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AND CULTURAL RIGHTS
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24 – 28 November 2008

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Second periodic reports submitted by States parties
under articles 16 and 17 of the Covenant**

MADAGASCAR *

[10 August 2007]

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

Summary

Madagascar ratified the International Covenant on Economic, Social and Cultural Rights on 22 September 1971. As Madagascar's last report dates back to 1986, several reports of the country are overdue.

Under articles 16 and 17 of the Covenant, Madagascar, as a State Party, has an obligation to submit reports on the measures adopted and the progress made in achieving the observance of the rights recognized in that instrument.

In that connection, the current Government took the initiative, through the Ministry of Justice and the Ministry of Foreign Affairs, to create, by inter-ministerial decision No. 18600 of 30 October 2003, a Committee responsible for drawing up initial and periodic reports on the international instruments related to human rights.

That Committee consists of:

- (a) Government bodies: The Ministries of Justice; Foreign Affairs; Population, Social Protection and Leisure; National Education and Scientific Research; and the Economy, Finance and the Budget, represented by the Nationalistic Unit of Statistics; and the State Secretariat at the Ministry of the Interior and Administrative Reform, which is responsible for public security;
- (b) Non-government bodies, namely, non-governmental organizations (NGOs) promoting human rights in the six provinces of Madagascar;
- (c) Members of civil society.

This document is Madagascar's second report related to the International Covenant on Economic, Social and Cultural Rights. The European Union has provided financial support for the preparation of this report. Madagascar submitted its last report in 1990 in accordance with the provisions of article 18 of the Covenant, which invite State parties to present periodic reports.

Madagascar intends to continue its actions aimed at restoring dialogue with the Committee by submitting this report.

This report describes all of the implementation steps taken since the examination of the previous report and elaborates on constitutional, legislative and administrative measures related to achieving equal rights between men and women in the following areas:

- The political field
- The social and cultural field
- Matrimonial and spousal matters, with the emphasis on protection measures against domestic and spousal violence.

In short, the efforts accomplished have been extensive and attest to the Malagasy Government's resolve to comply with the requirements of the Covenant, and to its readiness to implement the recommendations and observations aimed at improving the fulfilment of the requirements of the Covenant.

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ACRONYMS

ADEFI	Action pour le Développement et le Financement des micro entreprises
ADPIC	Aspects des Droits de Propriété Intellectuelle touchant au Commerce
AFD	Agence Française de Développement
AFI	Alphabétisation Formelle Internationale
AGCU	Autres Grands Centres Urbains
AGETIPA	Agence Générale des Travaux d'Intérêt Public d'Antananarivo
AGOA	African Growth and Opportunity Act
AGR	Activités Génératrices de revenus
AHT	Arterial hypertension
ANP	Assemblée Nationale Populaire
APC	Approche par les Compétences
APEM	Association pour la Promotion des Entreprises de Madagascar
Ar.	Ariary
ARI	Acute respiratory infection
ASPE	Association pour la Sauvegarde et la Protection des Enfants
ATT	Antitetanus Vaccine
AU	African Union
AFDB	African Development Bank
BADEA	Arab Bank for Economic Development of Africa
BCG	Bacillus Calmette-Guérin
BEPC	First cycle educational diploma
BNS	Budget National alloué à la Santé
BTP	Construction and public works
CAPEN	Certificat d'Aptitude Pédagogique de l'Ecole Normale
CAPET	Certificat d'Aptitude Pédagogique de l'Enseignement Technique
CDA	Centre de Développement d'Andohatopenaka
CDN	Comité Directeur National de lutte contre le travail des enfants
CE	Cours Élémentaire
CECAM	Caisses d'Épargne et de Crédit Agricole Mutuelles
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEG	Collège d'Enseignement Général
CENRADERU/FOFIFA	Centre National de Recherche Appliquée au Développement Rural/Foibe Fikarohana momba ny Fambolena
CEPE	Certificat d'Études Primaires Élémentaires
CERD	Comité pour l'Élimination de la Discrimination Raciale
CES	Certificat d'Études Spécialisées
CFP	Collège de Formation Technique et Professionnelle
CHD	Centre Hospitalier de District

