1999.⁸
35. This modest improvement of the situation was felt only in the urban environment.
36. The phenomenon of poverty in Madagascar is more acute in the countryside. The proportion of Malagasy living below the poverty line was 80.7% in 2002. More than 84% of the poor are rural people.
37. 16% of households directed by women are regarded as vulnerable.

⁸ Source: National Statistics Institute/ Household Statistics Department (INSTAT/DSM).

38. To combat poverty, Madagascar updated its Poverty Reduction Strategy Paper⁹ in July 2003. The first annual implementation report was published in July 2004, then the document was revised in June 2005.

Table 13 Percentage of poor households by sex of head of household (in %)

<i>Sex of head of household</i>	<i>1993</i>	<i>1997</i>	<i>1999</i>	<i>2001</i>
Male	69.5	73.2	71.4	69.7
Female	72.8	73.5	70.4	69.2
National	70.0	73.3	71.3	69.6

Source: RAZAFINDRAVONONA et al. EPM 2001.

Table 14 Poverty indicators by sex of head of household

<i>Sex of head of household</i>	<i>Poverty ratio</i>	<i>Poverty intensity</i>	<i>Contribution</i>
Male	81.1	47.7	84.7
Female	78.8	47.3	15.3
Aggregate	80.7	47.7	100

<i>Sex of head of household (singletons and households of more than 6 persons excluded)</i>	<i>Poverty ratio</i>	<i>Poverty intensity</i>	<i>Contribution</i>
Male	69.1	36.3	77.8
Female	75.6	42.3	22.2
Aggregate	70.4	37.5	100

Source: INSTAT/DSM/EPM2002.

Table 15 Summary of poverty indicators in 2002 by social stratum

	<i>Incidence of poverty</i>	<i>Poverty intensity</i>	<i>Number of poor</i>	<i>Contribution to national poverty</i>	<i>Gap in billions of current Ar at prices in the Capital</i>
Madagascar	80.7	47.6	13,293,000	100.0	1,548
Urban	61.6	29.3	2,305,000	17.3	216
Rural	86.0	53.0	10,988,000	82.7	1,332

Source: INSTAT/DSM/EPM2002.

5. Labour force

39. In 2002, Madagascar, whose potential labour force is estimated at 12,853,100 persons, had 8,416,500 labour market participants.

⁹ PRSP.

Table 16 Change in labour force numbers

<i>Sex or place of residence</i>	<i>1993</i>	<i>1997</i>	<i>2001</i>	<i>2002</i>
Male	3,339,366	3,929,490	4,112,224	4,261,658
Female	2,956,564	3,423,094	3,918,069	4,154,878
Urban environment	1,161,222	1,477,647	1,532,942	1,608,754
Rural environment	5,134,708	5,874,937	6,497,195	6,807,782
Aggregate	6,295,930	7,352,584	8,030,137	8,416,536

Source: INSTAT/DSM/EPM2002, 2001, 1997 and 1993.

5.1. Labour force participation rate

40. In 2002, the participation rate was 65.5%. This rate fell sharply, by 3 percentage points, after the 2002 crisis, since it had been 68.7% in 2001. Urban environments saw the largest decrease: down 3.8 points, as compared to 2.8 points in rural areas. The decline in the participation rate was greater among men (-4,2 points) than among women (-2,2 points).

Table 17 Change in participation rate by sex and place of residence

<i>Sex or place of residence</i>	<i>Year</i>			
	<i>1993</i>	<i>1997</i>	<i>2001</i>	<i>2002</i>
Male	71.9	74.3	71.8	67.6
Female	62.8	65.8	65.7	63.5
Urban environment	54.7	61.7	56.4	52.6
Rural environment	71.0	72.6	72.4	69.5
Aggregate	67.3	70.1	68.7	65.5

Source: INSTAT/DSM/EPM2002, 2001, 1997 and 1993.

5.2. Employment

Table 18 Employment distribution by industry and by sex

	Urban			Rural		
	Men	Women	Total	Men	Women	Total
Agriculture	34.3	37.2	35.7	81.1	83.3	82.4
Food industry	3.0	3.4	3.2	0.2	0.7	0.5
Textile industry	2.9	9.3	5.9	0.7	3.0	1.8
Construction & public works	5.5	0.2	3.0	1.3	0.1	0.7
Other industries	9.5	2.0	6.0	3.3	1.0	2.2
Trade	10.1	20.7	15.1	2.5	6.1	4.2
Transport	8.4	0.2	4.5	2.4	0.0	1.2
Private health	0.7	0.5	0.6	0.1	0.1	0.1
Private education	1.5	2.1	1.8	0.6	0.9	0.7
Public administration	9.5	6.7	8.2	2.6	0.8	1.7
Other services	14.6	17.7	16.0	5.2	3.5	4.4
Aggregate	100.0	100.0	100.0	100.0	100.0	100.0

Source: INSTAT/DSM/EPM2001.

5.3. Earned incomes

41. It is estimated that 78% of the working population in the cities work in the informal economy. In all, this would amount to 1.6 million people, or 10% of the population. Wages in the informal economy are particularly low and conditions are precarious. In the informal economy, the median wages of a male worker with primary school graduation are half of what a man with the same level of education would earn the formal sector. Median wages for women in the informal economy are even lower compared to what women earn in the formal sector.

Table 19 Ratio of women's to men's earned incomes, by socio-professional category (SPC) and institutional sector, in %

<i>Socio-professional category</i>	<i>1993</i>	<i>2001</i>
Senior or middle management	47.6	75.3
Employees and workers	64.5	59.5
Unskilled labour	60.6	74.7
Aggregate	64.4	61.8

Source: INSTAT/DSM, EPM1993 and EPM 2001.

42. In 2002, the average annual level of earned incomes was estimated at 763,200 Ar and the median level at 516,000 Ar. Employees in urban environments are better paid than those in rural environments. Holders of supervisory positions earn more than triple the wages of unskilled labour.

43. Women's employment in the private sector and informal economy is less well paid.
44. An 8.0% rise of the wage level was recorded, in nominal terms, between 2002 and 2001. But, when inflation between the two reference months for the two survey exercises is taken into account (estimated at 19%), wage earners' purchasing power actually fell by 11% during the period.

5.4. Unemployment

Unemployment situation

45. Workers in the informal economy do not benefit from the social protection system. They are more liable to become unemployed. The 2002 political crisis led many companies to reduce or halt their activities, which resulted in a considerable increase in the rate of unemployment in cities.
46. The results of the EPM 2002 survey indicate that there were 385,400 unemployed workers in Madagascar in 2002, up more than 90,000 from 2001. The unemployment rate gained nearly 1 point in a year, rising from 3.6% in 2001 to more than 4.5% in 2002.
47. Although women are most affected by unemployment, the number of unemployed is more or less evenly balanced between men and women. While the unemployment rate among men hardly changed between 2001 and 2002, the rate for women increased from 4.3% in 2001 to more than 5.6% in 2002.
48. Young people between 15 and 24 are the other group of job seekers with the greatest difficulty finding employment. The unemployment rate for this cohort rose less than 5.1% in 2001 to more than 7.3% in 2002. These results are due to layoffs and massive dismissals at tax-free enterprises during the 2002 crisis.

Socio-demographic characteristics of the unemployed

49. Nearly 43% of the unemployed live in urban environments, including 15% in the capital. The greatest numbers of unemployed, more than 35% of the total, are in the Antananarivo *faritany*. Contrariwise, the Mahajanga *faritany* is least affected, with fewer than 8% of all unemployed persons.
50. One in every four unemployed persons is under the age of 19, and the average age of the unemployed is 28.7. Unemployed women are on average older (32.8) than the men (28.7). The average age of the unemployed is almost identical in rural and urban environments.

5.5. Job applications

51. In 2003, the number of job seekers applying to provincial placement services was 6,191, 51.1% male and 48.9% female. More than 85% of them had at least secondary education, and

more than 18% were university graduates. 52.2% of the job seekers were first-time applicants, slightly more so among men than among women.

52. The increase in the number of applications was much greater among men than among women: nearly 23% as against 4.2%. The number of first-time applicants among women was down by 12% during this period, whereas it was up sharply for men: + 44%.

6. Health

53. The health sector is among the priority sectors for development under the Millennium Development Goals and in the framework of the Poverty Reduction Strategy Paper. The main purpose of this article is to outline the principal indicators for this sector.

54. The health policy introduced in 1995 announced two major changes in orientation:
- progressive decentralization of health services, which were henceforth to be managed through the 111 medical districts; and
 - a cost-recovery policy involving user fees.

55. Under the National Health Policy, the following goals have been set for 2006:
- A 50% reduction in the socio-economic burden of the main communicable diseases, including emerging and re-emerging diseases,
 - A 20% reduction in mortality due to non-communicable diseases,
 - Promotion of maternal and child health,
 - A stepped-up fight against malnutrition; and
 - Improvement of the health system's performance.

6.1. Maternal and child health

Antenatal consultations

56. In 2002, the rate of use the antenatal consultation services at basic health centres¹⁰ was 63.8%.

Vaccination

57. Of all pregnant women, 54.1% received two or more doses of ATV vaccine. Administration of this vaccine was more frequent in the province of Fianarantsoa, to more than 69.6% of cases.

¹⁰ CSB.

Table 20 Births protected from neonatal tetanus in CSBs, by province, in 2002

<i>Faritany</i>	<i>Pregnancies expected</i>	<i>Number of pregnant women who received ATV 2+ times</i>	
		<i>Number</i>	<i>% of births protected</i>
Antananarivo	207,773	125,120	60.2
Antsiranana	55,300	26,917	48.7
Fianarantsoa	147,137	102,388	69.6
Mahajanga	78,285	36,267	46.3
Toamasina	114,795	52,282	45.5
Toliara	101,381	38,323	37.8
National total	704,671	381,297	54.1

Source: Ministry of Health and Family Planning.

58. Since the last report, the Malagasy Government has made considerable efforts to achieve a high vaccination rate. There was a clear improvement in vaccination of children from 0 to 11 months of age. The following results were recorded in 2004: BCG 89%, TDAP3 78,2%, POLIO3 78,2%, measles 95%.

Childbirth

59. The majority of women are confined outside medical establishments. 1 parturient out of 5 gives birth in a CSB maternity ward.

Table 21 Use of CSB maternity wards by province in 2002

<i>Faritany</i>	<i>Number of pregnancies expected</i>	<i>Number of deliveries</i>	<i>Number of abortions</i>	<i>Rate of maternity ward use</i>
Antananarivo	207,773	53,852	3,732	25.9
Antsiranana	55,300	12,691	682	22.9
Fianarantsoa	147,137	29,708	1,826	20.2
Mahajanga	78,285	12,438	892	15.9
Toamasina	114,795	19,318	1,056	16.8
Toliara	101,381	13,066	743	12.9
National total	704,671	141,073	8,931	20.0

Source: Ministry of Health and Family Planning.

60. Of all deliveries at basic health centres, 90% were uneventful. The mother died in childbirth in nearly 2.6% of cases.

Table 22 Outcome of births at CSBs by province in 2002

Faritany	Deliveries	Infants born alive			Stillbirths		Maternal deaths	
		Number	Birth weight < 2,500g		Number	%	Number	%
			Number	%				
Antananarivo	53,852	52,262	4,211	8.1	1,056	2.0	132	2.5
Antsiranana	12,691	12,396	1,003	8.1	361	2.9	16	1.3
Fianarantsoa	29,708	29,128	2,659	9.1	917	3.1	88	3.0
Mahajanga	12,438	12,239	815	6.7	338	2.8	55	4.4
Toamasina	19,318	18,920	1,941	10.3	542	2.9	43	2.2
Toliara	13,066	12,691	749	5.9	392	3.1	26	2.0
Total	141,073	137,636	11,378	8.3	3,606	2.6	360	2.6

Source: Ministry of Health and Family Planning.

61. After giving birth at a CSB, two out of three women attended CSB postnatal consultations.

6.2. Malaria control

62. The use of insecticide-treated mosquito nets was begun in 1997 for pregnant women and children under 5. The number of insecticide-treated mosquito nets (ITNs) rose from 8,100 in 1997 to 55,500 in 2001. Dissemination of information on this measure is the responsibility of the Malagasy Government, with the collaboration of NGOs.

6.3. HIV/AIDS

63. The AIDS pandemic has become a national concern. Since the discovery of the first case of seropositivity in 1984 by the Pasteur Institute, the disease has been growing exponentially. In terms of sexual transmission by people living with HIV/AIDS from 1987 to February 2003, women were involved more often than men, with ratios of 49% and 42.5% respectively.¹¹

Table 23 People living with AIDS in Madagascar, cumulative number of cases

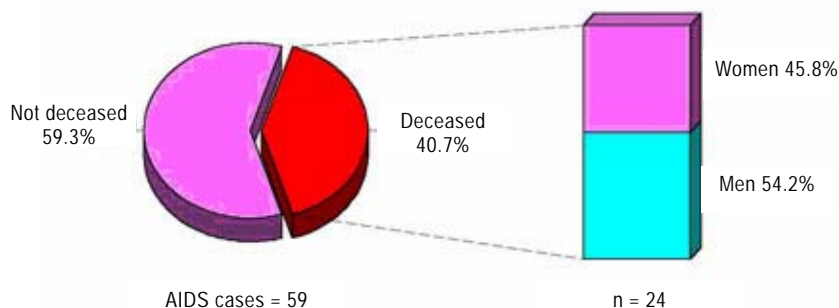
	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
AIDS patients	0	1	3	3	3	4	10	18	22	27	36	37	37	42	45	56	59
HIV-positive individuals	2	5	8	17	25	32	52	74	101	150	163	197	208	219	226	226	226

Laboratoire National de Référence (LNR) June 2003 Note: (*) by date of notification.

Individuals tested: 218,310.

1. The prevalence rate of AIDS rose from 1.1 in 2004 to 1.5 in 2005.

¹¹ Source: DLIST.