CHR	Centre Hospitalier Régional
CHU	Centre Hospitalier Universitaire
CICR	Comité International de la Croix Rouge
CIDST	Centre d'Information de Documentation Scientifique et Technique
CISAC	Confédération Internationale des Sociétés d'Auteurs Compositeurs
CISL	Confédération Internationale des Syndicats Libres
CLAC	Centre de Lecture et d'Animation Culturelle
CM 1 et 2	Cours moyen 1 ^{re} et 2 ^e année
CNaPS	Caisse Nationale de Prévoyance Sociale
CNARP	Centre National de Recherches Pharmaceutiques
CNDH	Commission Nationale des Droits de l'Homme
CNE	Conseil National Electoral
CNE	Conseil National de l'Emploi
CNEMD	Centre National d'Enseignement de Musique et de la Danse
CNEO	Centre National d'Education Ouvrière
CNFA	Centre National de Formation Administrative
CNFTP	Conseil National de la Formation Technique et Professionnelle
CNLTE	Comité National de Lutte contre le Travail des Enfants
CNN	Conseil National de Nutrition
CNPFDH	Confédération National des Plates-Formes des Droits Humains
CNRE	Centre National de Recherche sur l'Environnement
CNRIT	Centre National de Recherche Industrielle et Technologique
CNRO	Centre National de Recherches Océanographiques
CNS	Comité National de Secours
CNT	Conseil National du Travail
CNTEMAD	Centre National de Télé Enseignement de Madagascar
CNUCED	Conférence des Nations Unies pour le Commerce et le Développement
COEOI	Confédération d'Organisation des Employeurs de l'Océan Indien
COI	Commission de l'Océan Indien
COMESA	Common Market for Eastern and Southern Africa
COPH	Collectif des Organisations oeuvrant pour les Personnes Handicapées
CP 1 et 2	Cours Préparatoire 1 ^{re} et 2 ^e année
CPAC	Centre Provincial des Arts et de la Culture
CPR	Caisse de Prévoyance et de Retraites
CRCM	Caisse de Retraite des Civils et Militaires
CRENA	Centre de Récupération Nutritionnelle Ambulatoire
CRENI	Centre de Récupération Nutritionnelle Intensive
CRES	Comité pour le Redressement Economique et Social
CRESED 1 et 2	Crédit de Renforcement du Secteur
CRLTE	Comité Régional de Lutte contre le Travail des Enfants
CRS	Catholic Relief Service

CSB I et II	Centre de Santé de Base niveau I et II
CSFOP	Conseil Supérieur de la Fonction Publique
CSI	Conseil Supérieur pour l'Intégrité
CSLCC	Conseil Supérieur de Lutte Contre la Corruption
CSP	Catégorie SocioProfessionnelle
CSR	Conseil Supérieur de la Révolution
CST	Conseil Supérieur du Travail
CSTM	Confédération des Syndicats des Travailleurs de Madagascar
CTM	Conférence des Travailleurs Malagasy
CUS	Centres Urbains Secondaires
DAF	Direction des Affaires Financières
DCPE	Document Cadre de la Politique Economique
DDSS	Direction de la Démographie et des Statistiques Sociales
DEA	Diplôme d'Étude Approfondie
DEP	Direction de l'Enseignement Primaire
DESS	Diplôme d'Etudes Supérieures Spécialisées
DEUG	Diplôme d'Etudes Universitaires Générales
DIRDS	Direction Inter-Régionale des Districts Sanitaires
DLIST	Direction de Lutte contre les Infections Sexuellement Transmissibles
DMD	Dans les Médias Demain
DNEP	Direction Nationale de l'Enseignement Privé
DOCT CH DENTIS	Doctorate in dental surgery
DOCT.	Doctorat
DPS	Direction Provinciale de Santé
DSEG	Diplôme Supérieur d'Etudes de Gestion
DSEJ	Diplôme Supérieur d'Etudes Judiciaires
DSM	Directorate of household statistics
DSY	Direction des Synthèses Economiques
DTA	Droit Technique des Affaires
DTC	Diplôme de Technicien en Commerce
DTC Polio	Vaccin contre la Diphtérie, le Tétanos, la Coqueluche, et la Poliomyélite
DTS	Droits de Tirages Spéciaux
DUTS 1	Diplôme Universitaire de Technicien Supérieur 1
ECC	Education à la Citoyenneté et au Civisme
EDS	Enquête Démographique et de Santé
EDSMD II et III	Deuxième et troisième Enquête Démographique et de Santé de Madagascar
EEMS	Ecole d'Enseignement Médico-Sociale
EKA	Ezaka Kopia ho an'ny Ankizy (Opération de délivrance d'Acte de Naissance pour les enfants)
ENA	Entreprise Non Agricole
ENAM	Ecole Nationale d'Administration de Madagascar