Graph 2 Deaths from AIDS from 1987 to May 2003, breakdown by sex

LNR June 2003

7. Education

7.1. Education For All

64. The Malagasy Government has subscribed to the EFA plan laid down by the conferences at Jomtien, Thailand in 1990 and Dakar, Senegal, in 2000. For Madagascar, the top priorities are:
- Universalization of basic education,
 - A 100% completion rate for the primary education cycle,
 - A 50% reduction in the rate of illiteracy.
65. The Government's efforts are focused on three essential parameters, i.e.:
- access, i.e., an increase in school capacity, to ensure universal education for all Malagasy children by 2015,
 - equity, i.e. ensuring quality appraisals in both rural and urban environments, to reduce the drop-out rate,
 - quality, i.e., improvement of teaching and teaching equipment to reduce the rate of grade-repeating to 8% and achieve a 100% completion rate by 2015.
66. To achieve these goals, the Malagasy Government received additional credits of US\$10 million under the EFA Fast Track Initiative.
67. Legislative and regulatory reforms were undertaken in the field of education.

7.2. The Malagasy education system

68. The education, teaching and training sectors include:
 - Informal education and training, consisting of all educational and training activities that take place outside the formal education system. This includes nursery school, functional literacy programmes and civics education.
 - Civics and moral education was reintroduced into basic education teaching programmes in 1992. Programmes for secondary education are under development.
 - The Office de l'Education de Masse et du Civisme, an organization reporting to the Ministry of Education, was created in 2002 to provide training and foster lasting civics awareness in the whole population but especially in educational circles.
69. Formal education and training includes primary and secondary education, technical and vocational training, higher education and university training.
70. Primary education, lasting nine years, includes:
 - Basic primary education, organized into a curriculum:
 - Preparatory instruction, 1st and 2nd year
 - One-year elementary course
 - Middle school 1st and 2nd year
 - Basic secondary education:
 - Observation course, 1st and 2nd year
 - Orientation course, 1st and 2nd year
71. Three-year secondary education (from “classe de seconde” to “classe terminale”)
72. Technical and vocational training (TVT), which includes technical and vocational training colleges and technical and vocational high schools, constitutes the least developed field of education. In 2003-2004, those taking TVT accounted for only 3% of the total student body of the colleges and high schools.
73. Higher education and university training include the six public Universities, the National Schools, and the private higher education Establishments and Institutions approved by the State, together with a Madagascar national distance learning centre (CNTEMAD).

8. Culture

74. Malagasy is the single national language of Madagascar.
75. The Government's action plans Government are primarily focused on the promotion of cultural identity, including:
 - promotion of Malagasy intercultural dialogue on the occasion of the annual observance of United Nations Day,
 - enhancement of the national and regional cultural heritage,

- establishment of the National Office for Culture and of provincial arts and culture centres in the chief provincial towns, as well as the creation of art and culture sections in the missions of the Republic of Madagascar in other countries.

76. The Government, cognizant of the importance of the cultural dimension of development, has published works in Malagasy and disseminated them to the public. The objective is to highlight the contribution of diverse cultures and civilizations and to incorporate them into school curricula.

9. Communications and religion

77. The right to information and communication and to freedom of religion is guaranteed by the Constitution without distinction of race, origin or sex.

78. The lifting of censorship in 1991 contributed to the emergence of new radio stations, private television stations and the development of the print media.

79. In August 2004, there were 93 recognized religious organizations, including all denominations.

10. Security and justice

80. Protection of citizens and their property is guaranteed by the Constitution without distinction of race, origin or sex.

81. The equality of men and women before the courts is guaranteed by the Constitution.

Part II

Article 1: Discrimination against women

82. As a State party, Madagascar has adopted an appropriate legal framework and has implemented a policy for the elimination of discrimination against women.
83. The process of ratification of the Optional Protocol to the Convention on the Elimination of Discrimination against Women is now under way.
84. In political matters, under article 6, subparagraph 2 of the Constitution, *“All citizens of both sexes who possess civil and political rights are electors on the conditions determined by law.”*
85. The right to vote may be revoked only by final decision of a court.
86. Concerning the other fields enumerated by article 1 of Convention, and in particular the economic, social and cultural field, article 22 of the Constitution states that: *“The State shall take the necessary measures to guarantee the intellectual development of every individual, subject only to that individual’s abilities.”*
87. Article 26 of the Constitution provides that: *“Everyone shall have the right to participate in the cultural life of the community, in scientific progress, and the resulting benefits.”*
88. Article 11, subparagraphs 1 and 2, of the Constitution provides that everyone is entitled to information. *“Information in all forms shall be subject to no prior restraint.”*
89. Article 19 of the Constitution provides that: *“The State shall recognize every individual’s right protection of his health, starting from conception.”*
90. Article 54 of Act 90-013 of 20 July 1990 instituted equality between spouses in determining of the choice of the marital home. It provides that: *“Spouses are required to live together; they fix their common residence by mutual agreement; however, should a disagreement arise between the spouses, during the marriage, on the choice of a common residence, either spouse, at his or her own initiative, may bring the matter before a judge sitting in chambers.”* No such provisions previously existed.
91. Act No. 67-030 of 18 December 1967 on matrimonial regimes and the form of wills, as amended by Act No. 90-014 of 20 July 1990, institutes the equal sharing of community property at the dissolution of the marriage. This new provision corrects the inequitable division provided by the former law.

Article 2: State party's obligations

Malagasy Constitution

92. Madagascar has enshrined equality between men and women in its Constitution. The Constitution of 18 September 1992, as amended in 1998, expressly states in its preamble that the Convention on women's rights ratified in 1989 is an integral part of positive Malagasy law.
93. Equality between men and women is confirmed in articles 8, 21, 27 and 28.
94. Article 8 provides that "*Citizens are equal before the law and enjoy the same fundamental freedoms under the protection of the law without discrimination on the basis of sex, level of education, financial situation, origin, race, religious belief or opinion.*"
95. Article 21 states that: "*The State shall protect the well-being of the family, the mother and child, by legislation and by appropriate social institutions.*"
96. Article 27, subparagraph 2, provides that: "*Access to public office is provided to all citizens without any constraints other than their capabilities and aptitudes.*"
97. Article 28 forbids discrimination based on sex in the field of employment and labour.

Other Measures

98. Legislative measures were adopted in the matrimonial, penal and social fields as well as in communications and information to remove the inequality between men and women.
99. As regards suitable measures to eliminate discrimination against women in employment, the Supreme Court of Madagascar, by its ruling No. 231 on 5 September 2003, gave judgement in favour of the plaintiff Ms DUGAIN, née Tovondrainy Jacqueline:
 - on the basis of article 268 of the Social Welfare Code and article 52, subparagraph 4, of the Labour Code,
 - finding that a general principle of law had been violated: the principle of equality and non-discrimination, to the support whereof the Malagasy State has committed itself internationally by endorsing the Conventions on the rights of women and the rights of the child; hence, the facts alleged were in violation of article 13 of Ordinance No. 62-041 of 19 September 1962 relating to the principles of international law and private international law.
100. To comply with the obligation to refrain from any act or practice that discriminated against women, the Malagasy legislature undertook significant reforms in the fields of family law, criminal law, and social law.
101. Family law is being revised along the lines laid down in the Convention. Thus, reforms are in preparation that will better implement CEDAW:

- Revision of the lawful age for marriage for both sexes to 18, instead of 14 for girls and 17 for boys, as provided by the former law;
 - Automatic transmission of nationality to children born to a Malagasy mother and a foreign father. Previously, children of a Malagasy mother and a foreign father did not automatically receive Malagasy nationality;
 - In the event of divorce, acceptance of jurisdiction flowing from the residence of the wife, as well as the husband. Previously, only the jurisdiction of the husband's residence determined the applicable jurisdiction.
102. To gradually eliminate the negative effects of traditional customs in the framework of the application of the Convention, the Malagasy Government has published an information and training handbook entitled "*MIRALENTA HO AN' NY FAMPANDROSOANA*"¹² in order to promote equal status for men and women in a gender mainstreaming approach through the National Action Plan on Gender and Development¹³ adopted in 2003.
103. Moreover, since the 1989 ratification by Madagascar of the Convention on the Elimination of All Forms of Discrimination against Women, the Malagasy Government has, through a number of projects, instituted programmes for the promotion of women's rights. A programme on education for family life¹⁴ and support for self-employment was implemented from 1990 to 1994.
104. Its objective was to make women aware of education for family life; 3,800 women were reached during this first phase, whereas the goal had been 2,500.
105. The second phase took place from 1997 to 1999.
106. In this case the objective was to consolidate the gains and to extend the activities to FLE and support for women's self-employment.
107. The third phase ran from 2000 to 2004 and sought to enhance women's legal status and educate them in family life.
108. The National Policy for the Advancement of Women¹⁵ was begun in 2000.
109. In cases of adultery, the provisions of criminal law incompatible with the Convention were repealed. Thus, the penalties for women and men are the same, whereas women's used to be heavier. Thus, persons found guilty of adultery are liable to the same penalty set out in article 337 of Act No. 96-009 of 9 August 1996, which stipulates: "*A wife or husband convicted of adultery shall be liable to a fine of 200,000 to 3,000,000 Ariary or a term of imprisonment of between three months and one year. The plaintiff wife or husband may at any time suspend the effect of this judgment by agreeing to resume cohabitation.*" The old legislation made a husband convicted of adultery liable to a fine only, whereas the wife was liable to a term of imprisonment.

¹² Gender equality for development.

¹³ PANAGED.

¹⁴ FLE.

¹⁵ PNPF.

Article 3: Suitable measures taken to guarantee women the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men

Measures taken in accordance with international provisions

110. In order to guarantee the exercise and enjoyment of human rights and fundamental freedoms on an equal basis with men, Madagascar has taken measures in conformity with the recommendations of the Millennium Declaration, the African Charter on Human and Peoples' Rights, the Beijing and Dakar Platforms for Action, the Cairo Agenda for Action, and the Convention Against Transnational Organized Crime.
111. Following the 1995 Beijing Conference, the Malagasy Government adopted a policy aimed at studying the problems of women's right, enhancement of women's legal status, and family life education. This policy, known as the national policy for the advancement of women, has been in place since October 2000 within the framework of the UNFPA funding project.¹⁶

Constitutional measures

112. The Constitution of the Republic of Madagascar includes measures for the efficacious protection of all citizens' fundamental rights regardless of race, sex or religion.
113. Article 7 of the Constitution provides that: *"The law is the expression of the general will. It shall be the same for all, whether it protects, binds or punishes."*
114. Article 8 is more explicit, stating that *"Citizens are equal before the law and enjoy the same fundamental freedoms under the protection of the law without discrimination on the basis of sex, level of education, financial situation, origin, race, religious belief or opinion."*
115. The concept of family has an important place in Malagasy society. In spite of the patriarchal character of family life, women play a very significant role.
116. Article 20 of the Constitution states that *"The family, a natural and fundamental part of society, shall be protected by the State; Everyone has the right to found a family and to bequeath personal property through inheritance."*
117. To underline this fundamental role of the State, article 21 of the Constitution states that: *"The State shall protect the family, so that it may develop freely, as well as the mother and the child, by legislation and by appropriate social institutions."*
118. It is further stipulated, in article 27, subparagraph 2, of the Constitution, that *"Access to public office is provided to all citizens without any constraints other than their capabilities and aptitudes."* This shows that no form of discrimination is permitted. Indeed, article 28 states that *"No one may be denied work or employment on the basis of sex, age, religion, opinions, origin, membership in a trade union or political beliefs."*

¹⁶ Project MAG 04-01-02.

119. Protection of human rights is fundamental. For that reason, the Constitution devotes several provisions to it.
120. Article 29 states that *“All citizens have the right to be remunerated equitably according to the quality and the quantity of their work, to ensure that they and their family are able to live in dignity.”* Finally, article 40, subparagraph 2, provides that *“The State ensures, through the establishment of specialized bodies, the promotion and protection of human rights.”*

Legislative and regulatory measures

121. Measures have been taken, in particular, to guarantee the practical existence of women’s rights at the socio-economic and cultural level.
122. Act No. 2004-004 of 26 July 2004, providing general guidelines for Madagascar’s education, teaching and training system, stipulates, in article 36, that civics education has the following components:
- Education in citizenship and patriotism
 - Education in family and community life
 - Education in development and environment
 - Education in hygiene, family and village health, and HIV/AIDS prevention and control.
123. Decree No. 95-645 of 10 October 1995 on the National Action Plan for Girls’ Education¹⁷ states, in article 2, that: *“The national action plan for girls’ education seeks to prepare girls for their various roles as wife, mother, citizen and agent of development, and to encourage their personal development.”*
124. Decree No. 3743 of 7 October 1970 created a National Committee for the Advancement of Women and the Protection of Children, and Decree No. 192 of 19 January 1972 created local committees for the advancement of women and the protection of children.
125. In the framework of the introduction into national legislation of the provisions of ILO Convention No. 100 of 29 June 1951 on equal pay for male and female workers, ratified by Madagascar on 10 August 1962, Act No. 2003-044 of 28 July 2004, the Labour Code, states the following in article 53, subparagraph 1: *“Given equivalent professional qualifications, the same job and work of equal value, wages shall be equal for all workers regardless of origin, colour, ethnicity, sex, age, trade-union membership, opinions or status, subject to the conditions set out herein.”*

Other measures

126. In the light of the observations and recommendations put forth at the time of the last report, the Malagasy Government has adopted an appropriate national policy called the National Action Plan on Gender and Development, derived from the regional action plans.

¹⁷ PANEF.

127. It proposes to set up listening centres in two provinces, Antananarivo and Fianarantsoa, and to provide women with legal advice.
128. Thus, six regional action plans, called Regional Action Plans on Gender and Development¹⁸ were drawn up.
129. These six action plans together gave rise to the National Action Plan on Gender and Development, adopted under Decree No. 2003-1184 of 23 December 2003 for the 2004–2008 period; its dissemination began in 2004.
130. PANAGED's institutional implementation framework has been in place since 2005. It reinforces national institutional mechanisms with training on women's rights and the integration of gender issues into development programme projects. and enhances the abilities of decision makers and NGO representatives.
131. Awareness-raising for the persons in charge in each region began in 2005, with the goal of providing more detailed information on PANAGED's objectives.
132. In June 2001 the Malagasy Government developed a strategic code to integrate the gender dimension into projects and programmes. It is a methodological orientation tool to enable each institution to integrate the gender dimension kind into its activities.
133. Girls have access to education without discrimination, on the same footing as boys. According to UNDP's 2003 National Human Development Report entitled "Gender, Human Development and Poverty," the gap between men and women in Madagascar, never large since the beginning of the Nineties 90,¹⁹ has diminished over the last few years and today is almost non-existent. Indeed, the GDI value for Madagascar was 0.477 in 2002, almost the same as the HDI for that year (0.479). This attests to the absence of discrimination between men and women from the point of view of the three components of the Human Development Index. That result may be explained by the reduction in variations in education, schooling but also in terms of work incomes.
134. The field of politics remains the preserve of men. However, there are signs of some tentative female inroads. In 2001, women made up 5.10% of mayors, 8% of members of parliament, 15.3% of senators and 14.7% of ministers; only governors were 100% men. No woman has ever been President of the Republic or Prime Minister. Currently, the number of women in public life is decreasing. Only 5% of members of Parliament are women, 15% of senators, and a single minister.
135. Women are in all branches of industry except the military, but there is a female presence in paramilitary bodies such as the police and prison authorities. They are very numerous in teaching, health, the judiciary and the legal profession. In the industrial and commercial field, men predominate in large business while women run SMEs/SMIs or smaller or more informal businesses. Journalism is also a favourite field for women.

¹⁸ PARGED.

¹⁹ The Gender-adjusted Human Development Index (GDI) was 0.388 in 1993, as compared to 0.399 for the Human Development Index (HDI).

Article 4: Special temporary measures aimed at hastening the advent of equality between men and women – Maternity protection

136. In the public service, no special temporary measures were taken, since access to the public service is on a non-discriminatory basis (cf. Table 36, Appendix).
137. The wish expressed by Madagascar during the review of the last report, for a proportion of 50% women to be achieved in decision-making bodies and 25% in Parliament, has not yet been fulfilled. Indeed, it has to be confessed that the number of women in Parliament has diminished since the last report.
138. Legislative measures were enacted to benefit pregnant women in the workplace:
- Act No. 2003-011 of 3 September 2003 granted pregnant women three months of maternity leave, instead of the two months previously allowed, and one hour of breast feeding a day. Men are now eligible for 15 days of paternity leave.
 - an administrative measure to promote breast feeding calls for companies and workplaces to provide facilities for women to nurse their children.

Article 5: Socio-cultural behaviours

Constitutional measures

139. The socio-cultural behaviour of men and women must be shaped by an appropriate State education policy.
140. For that purpose, the Constitution of the Malagasy Republic, in article 24, provides that *“The State shall organize public education, free and accessible to all.”*
141. Article 25 states that: *“The State shall recognize the right to private education and shall guarantee freedom of education subject to conditions of health, morality, and capacity established by the law. Private educational establishments shall have the benefit of the same fiscal regime, with conditions established by law.”*
142. Finally, article 26 provides that: *“Everyone shall have the right to participate in the cultural life of the community, in scientific progress and in the resulting benefits. The State shall assure the promotion and protection of the national cultural heritage, as well as scientific, artistic and literary production.”*
143. Again with the purpose of improving social conditions for all citizens, the Constitution of the Republic of Madagascar, in article 30, provides that *“The State shall attempt to provide for the needs of every citizen who, by reason of age or physical or mental handicap, is unable to work,, in particular by instituting social service agencies.”*

Legislative measures

144. Ordinance No. 60-146 of 3 October 1960 relating to land ownership gives men and women equal rights to become landowners; under article 123, subparagraph 2, of that ordinance, *“A woman married under the community property regime can claim rights to property registered by the husband in fraud of her rights.”*
145. In spite of these measures to ensure equality between men and women, in the area of marriage and property administration, certain remarks must be made, such as:
- the practice of arranged marriages, whereby parents force daughters to marry in certain remote areas of Madagascar;
 - the housework done by the wife during the life of the community is ignored in the event of dissolution of the marriage;
 - even Ordinance no. 62-089 on marriage, in article 3, contemplates the possibility of marriage at 14 for girls and at 17 for boys. Not only is this article discriminatory, but the age of marriage for girls is premature and endangers health. Reforms are in hand to set the age of marriage at 18 for girls and boys alike.
146. Under a certain practice of Malagasy customary law, a wife, in the event of a disagreement with her husband, may leave the marital home temporarily to go and live with a member of her

family, the husband being expected, again according to this Malagasy tradition, to do everything possible to induce her to return to the marital home.

147. Articles 24 and 29 of this same ordinance grant the woman a particularly significant right. It provides the married woman with a legal mortgage to guarantee her matrimonial rights and so protect her from such acts by the husband as would be liable to harm the wife's interests.
148. This provision aims to protect the wife's interests, on the basis of the principle that governs the community property regime.
149. The patriarchal nature of Malagasy society is seen in the rules of positive law and in customary practices. Ordinance 62-089 of 1 October 1962, on marriage, provides in article 53 that *"The husband is the head of the household. The wife helps him to provide moral and material guidance to the family and to raise the children. If the husband is unworthy, incapable or unavailable, or voluntarily renounces cohabitation, the wife alone discharges the duties referred to in the preceding subparagraph."*
150. However, in spite of this patriarchal character of Malagasy society, the wife has a right granted to her by law. Article 55 of Ordinance 62-089 of 1 October 1962 on marriage states that: *"Nevertheless, for serious reasons, the wife may temporarily leave the marital home in the manner and under the conditions customarily observed."*

Other measures

151. The Malagasy Government, through the Ministry of Justice, is conducting an extension campaign on Madagascar's positive law on basic human rights, whereby their exercise may be encouraged.

Protection of women from violence

152. With respect to the protection of women from violence, Act No. 2000-021, amending and supplementing certain provisions of the Malagasy Criminal Code relating to violence against women and indecent assault, was adopted on 12 October 2000.
153. The former Malagasy Criminal Code, governed by Ordinance No. 62-013 of 10 August 1962, in article 312, subparagraph 1, omitted any mention of aggravated assault against a spouse, man or woman. Henceforth, article 312, subparagraph 1, of Act No. 2000-021 is used to punish domestic violence against women in keeping with the spirit of the Convention. This new article 312, subparagraph 1, states that: *"Any person who has deliberately inflicted injury on or struck a woman in a state of pregnancy known or apparent to the perpetrator shall be liable to a term of imprisonment of two to five years and a fine of 500,000 FMG to 20,000,000 FMG if the said injury or blows have not led to any illness or personal disability such as is stipulated in article 309."*

154. According to a study done by the Malagasy Government in conjunction with the United Nations system in May 2003 and after establishment of the report on violence against women and girls in Madagascar, an assessment of the situation was drawn up.
155. These reports indicate that violence against women and girls in Madagascar takes the form of:
- Physical violence,
 - Sexual violence,
 - Psychological and moral violence,
 - Cultural violence against children, including girls, which manifests itself in particular in the obligation to enforce traditional and modern beliefs, norms and cultures, as well as practices harmful to the children's development. Examples:
 - o adherence to the various social and dietary prohibitions,
 - o a parent's encouraging the children to beg,
 - o employment of very young children.
156. Economic violence, which manifests itself in the economic subordination of women, as traditional ancestral customs disqualify women and girls from inheriting land and real estate in certain areas.

Sexual violence

157. With respect to sexual violence as such, Act No. 2000-021, in articles 332 and 333, provides harsh penalties for sexual violence.
158. Thus, article 332 of the Act provides that: *“Any act of sexual penetration, whatever its nature, committed on another person by force, coercion, threat or surprise constitutes rape. Anyone who rapes a child under the full age of 15 or a woman in a state of pregnancy known or apparent to the perpetrator may be sentenced to long-term hard labour. In other cases, a person found guilty of rape or attempted rape may be sentenced to five to ten years’ imprisonment. Anyone found guilty of indecent assault or attempted indecent assault with violence on a child under the age of 15 or a woman in a state of pregnancy known or apparent to the perpetrator may be sentenced to long-term hard labour. In other cases, the punishment is two to five years’ imprisonment.”*
159. In practice, very few women who are victims of marital violence lay a complaint against their husbands, from ignorance of the law or out of fear of reprisals.
160. Article 333 states that: *“Any person shown to have made the performance of an act or service within the scope of his functions conditional on obtaining a sexual favour nature or to have demanded such favours from any person as a condition of providing to the latter, for himself (herself) or a third party, a job, promotion, reward, honour, or any advantage or favourable decision, shall be liable to a term of imprisonment of 1 to 3 years together with a fine of 5,000,000 to 20,000,000 FMG. Any person shown to have threatened or actually employed sanctions against a person under his or her authority or seriously pressured the latter to grant*

him or her sexual favours, or to take revenge for the refusal of such favours, shall be liable to a term of imprisonment of 2 to 5 years together with a fine of 10,000,000 to 50,000,000 FMG.”

161. In addition to sexual violence, women are also protected from the worst forms of work. Article 7, subparagraph 2, provides that: *“It is forbidden to employ women in underground work in mines and quarries.”*

Measures to protect pregnant women

162. Article 93 of Act No. 2003-011 of 3 September 2003 states that: *“Decrees issued at the recommendation of the National Labour Council determine what types of work are forbidden to women and to pregnant women.”*

163. Other articles, such as article 94, provide that: *“A pregnancy shall not be grounds for termination of an employment contract during the probation period.”*

164. As regards the civil service, the said Act, establishing staff regulations for the civil service, was enacted to improve on Ordinance No. 93-019 of 30 April 1993.

165. Article 20, subparagraph 1, of the Labour Code provides that: *“The total time allotted to mothers to nurse their children is set at one hour per day during working hours.”*

166. Article 21, subparagraphs 1 and 2, states that: *“Women may not be employed for a total of eight weeks before and after giving birth. In particular, it is forbidden to employ new mothers in the six weeks following childbirth.”*

Administrative and other measures

167. In August 2005, the Ministry of National Education and Scientific Research, in cooperation with researchers, experts, administration officials and social workers from national and international non-governmental organizations working in the Republic of Madagascar, developed a national action plan for the education of girls²⁰ for the years 1995 to 2000.

168. According to the declaration issued on adoption of this action plan, girls were the primary victims of deschooling because they represented less than 49% of the population attending school. This is far from the goals set for Madagascar by the year 2000 under the Education For All initiative, in particular with regard to the reduction of sexual discrimination in education.

169. This action plan was adopted pursuant to the recommendations, resolutions and declarations of:

- the World Summit for Children (New York 1990),
- the World Conference on Education for All (Jomtien 1990),
- the Pan-African Conference on the Education of Girls (Ouagadougou 1993),
- the International Congress on Population Education (Istanbul 1993),

²⁰ PANEF.

- the Summit Conference of Heads of State and Government of the OAU (Cairo 1993), and
 - the International Conference on Population and Development (Cairo 1994).
170. The objectives to be reached were:
- to increase the schooling rate by 10% between 1995 and 2000 and to increase by 5% a year per annum the survival rate up to the end of the primary education cycle among pupils in school; to develop remote teacher training by means of audiovisual broadcasts for teachers and pupils and the publication of teaching bulletins;
 - to raise awareness among teachers and principals of the specific problems of girls, especially in the areas of literacy and school survival;
 - to implement the proposals of studies to correct the causes of wastage in girls' education;
 - to create the necessary conditions for girls to pursue the same studies as boys;
 - to reduce the rate of female illiteracy by 15%;
 - to develop family life education;
 - to reduce the female population's workload, in particular by reactivating or creating pre-school activity centres, rationalizing water supply to villages and populous neighbourhoods, producing and disseminating labour-saving devices for women, promoting higher-efficiency fireplaces, family spacing, and enhancement and dissemination of legislation regarding women.
171. The Malagasy Government, in cooperation with UNICEF, established a Framework for Operations for the year 2001-2003.
172. The Framework was established in the light of the commitments entered into at the World Summit for Children, which relate to ratification of the United Nations Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Global Agenda for Children, the UN Development Assistance Framework for Madagascar, development strategies for poverty reduction, and the Economic Policy Framework Document, the forerunner of the Poverty Reduction Strategy Paper.
173. The objectives were to reduce the death rate of children aged 0 to 5 through the integrated early childhood development programme,²¹ to improve living conditions for the women and children of Madagascar to ensure their survival, development, protection, and participation in sustainable human development.

²¹ DIJE.

Article 6: Measures for the suppression of trafficking in women and the exploitation of women's prostitution

Internationally

174. Madagascar has ratified the majority of the Conventions and Charters relating to the protection of human rights, including:

- The United Nations Declaration on the Elimination of Violence Against Women (1993),
- Convention No. 97 on the Protection of the Rights of All Migrant Workers and Members of Their Families, ratified 14 June 2001,
- Convention No. 138 concerning Minimum Age for Admission to Employment, ratified 3 June 1998,
- Convention No. 182 concerning Elimination of the Worst Forms of Child Labour, ratified 4 October 2001,
- The Convention Against Transnational Organized Crime, ratified 17 January 2005,
- The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, ratified in September 2004,
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography,

175. As regards the exploitation of women's prostitution, on 17 January 2005 Madagascar ratified the United Nations Convention against Transnational Organized Crime, the Protocol against the Smuggling of Migrants by Land, Sea and Air, additional to the Convention against Transnational Organized Crime, which is intended to prevent, suppress and punish trafficking in persons, especially women and children.

176. The legal process of incorporation of the terms of the Convention against Transnational Organized Crime into national legislation, including its optional protocol on human trafficking, in particular in women and children, is under way.

Constitutional measures

177. Article 13 of the Constitution provides that: *"Everyone shall be assured of the inviolability of his person, his residence and his correspondence."*

Legislative measures

178. Articles 346 and 347 of Act No. 98-024 of 25 January 1999, amending the Criminal Code with respect to paedophilia, toughen penalties for crimes and misdemeanours involving minors and the family, as well as crimes and misdemeanours involving children.