ENDS	Enquête Nationale Démographique et Sanitaire
ENSUP	Enseignement Supérieur
EPM	Enquête Permanente auprès des Ménages
EPP	Ecole Primaire Publique
EPT	Education Pour Tous
ESEB	Enseignement Secondaire et Education de Base
ESEC	Enfants Sexuellement Exploités à des fins Commerciales
EU	European Union
FADES	Fonds d'Appui au Développement de l'Enseignement Supérieur
FAF	Fiaraha-miombon'Antoka ho amin'ny Fampandrosoana (Partenariat pour le développement)
FAO	Food and Agriculture Organization
FARITANY	Province
FASR	Fonds d'Ajustement Structurel Renforcé
FER	Fonds d'Entretien Routier
FFKM	Conseil Oecuménique des Eglises Chrétiennes
FFS	Fiaraha-miasa Foibe Sendikaly (Coopération des Centrales Syndicales)
FID	Fonds d'Intervention pour le Développement
FIHAVANANA	Valeur Morale traditionnelle reconnue dans tout le pays incluant à la fois, la tolérance, la Convivialité, le respect mutuel et la Solidarité
FIKRIFAMA	Association chrétienne pour le Développement de Madagascar
FIRASANA	Commune
FISEMA Malagasy)	Fivondronan'ny Sendika Malagasy (Confédération des Syndicats
FISEMARE	Fivondronan'ny Sendika Malagasy Revolisionera (Confédération des Syndicats Malagasy Révolutionnaire)
FIVMPAMA	Fivondronan'ny Mpandraharaha Malagasy (Fédération des Opérateurs Economiques Malagasy)
FIVONDRONAMPOKOTANY	District
FJKM	Fiangonan'i Jesoa Kristy eto Madagasikara
FMG	Franc Malagasy Garanti
FMM Malagasy)	Fivondronan'ny Mpiasa Malagasy (Confédération des Travailleurs
FNAE	Fédération Nationale des Agents de l'Etat
FNDR	Front National pour la Défense de la Révolution
FOKOTANY	Quartier (la plus petite subdivision administrative à M/car)
FRAM	Association des Parents d'Elèves
FSM	Fédération Syndicale Mondiale
FSMF	Fédération Sendikalin'ny Mpiasan'ny Fahasalamana (Fédération Syndicale des Travailleurs de la Santé)
FTP	Formation Technique et Professionnelle
GCU	Grands Centres Urbains
GDP	Gross Domestic Product