179. In addition, article 354 of the Criminal Code provides penalties for kidnapping. It provides that: *"Whosoever by deception or violence kidnaps a minor or causes a minor to be kidnapped, lured, abducted or removed from a location where he was placed by persons in*

authority or persons to whose authority he had been submitted or entrusted shall be liable to a term of imprisonment of from five to ten years”

180. In accordance with the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, new legislation on adoption was enacted in 2005 to better regulate the movement of children.
181. At the national level, to combat procuring, no specific legislation exists against prostitution. In Madagascar, prostitution is indirectly prohibited through the laws outlawing procuring.
182. Article 334 of the Malagasy Criminal Code prohibits procuring, which consists in particular in:
 - aiding, abetting or knowingly protecting the prostitution of another person or soliciting with a view to prostitution.
 - living on the avails of prostitution.
183. This offence is severely punished if a minor is involved or if it is accompanied by the use of force, abuse of authority or fraud, and also if the perpetrator is carrying a concealed or unconcealed weapon or is the victim’s husband, father, mother or customary guardian.
184. The penalties provided in article 334 *bis* of the Criminal Code are applicable to any person contributing to the victim’s delinquency by habitually inciting, promoting or facilitating vice or corruption in young people of either sex who are less than 21 years of age, and even occasionally in minors under 16.
185. These penalties are applicable to procurers even if the various acts of which the offences consist were committed in different countries.
186. Under article 335 of the Criminal Code, the same penalties apply to: *“Any individual who, directly or through an intermediary, manages, directs or operates a house of prostitution, or who habitually tolerates the presence of one or several persons engaging in prostitution in a hotel, furnished house, pension, licensed premises, club, circle, dance-hall or place of entertainment or their annexes or any place open to the public or used by the public and of which he is the owner, manager or director.”*
187. Article 335 *bis* provides that procuring becomes a crime when it is carried on in organized gangs or with the use of torture or acts of cruelty.
188. The penalties provided in the Criminal Code are applicable to procurers even if the various acts of which the offences consist were committed in different countries.

Administrative and other measures

Prostitution

189. In Madagascar, poverty, rural migration, and the growth of cities are the principal causes of prostitution. It is estimated that there are between 1,309 and 2,217 children engaging in prostitution in Toamasina and between 700 and 850 in Nosy-Be. The estimated number of prostitutes 18 years of age or older ranges from 1,745 to 2,771 in Toamasina and from 1,200 to 1,300 in Nosy-Be.
190. The arrival of foreign tourists gave a new dimension to the problem, and it is clear that sex tourism does exist in the places studied.
191. But children are also victims of sexual exploitation by Madagascar nationals. According to studies carried out in certain areas of Madagascar, the sexual exploitation of children under 13 years of age for men, not necessarily Malagasy, is a common practice.
192. It has been observed, too, that some young children still going to school are involved in prostitution. The children use the money so earned to pay their school expenses.
193. In Toamasina: 7.2 schoolgirls out of 152 children are engaging in prostitution.
194. Nosy-Be: 12 children out of 100 are foreigners.
195. In Antsiranana, Toliara and Antananarivo, the study carried out with the assistance of IPEC/ILO showed that:
- Commercial sexual exploitation of children is occurring,²²
 - Children are recruited on the street or in night clubs by touts, generally hotel receptionists, who relay offers and requests between children and customers,
 - Most children from poor households (parents or guardians working odd jobs or unemployed) engage in prostitution.
196. In Mahajanga: The study showed that:
- The victims are mainly girls, but boys are increasingly targeted as well. Foreigners are involved in these acts,
 - The populous outlying districts of the city are most affected (90%), and most of the sex workers are from migrant families from the areas of southeastern Sofia and the central highlands cities (Fianarantsoa, Antananarivo),
 - Many are from broken or single-parent families, or are young people from rural areas, living alone or in groups for their studies under precarious conditions. They engage in prostitution to provide for their vital daily needs.
 - These victims are educated: boys and girls with high-school education and some co-eds. What they have in common is poverty.

²² CSEC.

197. But children from middle class and wealthy families are also affected by this scourge.
198. The consequences of sexual exploitation of children²³ are, among others, early pregnancy and sexually transmitted infections. The family's financial straits contribute to this phenomenon of child prostitution. In certain port cities in Madagascar, some parents are actually putting their young daughters on hire purchase, or prostituting them, to make a good livelihood.
199. The exploitation of women and girls poses an increasing threat to a whole community. Such is the plight of the women who go abroad on the promise of legal employment but end up becoming sex workers.
200. In the Fianarantsoa area, the traditional meeting place for young people, the "*tsehan' ampela*"²⁴ is practically a market for girls.
201. They are not always willing, but are sometimes forced into it by the community.
202. As part of the fight against prostitution, in particular in the name of protection of minors, administrative measures have been taken:

Human trafficking

203. The Ministry of Education and the Ministry of Population have produced educational programmes on radio and television stations to sensitize the public to human trafficking.
204. The Ministry of Labour has supported victims through the creation of reception centres.
205. The Ministry of Labour and the Civil Service and the International Labour Office/IPEC have drawn up a national action plan to combat the worst forms of child labour.
206. Though international trafficking in women may be subtler in Madagascar, domestic trafficking takes several forms: women's housework, in particular that of girls, and the seasonal work of gathering. Concerning housework, the National Child Labour Council has drawn up to combat child labour.
207. The Fédération Malagasy de Football, in conjunction with the Ministry of Labour and ILO/IPEC, has made the public aware of the need to eradicate child labour by placing a red cardboard panel on the football field, producing video clips and distributing films...
208. June is Children's Month in Madagascar.
209. As a result of these various measures taken by Madagascar, the American Embassy in Antananarivo has downgraded Madagascar from level 2 to level 3. As regards human trafficking, the Embassy is ready to lend its support.

²³ SEC.

²⁴ Girls' market.

Actions taken by the Government

210. The Malagasy Government has been setting up vice squads and/or protection of minors divisions in the five provincial capitals Province since 2003.
211. The Government State is giving continuous training to the vice squad officers and disseminating legislation on morals and minors as well as the international instruments relating to child protection (Protocols and Conventions).

Actions in partnership with civil society and lenders

212. The Government, civil society, and the technical and financial partners have jointly committed to combating prostitution.
213. In cooperation with UNICEF, the Secretariat of State for Public Safety is taking measures to protect minors from prostitution. These measures are being taken at Tuléar and Nosy-Be. The main achievements are: training of police officers in the “listen to the children” approach, monitoring of night clubs, awareness-raising through the posting of “no to sex tourism” posters in hotels and night clubs.
214. Thus, in September 2005, actions such as these were taken in a district of the Capital called Tsaralàlana, much frequented by prostitutes.
215. Whereas in May 2005 there were some 300 young women and transvestites in Tsaralalàna, a district of the capital with a brisk prostitution trade, today there are barely half as many.
216. At the behest of the FIATA *fokontany* in Tsaralalàna, cleanup measures were taken, in the form of nightly raids, which explains the reduction in the number of sex workers. Some of them moved on to other districts.
217. An association called “Life Giving Water,”²⁵ among many others, is helping with the vocational rehabilitation of Tsaralalàna sex workers.
218. In the six provinces, under the National Policy for the Advancement of Women and in partnership with the financial partners and civil society, on the sex workers’ own initiative, associations were created.
219. Their objectives are as follows:
- Social rehabilitation,
 - Provision of income-generating activities,
 - Health education (STI/ HIV/AIDS).

²⁵ LGW.

220. In the area of prevention of Sexually Transmissible Infections,²⁶ the authorities took special measures: distribution of health cards called “carte blanche” to record the results of sex workers’ monthly medical check-ups at the basic health centres.
221. At each check-up, this card is filled out as evidence of the person’s state of health. During spot checks for ID cards other papers, these “cartes blanches” are checked. If the seal is missing, the police detain the prostitute and persuade her to get a medical examination at the basic health centre.
222. To take the example of the LGW association, in three years it has been able to reintegrate some twenty prostitutes, who went into trade or are working the land.
223. There were once specialized services for prostitutes in each provincial health office, but since 2003, following a workshop on AIDS, sex workers can consult any doctor for their medical check-up.
224. Through its “Population Programmes Support”²⁷ and “John Snow International” or “Jereo Salama Isika” programmes,²⁸ USAID, in cooperation with the Ministry of Population, Social Protection and Recreation and the Ministry of Health and Family Planning, has done a lot of work with sex workers’ associations to implement the social rehabilitation programme for prostitutes.
225. Funds were allocated to these associations to start up income-generating activities. In addition, *Médecins du monde* doctors deal with and give psychosocial counselling to sex workers who are seropositive or have sexually transmitted infections.
226. The customary practice of sexual freedom during festivals²⁹ encourages prostitution.
227. Several workshops, held in the provinces as well as in the capital, have led to the development of national action plans:
- A national action plan against sex tourism in late 2002 at Nosy-Be,
 - A national action plan against the worst forms of child labour in July 2004 at Antananarivo,
 - A national action plan to eliminate violence against children, including sexual exploitation, in April 2005. However, the Government is facing a major problem: implementing the plan despite a lack of financial means.

Violence against women

228. Women considered as commodities or exploited for prostitution are not safe from violence. The offences set out in article 6 of the Convention are a violation of human rights and an assault on the dignity and integrity of human beings. Violence may take a number of forms:

²⁶ STI.

²⁷ APROPOP.

²⁸ JSI.

²⁹ Example: Donia, ...

sequestration, hair tugging, scuffles, slaps, punches, neglect, privation, heavy workload, maltreatment...

229. Here are some opinions collected for a study entitled “*A Contribution to Knowledge of the Real Situation of Malagasy Women in terms of Family Life, Violence Against Women and Civil Life.*” People were questioned about violence in November 2004.

- Rape: “... violence against women means the girl is forced to have sex” (a group of girls in Antananarivo),
- A man’s deliberate decision to abuse a girl sexually: “... for example, suppose I have a girlfriend I don’t really love, I just want to sleep with her. Then, when I get what I want, I leave her. That’s what I call violence against women” (a group of young men in Toamasina),
- Women in the home: “Just because he doesn’t like your cooking, he’ll push you around. He is quick to hit you even if he is not drunk” (a group of young people in Toamasina).

230. By way of illustration, the table below shows the number of women who were victims of violence in 2001-2002.

Table 24 Breakdown of offences and cases of violence against women reported to the Antananarivo vice squad in 2001 and 2002

<i>Nature of act</i>	<i>Number of victims</i>	
	<i>2001</i>	<i>2002</i>
Assault and battery	35	93
Murder and manslaughter	11	19
Rape	5	06
Assault followed by rape	4	8
Indecent assault	1	2
Sexual harassment	1	2
Criminal libel	3	4
Kidnapping	0	2
Verbal death threats	32	40
Housebreaking	0	5
Violence and assault	1	4
Total	93	184

Source: National police headquarters, Antananarivo, January to November 2002

231. Note that these data do not include all cases of violence against women. Shame and the fear of laying an information still carry great weight.

232. Magistrates enforce the laws on protection of women from violence with great severity. Preventive detention is becoming the rule for the perpetrators of violence against women.

233. An act to punish violence against women was adopted in 2000 (Act No. 2000-021).

234. Awareness and education sessions are being given by the Ministry of Justice.

235. In this area, actions have been undertaken by NGOs:

- awareness workshops,
- panel conferences,

Examples:

* Majunga: the FAFED NGO: “*Women Creating Peace*”

* Tuléar: the CAFED NGO: “*Maltreatment and Domestic Violence*”

- encouragement to report violence,

Example: Madagascar Human Rights Platform.

- An advocacy project to promote gender awareness and combat all forms of violence against women and girls: a project of Fianarantsoa’s CAFF human rights platform, in conjunction with USAID, under the MISONGA project

- personal accounts,

Example: Majunga, Toamasina and Fianarantsoa platform

- radio broadcasts,
- weekly television broadcasts.

Example: Majunga case: The President of the Court makes women aware of their rights and the various procedures relating to neglect, maltreatment and domestic violence.

- Listening to victims and giving them legal advice

Example:

* Rehabilitation of under-age prostitutes at the Antananarivo and Toamasina reception centres,

* Antananarivo: Existence of the MIFOHAZA counselling centre, set up in cooperation with the Ministry of Population, Social Protection and Recreation, whose management was however entrusted to the NGO “SOS victimes de non droit”,

* Fianarantsoa: A second MIFOHAZA centre created by the Ministry of Population, Social Protection and Recreation under the management of the NGO “FEFIDES”, or Femmes de Fianarantsoa Diplômées de l’Enseignement Supérieur, and a listening centre created by the CAFF human rights platform for women subjected to all forms of violence,

* Mahajanga: A counselling centre for under-age girls and boys and girls who are victims of maltreatment, run by the commission for the protection of children’s rights.

Article 7: Equality in political and public life at the national level

236. Madagascar has ratified:

- the International Covenant on Civil and Political Rights on 21 June 1971,
- the Optional Protocol to the International Covenant on Civil and Political Rights on 21 June 1971,
- the African Charter on Human and Peoples' Rights,
- the International Bill of Human Rights,

Constitutional and legislative measures

237. Madagascar's Constitution and legislation place no restrictions on gender equality in terms of participation in political and public life. However, compared to men's participation, the reality is that women's is still minimal, for reasons primarily having to do with social and cultural traditions and the paucity of economic resources available to women.

238. In Madagascar, women have had the vote and been eligible for public office since 1959.

239. The Malagasy Constitution of 1992 guarantees all citizens, of both sexes, all essential fundamental rights, including, in particular, the right to vote and to stand for election:

240. Article 8: "*citizens are equal before the law and enjoy the same fundamental freedoms under the protection of the law without discrimination on the basis of sex,...*"

241. Article 14: "*citizens may organize themselves freely and without prior authorization into political associations or parties...*"

242. Article 15: "*All citizens, without discrimination on the grounds of membership or otherwise of a political party or of endorsement by a political party, shall have the right to stand for election under this Constitution*"

243. The measures taken by the Government in this regard are in conformity with the obligation to hold genuine periodic elections by universal and equal suffrage and by secret ballot. Thus, the Malagasy Government permits the presence of national and international observers to monitor the regularity and genuineness of elections.

244. To better ensure the free expression of voters' will, the Electoral Code changes from one election to the next. Such changes were made in 1992, 1996 and 2002.

245. No restriction has ever been placed on women's participation as electors or as candidates for office. Consequently, women take part freely in elections and referenda.

246. Elections are governed by Organic Law No. 2014 of 14 August 2004, instituting the Electoral Code.

247. Article 2 of the said law states that: *“All Malagasy citizens of either sex, being of the full age of 18 years on the date of the poll, resident in Madagascar and in full possession of their civil and political rights, may vote.”*
248. Article 4 states that: *“All Malagasy citizens may stand for election if they meet the requirements to be entitled to vote and those of the particular legislation for each category of election, in particular: to be on the official list of electors, to be of the age required by law for each elective position; never to have been convicted of any crime or misdemeanour.”*
249. As regards women’s standing for elected office, there is no legal discrimination. And women do stand for elected office; here are some statistics:
- 10 women out of 138 members of Parliament in 1990 (7.2%),
 - 8 women out of 138 members of Parliament in 1993 (5.7%) and in 1998 (6%),
 - 10 women out of 160 members of Parliament in 2002 (6.25%),
 - Senators: 10 women out of 90 (elected in 2001),
 - Mayors: 62 women out of 1,510 (elected in 2003),
 - More than 3,000 female candidates in the 1998 legislative elections,
 - 1.5% of city councillors in 1998 were women.
250. Women are not indifferent to political action; however, very few of them seek elective positions. As an example, only one woman chairs an active party in Madagascar, the MAVANA party. Again, only one woman has contested the presidential election in Madagascar. This was Ruffine TSIRANANA, the daughter of the former president TSIRANANA.
251. The obstacles, in practice, to women’s political equality are:
- women appear to be deterred from being candidates by the conditions set by their parties, which favour men. Female candidates’ concern that they would not receive votes, even from women, may also make them hesitate to stand;
 - In Madagascar, men have always dominated candidacies for elective positions at every level. A number of factors may discourage women from standing as candidates at the various elections:
 - The domineering attitude of men within the parties;
 - The women’s concern that they would not poll well, even among women;
 - Unavailability for wifely duties and domestic work (wood and water collection, dishwashing, laundry, cleaning, cooking, child-rearing).
252. On the other hand, women take an active part in electoral events: rallies, propaganda committees—and as district scrutineers and members of popular movements such as those of 1991 and 2002.
253. In addition, there is no government structure or policy specifically intended to impress upon women the significance and importance of voting and the right to vote. In general, the bodies raising awareness on these points are:
- KMF-CNOE, a non-governmental organization,

- the national office of basic education (MENRS),
- and other NGOs or associations such as the Catholic religious association “Justice and Peace.”

254. Madagascar has developed a national policy and measures to remove obstacles related to:

- illiteracy and language:
 - Case of informal education: The Ministry of Population and the Status of Women has launched adult literacy campaigns;
 - Formal education: National policy on free, compulsory primary school;
 - Enhancement of training in French and English right from primary school;
 - National identity card operation initiated by the Ministry of Population and the Status of Women in 1995.
- poverty:
 - Introduction of the “economic interest grouping” concept;
 - Support for pilot women’s associations starting up income-generating activities.
 - Since 1998, women’s groups have been allocated funds under a micro-financing scheme.
- the women’s movement:
 - Family duties,
 - The husband,
 - Political parties and associations put obstacles in the way of developing women’s movements.

255. To overcome this, the following measures were taken:

- literacy campaigns,
- sensitizing NGOs to good citizenship.

256. The Government helps women to exercise their right to vote and to stand for election by:

- Doing enumeration for the list of electors,
- Taking indirect measures such as literacy campaigns, civics education and Fokonolona meetings.

Participation in government policy development

257. Although Madagascar’s laws and political system recognize the equity of men and women as regards the access to power structures, the weight of Malagasy custom and traditional practice perpetuates discriminatory behaviour.

258. Here are two traditional Malagasy proverbs: “*Ny resaky ny tranobe tsy resaky ny lakozia,*” that is, decision making is not for women; “*vehivavy tsy mitazona hazomanga,*” that is, a woman does not hold power (*hazomanga* = emblem of power).

259. Also, beyond tradition and custom, Malagasy society assigns to women an inferior role and image, dependent on men. Woman should be the ornament of your hearth “*HAINGON’NY TOKANTRANO*.” This perception is still alive today.
260. However, the situation is improving, although women’s participation in the development of government policy still remains weak.
261. The participation of men and women in community life differs depending whether decision-making meetings or community work are involved.
262. In most cases, big meetings of the *Fokonolona*³⁰ which are supposed to require men’s “competence”, more often involve men than women. The same is true of meetings on *dinam-pokonolona*,³¹ or preparations for elections or community work. At this level, women take on the duty of mutual aid and solidarity, in particular when it is a question of taking common action to bring assistance to the victims of natural disasters or do clean-up work to prevent the propagation of contagious diseases (plague, cholera...).
263. Women are more involved in community work as such, particularly when voluntary. Men are more likely to participate if the community work is an obligation or is paid. In this type of work, women’s participation is in line with the wishes of the technical and financial partners.
264. An equal number of men and women in decision-making bodies is among the strategic thrusts of the Gender and Development National Action Plan.
265. As regards participation in the development of government policy, women are named to high-level positions at ministries and agencies as well as government advisory bodies.

Table 25 Rate of female representation in positions of responsibility

Activity	Sex		Aggregate
	Male	Female	
Percentage representation in Parliament	92.0	8.0	100.0
Percentage representation in government	94.4	5.6	100.0
Percentage among senior executives and managers	71.1	28.9	100.0
Percentage among executives and technicians	63.7	36.3	100.0

Source: INSTAT/TBS.

³⁰ The members of the basic community.

³¹ Collective agreements.

Access to public office

266. Articles 8, 27 and 28 of the Constitution provide that:

267. Article-8: “*Citizens are equal before the law and enjoy the same fundamental freedoms under the protection of the law without discrimination on the basis of sex, level of education, financial situation, origin, race, religious belief or opinion.*”

268. Article-27: “*Work and occupational training are a right and a duty for all citizens. Access to public office is provided to all citizens without any constraints other than their capabilities and aptitudes.*”

269. Article-28: “*No one may be denied work or employment on the basis of sex, age, religion, opinions, origin... or political beliefs.*”

270. Act No. 2003-011, establishing staff regulations for the civil service, reiterates women’s right of access to public office. The Act provides for conditions of equality between men and women in access to public office, but no measures are in place to ensure equal numbers.

271. Lately more and more women have been entering the civil service, high public office and positions customarily reserved for men.

Table 26 Representation of women among top civil servants

<i>Function</i>	<i>Representation of women (%)</i>
Heads of Ministry	11.4%
Presidents of tribunals, courts, prosecutors	13.5%
Division heads / legal system	38.1%
STATE AGENCIES	
Labour Inspector	6.7%
Civil Administrator	13.5%
Estates Inspector	14.3%
Magistrate	43.3%
<i>(1998 STATISTICS)</i>	
Executive position or technical function	1/3 (Beijing + 10 national report, January 2005)
Regional Head	2 out of 22
Minister	1 (the ministries of Justice)
Army officer	9 medics (2005 statistics)
Civil service	No survey done

272. On a sectoral basis, women are represented in positions of responsibility at the ministries of Justice, National Education and Scientific Research, and Health and Family Planning.
273. At the Ministry of Justice, only two management positions are held by men at the headquarters level.
274. Of the 91 faculty members of Lycée Philibert TSIRANANA in Majunga, 64 are women.
275. In addition, women currently occupy key management positions at public agencies or are called upon to work in their head offices.
276. The president of the National Anti-Corruption Committee is a woman.
277. On the other hand, few women are present in technical and scientific functions.
278. Of 46 pupils in “classe terminale série C” at Lycée Philibert TSIRANANA, only 6 are girls.
279. At the National Naval Training School (ENEM), there are only 6 women per class.
280. No discrimination is made in the recruitment of civil servants or government officials. However, the Gendarmerie Nationale and the Army are men-only.
281. Since 2003, however, the Army has admitted female medics: 10 have been recruited.

Judicial measures

282. In the case of DUGAIN née Tovondrainy, Jacqueline et al. vs AIR Madagascar, the Supreme Court, invoking the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and of ILO Convention No. 111, overturned the ruling of the Court of Appeal, which had made no finding as to the discriminatory nature of an airline’s collective agreement clause setting retirement age for commercial flight crews at 50 years for males and 45 years for females.
283. As regards equal representation of men and women in the political and public life of Madagascar, no special temporary measures are planned at the legal level.
284. At the political level, there was no declaration of intent until 2003, when the PRSP was drawn up. Since that year, however, the PRSP has, as one of its strategic thrusts, called for gender-sensitive promotion, exhorting women to take an active role through the PNPF.

Participation in non-governmental organizations and associations

285. Article 31 of the Constitution provides that: *“The State recognizes the right of every worker to defend his interests through union activity and especially freedom to form a union. However, membership in a union shall be voluntary.”*

286. Article 5 of Act No. 2003-011, establishing staff regulations for the civil service, provides that “... *in the implementation of these regulations, no discrimination shall be practised on the grounds of sex, religion, opinion, origin, kinship, financial situation, political beliefs or membership of a trade union*”;
287. Article 2 of Act No. 96-030 of 14/08/97 on the special system for NGOs in Madagascar states that: “*For the purposes of this Act, an NGO is a group of natural or legal persons that is autonomous, private, structured, legally declared and authorized, a non-profit organization with a humanitarian objective, carrying out professionally and on an ongoing basis charitable, socio-economic, educational or cultural activities in the form of services or with a view to ensuring sustainable human development, community self-development or environmental protection.*”
288. *NGOs carry out their activities according to the principle of voluntary service with impartiality, without discrimination as to race...*”.
289. Non-governmental associations and organizations (NGOs) are being developed in various fields, and in particular in the field of human rights. Some of these associations are headed by women.
290. The Ministry of Population, as the ministry overseeing NGOs and associations, has since 1994 encouraged women to participate, the chief objective being to channel and enhance their abilities to enable them to allow them to take part in development activities.
291. By way of illustration:
- This year, a woman was elected to chair the National Platforms of Madagascar Civil Society Organizations;
 - Of 5 co-chairs recently elected to direct the Union Nationale Malagasy des Droits Humains (UNMDH), 4 are women;
 - 3 of the 6 presidents of the provincial human rights platforms are women:
 - Comité d’Information et d’Orientation en Droits Humains (CIODH), Toamasina,
 - Collectif des Associations des Femmes de Fianarantsoa (CAFF),
 - Collectif des ONG œuvrant pour la Promotion des Droits de l’Homme (CONGOPDH) Tuléar.
 - L’Association des Femmes Juristes pour la Primauté du Droit (AFJPD);
 - L’Association des Femmes Journalistes de Madagascar;
 - L’Association des Femmes Entrepreneurs de Madagascar;
 - 15 women are members of the editorial board for the initial and periodic reports under international human rights instruments.
292. These women’s organizations are consulted on the implementation of government policy.

293. By way of illustration:

- Development of the PRSP,
- Drafting of initial and periodic reports under international human rights instruments.

294. Representation of women is deficient in political parties and governing bodies. This under-representation may be explained by the weight of tradition.

295. For trade unions and professional organizations and associations, the majority of employees in tax-free enterprises are women. Logically, women are in the majority in these trade unions. Such is also the case with the farmers' union.

296. In other fields, there are very few women. But some trade union directors are women (in Fianarantsoa, Diégo, Toamasina).

Article 8: Equality in political and public life at the international level

297. Under the Malagasy Constitution, citizens are equal before the law and enjoy the same fundamental freedoms under the protection of the law without discrimination on the basis of sex, level of education, financial situation, origin, race, religious belief or opinion.
298. Thus, Madagascar recognizes the equality of men and women in representing the nation at the international level.
299. The Malagasy Government complies with the United Nations policy in favour of applications from women.
300. Comparing the situation with the Committee's recommendation at the time of the last report in 1994, there has been a distinct improvement.
301. As regards representation of the Government in the political sphere, the following should be noted:
- One (1) judge on the International Criminal Tribunal for Rwanda (ICTR),
 - One (1) judge on the International Criminal Tribunal for the Former Yugoslavia (ICTY),
 - One (1) ambassadress (to Senegal),
 - One (1) embassy councillor and acting consul in Paris.
302. Malagasy women hold senior positions at certain international organizations, including:
- One (1) judge of the Court of Justice of COMESA,
 - The coordinator of the COMESA project is a Malagasy woman,
 - The Madagascar delegate to WTO is a woman,
303. In addition, women are appointed by the various Government ministries to represent them abroad at international conferences, seminars or workshops.
304. The appointment criteria and procedures are based on competence and experience, in full compliance with foreign organizations' provisions regarding women's candidacies for vacant positions.
305. In terms of women's affairs, no measures have been taken for the broad dissemination of information on the commitments entered into by the Government at the international level. However, the Ministry of Justice does now have a website where the legislation in force and planned reforms vis-à-vis women may be consulted.