GEM	Groupement des Entreprises de Madagascar
GP1C	Gendarme Principal de 1 ^{re} Classe
GP2C	Gendarme Principal de 2 ^e Classe
GPCE	Gendarme Principal de Classe Exceptionnelle
GTZ	Gesellschaft für Technische Zusammenarbeit
Ha	Hectare
HAE	Haute Autorité de l'Etat
HCC	Haute Cour Constitutionnelle
HDI	Human Development Indicator
HIKA	Hetsika Iadiana Amin'ny Kitrotro sy ny Aretina mpahazo ny Ankizy (Opération de vaccination contre la rougeole et les maladies infantiles)
HIMO	Haute Intensité de Mains d'œuvre
HIPC	Heavily Indebted Poor Countries Initiative
HIV/AIDS	Human Immunodeficiency Virus / Acquired Immunodeficiency
IEC	Information Education Communication
ILO	International Labour Office
ILO	International Labour Organization
IMC	Indice de Masse Corporelle
IMRA	Institut Malagasy de Recherche Appliquée
IMVAVET	Institut Malagasy des Vaccins Vétérinaires
INPF	Institut National de Promotion Formation
INSCAE	Institut National des Sciences Comptables et de l'Administration des Entreprises
INSPC	Institut National de Santé Publique et Communautaire
INSTAT	Institut National de la Statistique
INSTN	Institut National des Sciences et Techniques Nucléaires
INTRA	Institut National du Travail
ISBL	Non-profit entity
ISCAM	Institut Supérieur de Communication, des Affaires et de Management
ISDH	Indicateur Sexo-spécifique de Développement Humain
ISF	Indice Synthétique de Fécondité
IST	Infection Sexuellement Transmissible
IST	Institut Supérieur de Technologies
JICA	Japan International Cooperation Agency
LMD	Licence – Master – Doctorat
LNR	Laboratoire National de Référence
LTP	Lycée Technique et Professionnel
MAP	Madagascar Action Plan
MDGs	Millennium Development Goals
MEG 1 et 2	Magistère en Etudes de Gestion 1 ^{re} et 2 ^e année
MEJ 1 et 2	Magistère en Etudes Juridiques 1 ^{re} et 2 ^e année
MENRS	Ministère de l'Education Nationale et de la Recherche Scientifique

MFPTLS	Ministère de la Fonction Publique, du Travail et des Lois Sociales
MGA	MalaGasy Ariary
MICS	Multiple Indicator Cluster Survey
MII	Moustiquaires Imprégnées d’Insecticides
MINESEB	Ministère de l’Enseignement Secondaire et de l’Éducation de Base
MINSAN/PF	Ministère de la Santé et du Planning Familial
MIRA	Ministère de l’Intérieur et de la Réforme Administrative
MNT	Maladies Non Transmissibles
MPPSL	Ministère de la Population, de la Protection Sociale et des Loisirs
MST	Maladies Sexuellement Transmissibles
MTI	Moyen de Transport Intermédiaire
MTM	Ministère des Transports et de la Météorologie
NC	Non Classées
ND	Non déterminé
NGO	Non-Governmental Organization
NTIC	Nouvelles Technologies de l’Information et de la Communication
OAU	Organization of African Unity
ODSTA	Organisation Démocratique des Syndicats des Travailleurs Africains
OECD	Organization for Economic Cooperation and Development
OEMC	Office de l’Education de Masse et du Civisme
OIF	Organisation Internationale de la Francophonie
OMAPI	Office Malagasy de la Propriété Industrielle
OMDA	Office Malagasy du Droit d’Auteur
OMERT	Office Malagasy d’Études et de Régulation de la Télécommunication
OMS	Organisation Mondiale de la Santé
ONC	Office National de la Culture
ONEP	Office National de l’Enseignement Privé
ONN	Office National pour la Nutrition
OPEP	Organisation des Pays Exportateurs de Pétrole
OPTE	Observatoires Provinciales du Travail des Enfants
ORAF	Organisation Régionale Africaine
ORC	Opinion Research Corporation
OTIV	Ombon-Tahiry Ifampisamborana Vola (Mutuelle de Financement)
PACTE	Division de la Prévention, de l’Abolition, du Contrôle du Travail des Enfants
PAD	Programme Assorti de Délai pour l’Élimination du Travail des Enfants
PAIQ	Programme d’Action à l’Initiative du Quartier
PAISE	Programme d’Appui à l’Insertion Économique
PANAGED	Programme National Genre et Développement
PAS	Programme d’Ajustement Structurel
PBZT	Parc Botanique et Zoologique de Tsimbazaza