Article 9: Equality before the law in terms of nationality

306. Ordinance No. 60-064 of 22 July 1960 on the Nationality Code sets the conditions under which nationality is granted or may be acquired.
307. Malagasy nationality is a nationality by filiation.
308. Articles 9, 10 and 11: *“The following are Malagasy:*
- *legitimate children of a Malagasy father;*
 - *legitimate children of a Malagasy mother and a father who is stateless or of unknown nationality;*
 - *children born out of wedlock to a Malagasy mother.*
 - *children born out of wedlock to a mother who is stateless or of unknown nationality but whose father is Malagasy.*
 - *children born in Madagascar of unknown parents, at least one of whom may be supposed to be Malagasy.”*
309. These articles are contrary to the provisions of CEDAW article 9.
310. Under Malagasy law, a child acquires nationality on the basis of its parents’ family circumstances.
311. A married woman cannot transmit Malagasy nationality to her child, as it is acquired from the father. A Malagasy woman can transmit her nationality only if the husband is stateless or of unknown nationality.
312. As a result, where a child is born to a Malagasy mother and a father having a foreign nationality, the child is not born Malagasy. Children cannot avail themselves of their mother’s nationality; to acquire it, if minors, they must make a nationality declaration, and if of age, they must go through the naturalization procedure.
313. Similarly, a child born out of wedlock to a Malagasy father and a woman of known, non-Malagasy nationality does not acquire Malagasy nationality; for this child to acquire Malagasy nationality, the mother must be stateless or of unknown nationality.
314. On the other hand, a child born out of wedlock to a Malagasy will always have the mother’s nationality, since maternal filiation is always established by the fact of childbirth.
315. Moreover, under article 47, a Malagasy woman risks losing her nationality if she chooses to leave the country after her marriage to a foreigner. In contrast, there are legal provisions as to the nationality of a Malagasy man who leaves the country after marrying a foreigner.

316. To reform family law and the law regarding women, a technical unit has been set up within the studies and reforms branch of the Ministry of Justice. A bill amending these provisions of the Nationality Code is currently under review by this technical unit and will soon be transmitted to the proper authorities for enactment.
317. This preliminary bill guarantees equality of men and women in the acquisition and change of nationality upon marriage. Moreover, it provides for transmission of nationality solely on the basis of the Malagasy nationality of either parent.

Article 10: Equality in education

318. Equal access to education is enshrined in articles 22, 23 and 24 of the Constitution.
319. Article 22 – *“The State shall take the necessary measures to guarantee the intellectual development of every individual, subject only to that individual’s abilities.”*
320. Article 23 – *“Every child has the right to education under the responsibility of the parents and on the basis of respect for their freedom of choice.*
321. *Every adolescent is entitled to vocational training.”*
322. Article 24 – *“The State shall organize public education, free and accessible to all. Primary education shall be compulsory for all.”*
323. In legislation, Act No. 2004-004 of 26 July 2004, providing general guidelines for Madagascar’s education, teaching and training system, states, in article 2, that: *“The Republic of Madagascar, in accordance with the social, economic and cultural rights and duties laid down in the Constitution and in conformity with the international commitments of the Malagasy people, recognizes the right of all citizens—children, adolescents and adults—to education, teaching and training.”* Thus, there are no legal obstacles to girls’ access to the education system of Madagascar on an equal footing with boys.
324. The tables below show the practical application of this principle:

Table 27 Change in composition of student body in primary school by sex, 1990 to 2005

<i>Year</i>	<i>1990-1991</i>	<i>1991-1992</i>	<i>1992-1993</i>	<i>1993-1994</i>	<i>1994-1995</i>	<i>1996-1997</i>	<i>1997-1998</i>
Aggregate	1,570,721	1,496,845	1,490,317	1,504,668	1,511,863	1,740,516	1,892,943
Male	796,925	783,517	763,905	767,027	743,643	885,860	965,492
Female	773,796	713,328	726,412	737,641	768,220	854,656	927,451

<i>Year</i>	<i>1998-1999</i>	<i>1999-2000</i>	<i>2000-2001</i>	<i>2001-2002</i>	<i>2002-2003</i>	<i>2003-2004</i>	<i>2004-2005</i>
Aggregate	2,018,707	2,208,321	2,307,314	2,409,082	2,856,480	3,366,462	3,597,731
Male	1,027,343	1,126,309	1,176,128	1,228,210	1,458,340	1,718,631	1,838,251
Female	991,364	1,082,012	1,131,242	1,180,872	1,398,140	1,647,831	1,759,480

Source: MENRS.

Table 28 Change in composition of student body in secondary school by sex, 1991 to 2005

	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98
Aggregate	235,322	243,705	237,909	235,766	232,817	261,002	264,185
Boys	118,359	123,449	118,289	118,159	118,503	130,619	134,773
Girls	116,963	120,256	119,620	117,607	114,313	130,383	129,412

	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05
Aggregate	273,613	287,873	316,384	343,937	356,973	420,592	486,239
Boys	138,070	145,779	159,652	173,459	179,698	211,841	244,590
Girls	135,543	142,094	156,732	170,478	177,275	208,751	241,649

Source: MENRS.

Table 29 Change in composition of student body in lycées by sex, 1991 to 2005

	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98
Aggregate	58,399	60,734	60,357	57,813	54,316	56,232	61,112
Boys	29,479	29,685	30,077	28,964	27,212	28,279	30,919
Girls	28,920	31,049	30,280	28,849	27,104	27,953	30,193

	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05
Aggregate	60,579	66,381	65,811	77,655	79,238	88,857	106,595
Boys	30,580	32,926	32,869	39,835	39,766	45,224	52,725
Girls	30,017	33,455	32,942	37,820	39,472	43,633	43,870

Source: MENRS.

Table 30 Change in composition of student body in higher education by sex, 1987 to 2005

	87/88	88/89	89/90	90/91	92/93	93/94	94/95	95/96	96/97
Aggregate	36269	37,095	37,046	35,824	33,202	26,937	21,997	20,808	18,971
Male	21104	23170	20907	19745	18336	14883	11678	11313	10280
Female	15165	13,925	16,139	16,079	14,866	12,054	10,319	9,495	8,691
% girls	41.81	37.53	43.56	44.88	44.77	44.74	46.91	45.63	45.81

	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05
Aggregate	20,889	21,018	21,781	21,599	22,607	26315	31,675	34746
Male	11167	11087	11529	11746	12400	13964	16770	18547
Female	9722	9,931	10,252	9,853	10,207	12351	14,905	16199
% girls	46.67	47.24	47.06	45.61	45.14	46.93	47.05	46.62

Source: Ministry of Higher Education.

Table 31 Breakdown of population by educational level, environment and sex

	<i>Environment</i>		<i>Sex</i>		<i>Aggregate</i>
	<i>Urban</i>	<i>Rural</i>	<i>male</i>	<i>female</i>	
Uneducated	22.7	38.9	33.2	37.3	35.2
Primary	48.5	52.5	52.5	50.6	51.6
Secondary	21.1	7.5	11.3	9.8	10.5
Higher	7.8	1.2	3.0	2.3	2.7
Aggregate	100.0	100.0	100.0	100.0	100.0

Source: INSTAT/DSM/EPM2004

325. The table below, on the change in the gross school enrolment rate by sex and by province, public and private alike, is in response to the committee's observations upon presentation of the last report in 1994. The rates are virtually equal.

Table 32 Gross and net enrolment rate, by level, between 2001 and 2004.

Unit: %

	<i>2001</i>	<i>2002</i>	<i>2004</i>
<i>Primary</i>			
Gross rate	112.3	122.8	122.3
Net rate	64.9	72.1	85.6
<i>Middle</i>			
Gross rate	32.0	36.2	30.5
Net rate	11.9	16.3	16.5
<i>Secondary</i>			
Gross rate	14.8	21.8	13.0
Net rate	4.1	6.5	4.9

Source: INSTAT/DSM/EPM2004.

326. Efforts have been made by the Government, particularly in rural areas, to increase the enrolment rate, to change the stereotypical behaviour, to reduce the discrepancy in enrolment rate vis-à-vis urban areas, and to combat early dropping out:

- Increasing the capacity of the education system:
 - Construction of 230 classrooms a year from 2004 to 2006 to bring the schools closer to village communities,
 - Rehabilitation of the 31 existing teacher training centres to accommodate 1,700 student teachers a year.
- Recruitment and training of 1,700 student teachers a year from 2004 to 2006 for 2004 and 2005;
- Regularization of the financial situation of 2,000 teachers previously paid by home and school associations;

- Lightening of parental loads:
 - Abolition of registration fees
 - Assumption of responsibility for teachers paid by home and school associations;
 - Distribution of school kits to all pupils of public and private primary schools;
 - Provision of school supplies to children from underprivileged families.³²
327. In addition, the Government is encouraging the initiatives of bilateral partners to promote girls' enrolment and retention in school, such as the one thousand scholarships offered by the Government of the United States to girls in the provinces of Fianarantsoa, Antananarivo and Toamasina.
328. In addition to measures to implement the gender mainstreaming approach in the education system, (1) the Government has embarked on projects in partnership with UNICEF to combat dropping out among girls:
- Performance contract;
 - A tutorship system, which involves finding sponsors to pay girls' tuition fees;
 - Development of a handbook for distribution to all schools.
329. (2) a National Action Plan for Girls' Education (PANEF) has been adopted by Decree No. 95-465 of 10/10/95 in accordance with the Beijing strategic objectives.
330. Among PANEF's objectives are:
- To make teachers aware of girls' specific problems;
 - To level the playing field so that girls can take the same courses as boys;
 - To prepare girls for their various roles as wives, mothers, citizens and partners for development and, in general, to foster their personal growth;
 - To eliminate any remaining disparities between boys and girls;
 - To lay the groundwork for a differentiated but harmonious education for the two sexes.
331. Among the strategies and actions employed in the fight against dropping out is the experimental "girls for girls" strategy whereby, since 2001, to combat failure and dropping out.
332. Three sites were selected for the implementation of these methods:
- Sainte-Marie and Nosy-Be, important tourist areas,
 - Fandriana, because of the many cases of child labour in this district.
333. The "girls for girls" strategy was launched in the following districts:
- Manjakandriana in 2002,
 - Fandriana in 2004,
 - Fort-Dauphin, Sainte-Marie, Nosy-Be and Morondava in 2005.
334. In Manjakandriana, 215 out of 239 district schools took part.

³² APEL.

335. Of all the various occupational training centres, only the specialized military and paramilitary training centres imposed entry restrictions on girls. These schools too are now beginning to accommodate girls.

336. As an example: three women were enrolled in the military academy in 2003 as cadets.

337. Finally, in the area of sport, Madagascar is a member of the Olympic Committee and respects the terms of the Olympic Charter.

Article 11: Equal rights to employment and work

338. The right to work is guaranteed by the Constitution without any discrimination whatsoever, in articles 27, 28 and 29.
339. Art. 27: *“Work and occupational training are a right and a duty for all citizens.”*
340. Art. 28 – *“No one may be denied work or employment on the basis of sex, age, religion, opinions... or beliefs.”*
341. Moreover, Act No. 2000-021 of 30 November 2000, incorporated into the Malagasy Criminal Code as article 333 *bis*, provides harsh penalties for sexual harassment in an attempt to ensure equality in employment, which may be compromised when women are subjected to gender-based violence in the workplace.
342. Article 29: *“All citizens have the right to be remunerated equitably according to the quality and the quantity of their work, to ensure that they and their family are able to live in dignity, in accordance with ILO Convention No. 118, ratified by Madagascar in 1964, on equal treatment of nationals and non-nationals as regards social security.”*
343. In addition, Act No. 2003-011 of 3 September 2003 on staff regulations for the civil service calls for respect for the principle of equality in access to public office.
344. In Madagascar’s socio-professional structure, the two sexes are still represented as shown in the table below:

Table 33 Structure of women’s activities by socio-professional category (SPC)

<i>Socio-professional category</i>	<i>Men</i>	<i>Women</i>	<i>Aggregate</i>
Senior or middle management	3.9	1.6	2.8
Employees and workers	12.7	8.3	10.6
Unskilled labour	4.7	2.9	3.8
Self-employed or business owners	50.0	30.9	40.8
Family help	28.7	56.2	42.0
Total	100.0	100.0	100.0

Source: INSTAT/DSM/EPM2001.

345. Article 261 of the Malagasy Labour Code provides penalties for any all discrimination based on race, religion, origin, or sex.
346. Title III, chapter 1, article 1 of the Code is devoted to wage determination.
347. In article 53 – *“Given equal qualifications... wages shall be equal for all workers regardless of... their sex...”*.

348. Subparagraph 1(e) of this article relates to social security rights.
349. These rights, like all principles of social security, relate only to workers in the formal sector and are also applied in accordance with ILO Convention No. 118.
350. Workers in the rural or urban informal economy represent more than 80% of all workers.
351. Workers in the informal economy and their wives are subject to the general requirements for access to care and treatment in public medical and hospital establishments: hospitals, dispensaries, maternity wards...
352. Universal social security has not yet been completely achieved.
353. Working women and the wives of wage earners in the formal sector receive care from inter-company medical organizations financed by employer's and workers' contributions.
354. CNAPS, the National Social Welfare Fund, tops up the half-wages paid by the employer during maternity leave. Care of female civil servants and the wives of government officials is underwritten by the Government.
355. As regards prevention of discrimination against women on account of their marriage or maternity, the Labour Code, Act No. 2003-044 of 28 July 2004, article 94, provides that a female applicant for employment need not reveal that she is pregnant. "A pregnancy shall not be grounds for termination of an employment contract during the probation period." Article 95 further provides that no employer shall cancel the employment contract of a female wage-earner whose pregnancy has been medically established.
356. As regards maternity leave, article 97 of the Labour Code provides that at the time of her delivery, any woman has the right take fourteen consecutive weeks off work, including eight (8) weeks after delivery, such interruption of service not being regarded as cause for termination of her contract. During this period the employer cannot dismiss her.
357. As regards breaks for breast feeding, article 98 provides that for a period of fifteen (15) months after the birth of the child the mother is entitled to breaks for the purpose of breast feeding. The total duration of these breaks, which are paid at the employee's regular hourly rate, cannot exceed one hour per working day. During this period, the mother may break her contract without notice and without therefore having to pay an indemnity for breach of contract.
358. Turning now to the disparities in the area of maternity leave noted by the Committee at the time of the last report, we are providing the following precise details with respect to female civil servants and wives of civil servants: female civil servants are entitled to 3 months' maternity leave; in the case of wives of civil servants, the husband is entitled to 15 days' paternity leave.