PEV	Programme Élargi de Vaccination
PFU	Participation Financière des Usagers
PGDI	Programme de Bonne Gouvernance et de Développement Institutionnel
PIDCP	Pacte International relatif aux Droits Civils et Politiques
PIP	Public Investment Programme
PNA	Programme National d'Action pour la Lutte contre le Travail des Enfants à Madagascar
PNAE	Programme National pour l'Amélioration de l'Enseignement
PNLS	Programme National de Lutte contre le SIDA
PNN	Politique Nationale de la Nutrition
PNS	Politique Nationale de la Santé
PPA	Parité des Pouvoirs d'Achat
PPDES	Partenariat pour le Développement des Établissements Scolaires
PPN	Produit de Première Nécessité
PPP (3P)	Partenariat Public-Privé
PREFTEC	Projet de Renforcement de l'Enregistrement et de la Formation Technique
PRODIAF	Promotion du Dialogue Social en Afrique Francophone
PRSP	Poverty Reduction Strategy Paper
PSDR	Programme Stratégique pour le Développement Rural
PSMI	Promotion de la Santé Maternelle et Infantile
PVVIH	Personne Vivant avec le VIH
QIT-Fer	Quebec International Titanium - Fer
RGPH	Recensement Général de la Population et de l'Habitat
RNDH	Rapport National sur le Développement Humain
SA RTM	Syndicat Autonome pour le Rassemblement des Travailleurs Malagasy
SACEM	Société des Auteurs, Compositeurs et Éditeurs de Musiques
SADC	Southern African Development Commission
SAM	Sécurité Alimentaire des Ménages
SAMRO	Southern African Music Rights Organization
SECES	Syndicat des Enseignants Chercheurs des Universités de Madagascar
SEECALINE	Surveillance et Éducation des Écoles et des Communautés en matière d'Alimentation et de Nutrition Élargie
SEKRIMA	Sendika Kristiana Malagasy (Syndicat Chrétien Malagasy)
SEMPIF/TOVAMA	Sendikan'ny Mpiasa ho an'ny Fampandrosoana sy ny Tombontsoan'ny Vahoaka Malagasy (Syndicat des Travailleurs pour le Progrès et le Bien-être du Peuple Malagasy)
SEREMA	Sendika Revolisionera Malagasy (Syndicat Révolutionnaire Malagasy)
SIG	Système d'Information Géographique
SIPEM	Société d'Investissement pour la Promotion des Entreprises à Madagascar
SMAE	Services Médicaux Autonomes d'Entreprise
SME	Salaire Minimum d'Embauche
SMIG	Salaire Minimum Interprofessionnel Garanti

SNHFA	Service National Hors Forces Armées
SPDF	Service de la Promotion des Droits Fondamentaux
SRMM	Sendika Reharehan'ny Mpiasa Malagasy
SSD	Service de Santé de District
STM	Sendika Tolon'ny Mpiasa
SUISA	Suisse Auteurs ou Société Suisse pour les droits des auteurs d'œuvres musicales
SYGMMA	Syndicat Général Maritime de Madagascar
TBN	Taux Brut de Natalité
TBS	Tableau de Bord Social
TBS	Taux Brut de Scolarité
TDCI	Trouble Due à la Carence en Iode
TEZA	Organisation Malagasy pour l'Éducation des Parents et le bien-être à la vie familiale
TGFG	Taux Global de Fécondité Général
TIAMO	Tahiry Ifamonjena Momba ny Vola (Mutuelle d'Assistance Financière)
TIC	Technologie de l'Information et de la Communication
TITEM	Tahiry Ivondronan'ny Tantsaha eto Madagasikara (Crédit Mutuel des Paysans de Madagascar)
TM	Tolon'ny Mpiasa (Lutte des Travailleurs)
TVET	Technical and Vocational Education and Training
UNAHM	Union Nationale des Associations d'Handicapés de Madagascar
UNDP	United Nations Development Programme
UNESCO	United Nation Education, Sciences, and Culture Organization
UNICEF	United Nations Children's Fund
UNIDO	United Nations Organization for Industrial Development
UNPF	United Nations Population Fund
US DOL	United States, Department of Labour
USA	United States of America
USAID	United States Agency for International Development
USAM	Union des Syndicats Autonomes de Madagascar
USD	US Dollar
WASH	Water Assainissement Soap Hygiène
WFP	World Food Programme

PART I : COUNTRY PROFILE

1. COUNTRY AND POPULATION

(a) The country

1. Madagascar, often referred to as "Red Island" because of the colour of its lateritic soil, lies in the tropical regions of the southern hemisphere, between 11° 57' and 25° 30' south latitude and 43° 14' and 50° 27' east longitude. Straddling the Tropic of Capricorn and located in the south-western the Indian Ocean, Madagascar is separated from the south-eastern Africa coast by the Mozambique Channel.

2. With a surface area of 587,051 km², Madagascar, the world's largest island after Greenland, New Guinea and Borneo, is regarded as a subcontinent. The island measures 1,600 km in length from Cape St. Mary in the south to Cape Amber in the extreme north and has a maximum width of nearly 570 km. It has more than 5,000 km of coastline, bordered by the Mozambique Channel in the west and the Indian Ocean in the east. Antananarivo is the capital.

(b) Population

(i) Background

3. The first known inhabitants of the country were the Vazimba. They moved inland towards the centre of the island subsequent to the arrival of immigrants of Asian, African and Arab origin, and in particular Indonesian, Malaysian and East African. Other population groups (Indians, Chinese and Europeans) arrived later.

4. Before Europeans arrived in Madagascar, several indigenous kingdoms were formed between the 16th and 19th centuries. In the 19th-century, the Imerina rulers, after conquest wars, began to exert a certain hegemony over the other kingdoms.

5. Colonized by France in 1896, Madagascar regained its independence on 26 June 1960.

(ii) Ethnic groups, language, customs, usages and foreign communities

6. The Malagasy population consists of 18 ethnic groups sharing the same national language, Malagasy, which has dialectal variants resulting from geographic location, history and cultural background.

7. Throughout the various stages of development of the social and political system of Madagascar, customs and practices have always played a significant role with regard to social control.

8. Madagascar has a number of foreign communities.

Table 1. Breakdown of foreign communities

<i>Nationality</i>	<i>Per cent</i>
French	40
<i>Chinese</i>	20
Comorians	12
Indians and Pakistanis	18
Others (British, Africans, Arabs, Mauritians, Italians, Norwegians, Greeks, Germans and Koreans)	10

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

(iii) Main characteristics of the population of Madagascar

9. Assessed at 12,238,914 persons according to the General Census of Population Housing (RGPH) of 1993, the population of Madagascar has been estimated at 17,382,000 in 2005 based on the projection of the National Institute of Statistics (INSTAT) with a rate of growth stabilized at 2.8 per cent.

10. Because of its insularity and its geographical location, remote from the major migratory currents of the world, Madagascar has very few exchanges of population with the outside world. The effects of the international migration phenomena on the island are negligible.

Geographical distribution of the population

11. Most of the Malagasy population lives in rural areas.

Table 2. Population structure by province, gender and area of residence, 2005 Medium variant projection

<i>Province or area of residence</i>	<i>Gender</i>		<i>Total</i>	<i>Per cent</i>
	<i>Mail</i>	<i>Female</i>		
Antananarivo	2,582,000	2,565,000	5,147,000	29.6
Antsiranana	659,000	668,000	1,327,000	7.6
Fianarantsoa	1,920,000	1,936,000	3,856,000	22.2
Mahajanga	977,000	976,000	1,953,000	11.2
Toamasina	1,475,000	1,472,000	2,947,000	17.0
Toliara	1,240,000	1,261,000	2,501,000	14.4
Urbain	2,460,000	2,546,000	5,006,000	28.8
Rural	6,226,000	6,150,000	12,376,000	71.2
Madagascar	8,686,000	8,696,000	17,382,000	100.0

Source: RGPH 1993 - Social Statistics and Demography Directorate (DDSS)/INSTAT

Table 3. Population structure by major age groups and by gender, 2003

<i>Age</i>	<i>Per cent</i>		
	<i>Total</i>	<i>Men</i>	<i>Women</i>
0-14	44.3	22.4	21.9
15-64	52.4	25.9	26.4
65 or more	3.3	1.6	1.7
Total	100.0	49.9	50.1

12. The Malagasy population is young. Its age median is 16.3 years.

Main demographic indicators

(i) Birth rate, fertility rate and mortality rate

13. As the following table shows, the various data sources (RGPH 93, National demographic and health survey (ENDS¹) 92 and Demographic and health survey (EDS²) 97) indicate that Madagascar has a high rate of fertility, which begins early. The total fertility rate (TFR) is six and the proportion of girls aged 15-19 having already begun their reproductive life is significant: 30 per cent according to EDS 1997. According to the third Demographic and health survey of Madagascar (EDSMD-III) of 2003-2004, TFR amounts to 5.2 children, which shows a significant decrease since 1997 (see table below).