Article 12: Equal access to health services

359. In the area of the access to the various health services, the following measures have been taken:

1) Development of the National Health Policy, which employs rigorous public health protection strategies, in particular for the most vulnerable groups and strata of society (pregnant women, nursing women and children under the age of five). These are positive measures to protect the health of women in vulnerable situations, and the maternal death rate per 100,000 live births has been, variously:

- ENDS or National Demographic and Health Survey, 1992: 596,
- EDS or Social and Health Survey, 1997: 488,
- EDS, 2003/2004: 469.

360. It should be noted that maternal mortality results in 32.4% of cases from complications of pregnancy, but in 40% of cases from abortions.

2) Development of the national reproductive health policy to improve the well-being of the population.

361. The following structures have been established as proximity services:

- District health services (111 in 2000),
- 22 regional health and family planning offices since 2004.

362. In 1998, 752 family planning³³ offices had been set up all across the island. In 2005, 2,000 public and private sites, in collaboration with NGOs, were in operation.

3) Development and signature of the roadmap: To reduce maternal and neonatal mortality, the Malagasy Government in April 2005 drafted and approved the “roadmap”, a document that stresses the Government’s determination to make quality maternal and neonatal care available and accessible at all levels of the health system, in 70% of all medical structures, by 2015.

4) Adoption and implementation of the National Anti-AIDS Policy. This policy includes:

- The creation, in 2003, of the CNLS – National Anti-AIDS Committee – which is decentralized:
 - a) to CRLSs – Regional Anti-AIDS Committees – in the six provincial capitals
 - b) to CLLSs – Local Anti-AIDS Committees – in 1,532 rural and urban communes.

363. These committees take all requisite preventive measures to make people aware of the risk of contacting HIV/AIDS.

- Implementation of PMTCT – Prevention of Mother-to-Child Transmission Mother-Child: 21 CSBs (basic health centres) in 11 SSDs (district health services) were selected across the island in 2004;
- Voluntary test centres - CTVs - were set up where 3,051 pregnant women took the HIV test.

³³ FP.

364. These measures could slow the rapid propagation of this disease, the objective aimed at being to maintain a lower rate of prevalence.

5) Adoption of a national anti-malaria programme and promotion of insecticide-treated mosquito nets for pregnant women and children under five:

- Mosquito nets distributed free by CSBs: 8,100 in 1997, 9,300 in 1998 and 22,400 in 1999;
- Mosquito nets sold and/or distributed by NGOs and businesses throughout the Island from 2001 to 2004: 495,484.

365. To help women acquire basic legal knowledge, to be able to defend their rights themselves, counselling centres have been set up through a public/private partnership or by NGOs and associations. Three provincial capitals currently have such centres.

366. Rounding out these measures are popularization broadcasts on radio and television organized by the Ministry to disseminate knowledge of their rights among women.

Article 13: Financing and social security

367. Equal rights between men and women are guaranteed by the Malagasy Constitution with respect to family allowances, access to credit and participation in cultural and sporting activities.
368. All workers in the formal sector, whether male or female, have the same family allowance benefits, since all workers are required to be members of the national social welfare fund and part of the cost is borne by the employer. In the area of health, Malagasy companies are arranging for inter-company health organizations to take responsibility for medical care for workers and their families. If they do not join this structure, each company must create its own.
369. In the civil service, all civil servants enjoy the same advantages regardless of sex.
370. On the question of equal access to credit, Malagasy banking laws allow any person to take out loans on the sole condition that the borrower should give the requisite repayment guarantees. However, only 300,000 people currently have a bank account. New neighbourhood micro-lenders have been springing up rapidly of late, so the Government has recently amended Acts Nos. 95-030 and 96-030 governing the micro-financing sector.
371. A number of mutual-benefit financial institutions are now active, such as the Association Volamahasoana, supported by UNDP, which focuses on women in the town of Toliara.

Article 14: Rural women

372. Rural women account for 36% of the population and are vital to the survival of their families.
373. Women in the Malagasy countryside help devise and implement local development plans. Their participation takes the form of decision-making through integrated participative approaches and extends to the development of Regional Gender and Development Action Plans.
374. Another action plan, called PANAGED, has been drawn up to help women pursue this participative approach over the 2004-2008 period.
375. Currently, rural women are involved in the development process of the National Social Protection Strategy. They benefit from such social protection measures as food security.
376. In addition, our relay or strategic lending partners ensure that women are directly involved in the process of development and implementation of communal development plans and the Rural Development Support Project.³⁴

Health of rural women

377. In the area of health, women have access to all existing infrastructure and to the care provided in public sector establishments. However, inequalities due to their place of residence, education and socio-economic level still persist:

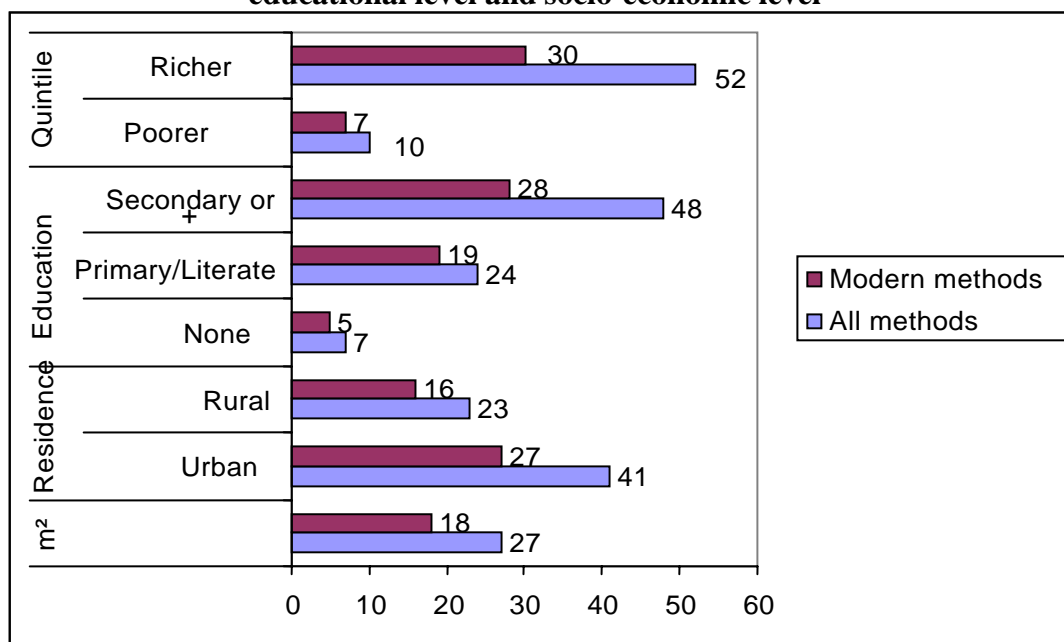
Table 34
Rate of knowledge of contraceptive methods and the fertile period among women

	<i>Unit: %</i>		
	<i>1992</i>	<i>1997</i>	<i>2003-2004</i>
Modern contraceptive methods	62	69	84
Fertile period	28	24	42

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

³⁴ RDSP.

Graph 3
Variation in rate of prevalence of contraception by place of residence,
educational level and socio-economic level



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

378. Madagascar has not yet instituted the social security programme system. However, a social protection programme is being validated after receiving the endorsement and support of the technical and financial partners.

Education of rural women

379. In 2004, 35.2% of the population aged 6 and up were classified as “uneducated.” This marks a slight improvement over 2002, when the rate was estimated at 45.7%. However, there is still a clear demarcation between the urban and rural environments. More than 90% of the rural population have no more than a primary education. That being said, there is no great differentiation by gender. In general, there are 4% more women than men in the “uneducated” category.”³⁵

380. Under the Millennium Development Goals, Madagascar is committed to implementing the associated programmes, and in particular the Education For All programme.

381. Joint action is being taken by the Government and the United Nations System to intensify informal education within each Faritany.

³⁵ Source EPM 2004.

382. This action is aimed at young people and adults of both sexes in the rural environment, at 150 sites.
383. A broad school enrolment programme carried out by the Malagasy Government for all children at the primary education level is intended for girls and boys alike.
384. The actions of NGOs and churches in rural education are of particular note, the main ones being the IIZ-DVV³⁶ of Germany, SMTM³⁷ (Bible Society), and APEL.³⁸
385. Intensive functional literacy for development,³⁹ and a few variants are the main methods used to eliminate illiteracy, whereas the Ministry of Education promotes the Life Skills Approach.⁴⁰
386. Disparities in education are geographical and socio-economic in nature, as rural areas have a lower literacy rate than urban areas. For individuals 15 years of age and up, the literacy rate was 59.2% in 2004, 78% in urban areas and 53.2% in the countryside. Of the six provinces, Antananarivo, Antsiranana and Toamasina also record a much higher rate than the other three.⁴¹

Access to land ownership

387. A simplification of the collective land registration procedure is taking place. Now that there is a communal office with the authority to issue deeds of communal ownership, it is easier for women to acquire land.
388. Current legislation in no way discriminates against women in regard to access to land ownership. Ordinance No. 60-146 of 3 October 1960 relating to land ownership gives men and women equal rights to become landowners.
389. However, in most communities, land acquisition is subject to strict customary rules, which in some localities, in particular in the South, virtually preclude acquisition by women.
390. However, when women band together in cooperatives, the customary discriminatory practice is mitigated.

Access to micro-credit

391. The banks operating in Madagascar have a mainly commercial purpose. They grant short-, medium- or long-term credit according to a system that requires a certain “financial

³⁶ Institut für Internationale Zusammenarbeit des Deutschen Volkshochschul-Verbandes [Institute for International Cooperation of the German Adult Education Association].

³⁷ Sambatra ny Mamaky Teny sy Manoratra [Happy are they who can read and write].

³⁸ Action pour un Environnement Lettré [Action for a Literate Environment].

³⁹ AFI-D.

⁴⁰ LSA.

⁴¹ Source: EPM 2004.

culture.” Thus, even though their purpose is to finance economic life, the products the bankers offer are, because of their access conditions, out of reach of small operators in general, and women in particular. Except for the BOA, ex BTM,⁴² which is active in rural financing, there are no banks in Madagascar specializing in rural credit.

392. To mitigate the difficulties of access to the formal banking structure and the inadequacy of rural financing in particular, cooperative savings and credit associations were set up in 1993 under the Technical Assistance for Rural Financing Project (PATF), whose implementing body is the Mutualist Savings and Loan Movement Development Association (ADMMEC). Today there are several institutions providing micro-credit. They act as self-managed savings and credit organizations or direct credit-granting organizations. These institutions are generally supported by lenders and NGOs. The principal active structures in the field are: APIFM (Association Professionnelle des Institutions Financières Mutualistes) made up of OTIVs,⁴³ TIAVO,⁴⁴ AECA (Self-managed Savings and Credit Association) and CECAM (Mutual Agricultural Credit Union), APEM (Association for the Promotion of Madagascar Companies), SIPEM (Investment Company for the Promotion of Madagascar Companies), ADEFI (Action for Development and Financing of Micro-enterprise), EAM (Entreprendre À Madagascar), FID (Development Investment Fund).⁴⁵

Other protection measures for rural women

393. The adoption of various measures has altered traditional attitudes that still persist and which assign rural women a subordinate role.
394. Rural girls are particularly likely to be victims of violence and to be exploited sexually when they leave the countryside to go to the city to seek employment or further their education. These measures to protect women and girls who are liable to be victims of such violence were implemented through the enactment of various legislation. Thus, act no. 2000-021 of 28 November 2000, amending and supplementing certain provisions of the Malagasy criminal code relating to violence against women and indecent assault, has been adopted.
395. Articles 312 and 312 *bis* of the Act provide, respectively, that: “*any person shown to have deliberately injured or struck his or her natural or adoptive father or mother or other legitimate ascendant or spouse will be punished,*” and “*any person shown to have deliberately injured or struck a pregnant woman whose condition was known or apparent to the perpetrator shall be punished.*”

⁴² Banque of Africa, ex BTM ou Bank of Africa, ex BTM or Bankin'ny Tantsaha Mpamokatra [Bank for Rural Development].

⁴³ Ombon-Tahiry Ifampisamborana Vola (cooperative savings and assistance credit associations).

⁴⁴ Tahiry Ifamonjena Momba ny Vola (mutual savings and assistance credit association).

⁴⁵ Taken from National Policy for the Advancement of Women, October 2000.

396. Act No. 98-024 of 25 January 1999, strictly forbidding procuring and sex tourism, is reinforced by the Criminal Code at article 334. These texts protect urban as well as rural women.

Article 15: Equality before the law

397. Article 8 of the 1992 Constitution states that: *“Citizens are equal before the law and enjoy the same fundamental freedoms under the protection of the law without discrimination on the basis of sex, level of education, financial situation, origin, race, religious belief or opinion”*
398. In the Malagasy civil service, there is no discrimination on the basis of sex in remuneration: *“equal diploma, equal wages.”* The same holds true of access to the civil service.
399. Madagascar has ratified ILO Convention 100 on equal pay for equal work, and Act No. 94-029 of 25 August 1994 on the Labour Code reaffirms that there shall be equal pay for equal work and qualifications.
400. The Malagasy constitution, at article 9, recognizes the equality of men and women before the law: *“The exercise and protection of individual rights and fundamental liberties shall be organized by law.”*
401. Article 17 of the Constitution grants men and women equal enjoyment and exercise of social and cultural economic rights: *“The State shall organize the exercise of rights which guarantee to the individual personal integrity and dignity, and complete physical, intellectual, and moral development.”*
402. Article 34 of the Constitution confirms the right to personal property in these terms: *“The State shall guarantee the right to private property. No one can be deprived of property except for public use and with the condition of fair, prior compensation.”*
403. Act No. 68-012 of 4 July 1968 concerning successions, wills and donations enshrines the equality of men and women, although certain traditions and customs habits still deny women these rights (case of women in southern Madagascar).
404. Under the matrimonial regime, rural women enjoy protection in terms of ongoing management of the farm, craft workshop or industry for 6 years. Article 39 of Act No. 67-030 of 18 December 1966, as amended by Act No. 90-014 of 20 July 1990, states that: *“In the same case, when common property includes a farm, craft workshop, industry or business constituting an economic unit, the surviving spouse who lives on the premises or himself (herself) operates it, or materially participates in its operation, may sue for the said unit to remain undivided for no more than six years.”*
405. Amendments were made to Act No. 67-030 of 18 December 1967 relating to matrimonial regimes and the form of wills under Act No. 90-014.
406. For that purpose, a new article 22 provides that: *“Spouses shall jointly manage community property.”* Previously, this right was enjoyed exclusively by the husband.

407. New article 23: *“Neither spouse may dispose of movable or real property without the other’s consent.”*
408. The new article 53 of Ordinance No. 62-089 on marriage provides that: *“The husband and wife together contribute to the moral and material guidance of the family.”*
409. Malagasy legislation places no restriction on the recognition of women’s legal capacity, which is identical to men’s.
410. If the reduction of legal capacity mentioned in the Convention should arise, the female victim thereof may sue to have it reversed under CEDAW, which forms an integral part of Malagasy positive law.
411. In order to give effect to the Convention, legal counselling centres have been created to raise awareness of the law in general.
412. This awareness action is assisted by radio and television broadcasts on State-run and private networks.
413. Through these various enactments, Madagascar recognizes and protects the equality between men and women before the law and all organs administering justice.
414. This recognition is again affirmed by article 13, subparagraph 6, which enshrines equality in justice: *“The law shall assure everyone access to justice; lack of resources will be no obstacle.”*
415. In addition, other directives should be mentioned.
416. Article 1 of the Malagasy Code of Civil Procedure states that: *“Every person may take legal action to obtain recognition or, if need be, protection of his or her rights.”*
417. Article 21: *“Any party may appear and plead in person to support his or her personal interests.”*
418. Thus, Ordinance No. 60-120 of 1 October 1960, which sets out the procedure to be followed before labour tribunals, in article 9, recognizes that: *“Married women are authorized to bring actions and seek reconciliation before the labour tribunal.”*
419. Moreover, Act No. 66-003 of 2 July 1966 on the General Theory of Obligations, in article 65, enacts that: *“Any person may make a valid contract if he or she is not declared inapt to do so by the law.”*
420. Freedom of movement is also recognized regardless of sex. Accordingly, the Constitution, in article 12, explicitly states that *“Everyone shall have the right to leave the territory and to return under conditions established by law.”* *Everyone shall have the right to travel and to*

settle freely within the territory of the Republic while respecting the rights of others and the limits of the law.”

421. Article 13 of the Constitution provides that: *“Everyone shall be assured of the inviolability of his person, his residence and his correspondence.”*
422. Finally, Ordinance No. 62-089, in its new article 54, specifies that: *“Spouses shall determine their common residence by mutual agreement.”*
423. This reflects equality in determining the common place of residence. The legislation adds that should the spouses disagree, the more diligent spouse may bring an action at law. In other words, the wife may take the initiative of referring a blocked situation to the courts where no agreement has been reached.

Article 16: Equal rights in the family

424. The Malagasy constitution guarantees the protection of the family:
425. Article 20 – *“The family, the natural basis of society, shall be protected by the State. Everyone has the right to found a family and to bequeath personal property through inheritance.”*
426. Men and women alike have the right to contract marriage when they reach the required age, but art. 3 of Ordinance No. 62-089 does not authorize a girl to be married before the age of 14 years or a young man before 17. The said article provides that: *“Except where the age limit shall be waived, for serious reasons, by the President of the Court in the place where the marriage is to be celebrated, no man not of the full age of seventeen years, and no woman not of the full age of fourteen years, may contract marriage.”*
427. Currently, Madagascar is undertaking a reform to incorporate into law the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.
428. The reform is intended to raise the age of marriage to eliminate these early marriages. The minimum age will henceforth be set at 18 years regardless of sex.
429. Article 8 on marriage discriminates against women, imposing a six-month interval, the “*délai de viduité*”, before they can remarry.
430. In Madagascar 2 types of marriage recognized by law coexist:
- legal marriage,
 - customary marriage.

Table 35 Matrimonial situation of heads of household by sex

<i>Marital status</i>	<i>Male</i>	<i>Female</i>	<i>Aggregate</i>
Legally married	39.6	4.4	32.4
Monogamous customary marriage	44.1	5.9	36.3
Polygamous customary marriage	1.1	0.0	0.9
Monogamous cohabitation	7.0	2.4	6.1
Polygamous cohabitation	0.4	0.1	0.3
Divorced	0.3	7.0	1.6
Separated	2.9	27.1	7.8
Widower	2.6	38.6	10.0
Single person	2.1	14.5	4.6
Total	100.0	100.0	100.0

Source: INSTAT/DSM, 2002.

431. The spouse's freedom of choice is enshrined by article 2 of Ordinance No. 62-089 of 1 October 1962, which provides that: "*Marriage exists when a man and a woman have appeared before the civil registrar to be married and the latter has witnessed their exchange of vows ...*"
432. Customary marriage is concluded once the usual formalities have been carried out, and in particular when the gifts of *vodiondry* or *fandeo*, *fafy*, *diafotaka*, *orimbato*, *fanokoana*, etc., have been made.
433. The application of the law on customary marriage is unsatisfactory. In fact, it is merely sanctioned cohabitation.
434. Measures have been taken: extension, awareness-raising with respect to regularization of informal matrimonial situations.
435. The existence of customary marriage or of a voluntary or arranged remarriage or a remarriage of convenience in no way vacates a Malagasy woman's right to choose her husband, although in some parts of the country marriage is arranged by the parents with the bride's consent.
436. A series of provisions and regulations guarantees the same rights and responsibilities during the marriage and upon its dissolution.
437. When the marriage is recorded, the newlyweds are presented with a family record book under the article 60 of Act No. 61-095 of 9 October 1961, as amended by Act No. 66-017 of 5 July 1966.
438. The ordinance, in its new articles 53 and 54, provides that: "*The husband and wife together contribute to the moral and material guidance of the family. If the husband is unworthy, incapable or unavailable, or voluntarily renounces cohabitation, the wife alone shall discharge the duties referred to in the preceding subparagraph.*"
439. Article 54 (Act No. 90-013 of the 20/07/90) specifies that "*Spouses are required to live together. They fix their common residence by mutual agreement. However, should a disagreement arise between the spouses, during the marriage, on the choice of a common residence, either spouse, at his or her own initiative, may bring the matter before a judge sitting in chambers.*"
440. New article 23: "*Neither spouse may dispose of movable or real property without the other's consent.*"
441. New article 22 of Act No. 67-030 of 18 December 1967 relating to matrimonial regimes and the form of wills: "*Spouses shall jointly manage community property.*"

442. Spouses shall support each other in the administration of their home and assets, but in the event of a crisis, the wife may take over management of the household and administer the property alone.
443. Article 53 of Ordinance No. 62-089 of 1 October 1962 states that “*the husband is the head of the household*”; a reform now in progress will remove this provision, which is deemed to make the woman subservient to the man.
444. In accordance with the Committee’s recommendation and observation on the preceding report, Act No. 96-009 of 9 August 1996 establishes identical penalties for adultery.
445. Criminal Code, article 312 - (Act No. 2000-021 of 28/11/00): “*Any person shown to have deliberately injured or struck his or her natural or adoptive father or mother or other legitimate ascendant or spouse will be punished.*”
446. Article 56 of Ordinance No. 62-089 of 1 October 1962 as amended by Act No. 90-013 of 20/07/90 and by Act No. 98-023 of 25 January 1999:
447. “*Marriage shall not alter the spouses’ legal capacity.*”
448. Ordinance 62-089 of 1 October 1962 on marriage:
449. Article 66 – “*Where one of the spouses has signally failed either to discharge the obligations arising from the marriage or to comply with the traditional rules establishing the spouses’ reciprocal duties, and this failure has made it intolerable for them to continue living together, the other spouse may file for divorce in the court having jurisdiction.*”
450. The new article 40 of Ordinance No. 67-030 of 18 December 1967 as amended by Act No. 90-014 of 20 July 1990, provides that: “*Under the legal regime, spouses share equally in the remaining active common assets. All contrary provisions have been repealed.*”
451. Article 79 of Ordinance No. 62-089 reflects an inequity with respect to the court’s jurisdiction.
452. Madagascar ratified the Convention on the Rights of the Child by Act No. 90-029 of 19 December 1990, which authorizes that ratification.
453. Ordinance No.62-089 of 1 October 1962: Article 62 – “*Simply by virtue of their marriage, the spouses undertake jointly the obligation to feed, maintain, bring up and educate their children.*”
454. Constitution: Article 23 – “*Every child has the right to education under the responsibility of the parents and on the basis of respect for their freedom of choice.*”

455. Currently, a reform process is under way to institute the notion of parental authority independently of the marital status of the two spouses.
456. The colonial law of 1920 on family planning has been implicitly repealed by the unconditional ratification of CEDAW, which, under the Constitution, forms an integral part of Madagascar's positive law. Consequently, the provisions of the 1920 law on the prohibition of contraceptive propaganda are repealed. Only the provisions set out in Act No. 90-030 of 19 December 1990 relating to the national population policy are now applicable.
457. According to EDSMD III 2003-2004, Malagasy women give birth, on average, to 5.2 children by the end of their reproductive life. This shows a change in birth control practices that conduces to the happiness of Malagasy women.
458. Constitution, article 11 – *“Everyone is entitled to information*
459. *Information in all forms shall be subject to no prior restraint.”*
460. Article 27: *“Work and occupational training are a right and a duty for all citizens.”*
461. Access to public office is provided to all citizens without any constraints other than their capabilities and aptitudes.
462. Article 28: *“No one may be denied work or employment on the basis of sex, age, religion, opinions, origins, membership in a trade union or political convictions.”*
463. Article 29: *“All citizens have the right to be remunerated equitably according to the quality and the quantity of their work, to ensure that they and their family are able to live in dignity.”*
464. Under article 56 of Ordinance No. 62-089 of 1 October 1962, *“Marriage shall not alter the spouses' legal capacity.”* Thus, women may carry on and continue a commercial activity without the consent of their husbands, such as starting a small company.
465. According to Act No. 68-012 of 4 July 1968, men's and women's equal entitlement to acquire rights and assets by way of inheritance, gift or bequest still remains in force.
466. Articles 24 and 29 of Ordinance No. 60-146, unknown to many before the extension operation carried out by the Ministry of Justice, are very important for the protection of women's property. These articles relate to mortgages. This practice guarantees matrimonial rights, the indemnity of the husband's obligations and the re-employment of the price of the wife's alienated goods in the event of mismanagement on the part of the husband.
467. With respect to final observation on the problem of the legislation regarding inheritance, it should be noted that the eighth-ranked right to inheritance applies equally to men and to women; there is no discrimination therein.
468. Act No. 68-012 of July 4, 1968 concerning successions, wills and donations.

Title I: Intestacy

469. Art. 16 – *“In the absence of a will or where succession is only partially by will, the heirs are placed in the following order, without distinction of sex or primogeniture:*
- *First category: children;*
 - *Second category: grandchildren;*
 - *Third category: father and mother;*
 - *Fourth category: brothers and sisters;*
 - *Fifth category: children of brothers and sisters;*
 - *Sixth category: uncles and aunts;*
 - *Seventh category: first cousins;*
 - *Eighth category: surviving spouse;*
 - *Ninth category: the State.*
470. *The presence of an heir in a higher category excludes heirs in lower categories, except in the event of a representation.”*
471. Art. 17 – *“By ‘children’ are meant these of the deceased, provided that their filiation is legally established and that the law has not deprived them of the right to inherit from their parent.”*
472. Art. 18 – *“In law, adoptive children have the same inheritance rights as children born to the deceased.”*

Appendix**Table 36 Percentage of men and women in all civil service categories**

Category	2000			2001			2002			2003			2004		
	Women	Men	Total	Women	Men	Total	Women	Men	Total	Women	Men	Total	Women	Men	Total
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
I	23.1	76.9	100	24.0	76.0	100	24.0	76.0	100	28.4	71.6	100	24.5	75.5	100
II	42.4	57.6	100	46.4	53.6	100	46.4	53.6	100	46.9	53.1	100	46.5	53.5	100
III	40.6	59.4	100	40.9	59.1	100	40.9	59.1	100	36.0	64.0	100	41.0	59.0	100
IV	36.8	63.2	100	38.2	61.8	100	38.7	61.3	100	40.4	59.6	100	40.8	59.2	100
V	26.6	73.4	100	27.6	72.4	100	28.0	72.0	100	26.9	73.1	100	31.4	68.6	100
IV	42.4	57.6	100	42.4	57.6	100	42.5	57.5	100	42.5	57.5	100	42.9	57.1	100
VII	23.7	76.3	100	22.2	77.8	100	22.1	77.9	100	19.1	80.9	100	20.2	79.8	100
VIII	28.8	71.2	100	29.1	70.9	100	29.5	70.5	100	31.2	68.8	100	30.6	69.4	100
IX	30.9	69.1	100	32.8	67.2	100	32.7	67.3	100	29.6	70.4	100	32.6	67.4	100
X	28.4	71.6	100	22.5	77.5	100	21.1	78.9	100	21.5	78.5	100	21.5	78.5	100
LTE 1	0.0	100.0	100	11.1	88.9	100	16.7	83.3	100	16.7	83.3	100	20.0	80.0	100
LTE 2	12.5	87.5	100	7.3	92.7	100	7.1	92.9	100	5.9	94.1	100	6.1	93.9	100
LTE 3	10.2	89.8	100	9.4	90.6	100	8.6	91.4	100	8.9	91.1	100	8.2	91.8	100
LTE 4	21.4	78.6	100	20.4	79.6	100	20.5	79.5	100	20.8	79.2	100	19.9	80.1	100
HPO	17.2	82.8	100	17.0	83.0	100	18.0	82.0	100	18.9	81.1	100	19.0	81.0	100
Aggregate	35.0	65.0	100	37.9	62.1	100	38.0	62.0	100	38.1	61.9	100	38.2	61.8	100

Source: INSTAT /DI/JAS2004.