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

<i>Age group</i>	<i>ENDS 1992¹</i>	<i>EDS 1997²</i>	<i>EDSMD-III 2003-2004</i>
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 of age	6.1	6.0	5.2

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

1. ENDS: Refeno et al., 1994

2. EDS: DDSS, 1998.

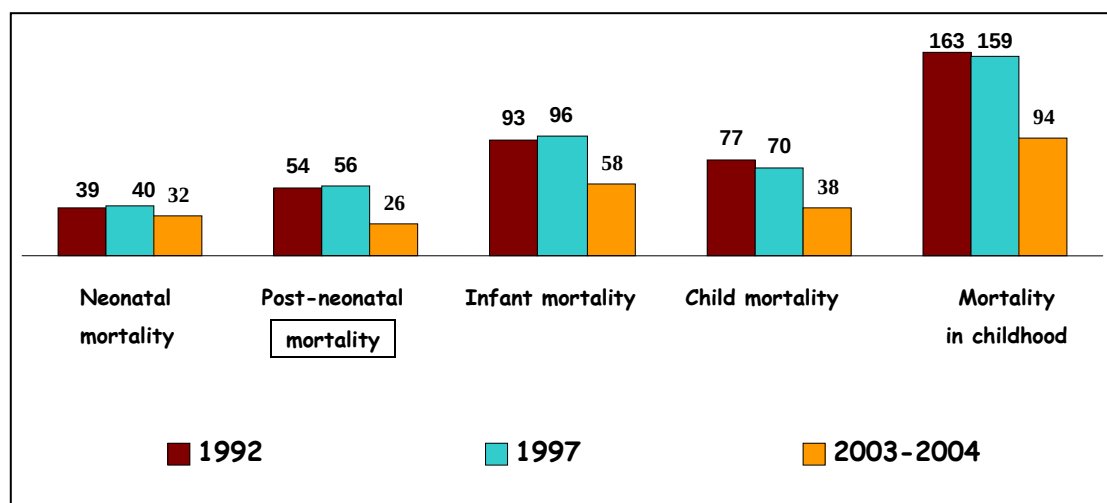
14. With regard to infant mortality, recent studies (ENDS 1992, RGPH 1993, (MICS³) 1995, EDS 1997, MICS 2000) have estimated it at 93 per thousand.

¹ ENDS: Enquête Nationale Démographique et Sanitaire.

² EDS: Enquête Démographique et de Santé.

³ MICS: Multiple Indicators Clusters Survey.

Figure 1. Mortality among children under five



Source: INSTAT/DDSS/Opinion Research Corporation (ORC) Macro/EDSMD-III 2003-2004

Table 5. Main demographic indicators

Indicator	Autonomous province						Madagascar
	Antsiranana	Fianarantsoa	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 (inhabitants / km ²)	30.0	36.4	12.6	39.7	85.8	15.1	28.8
Masculinity ratio	98.28	98.6	99.88	99.84	100.54	97.81	99.56
Modern contraception prevalence (%), 2000	10.8	5.1	5.3	9.4	15.9	5.4	9.7
Women's age at first childbirth, 2000	18.6	19	18.4	19.9	20.4	19	19.5
Age of first sexual intercourse, 2000	16.1	16.6	16	17.3	18.3	15.4	16.9
TFR, 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
Population growth rate (%)	2.5	3.2	2.7	3	2.8	2.6	2.7

Sources: ENDS 1997; INSTAT, *Demographic projections and prospects (RGPH), 2000*; INSTAT, *Inventory of fivondronana (districts) (1999)*; General Directorate of Planning.

(ii) *Life expectancy*

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

Table 6. Life expectancy at birth by province and gender

<i>Faritany (province)</i>	<i>Gender</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
Aggregate	51.30	53.30

Source: DDSS/INSTAT, RGPH 93

16. According to l'EDSMD III 2003-2004, life expectancy for women and men has increased, respectively, to 58.1 and 56.3 years.

Characteristics of Malagasy households

(i) Average size of households

17. The household survey (EPM) carried out in 2004 indicated that the average size of Malagasy households was 5 persons. That size varies from one province to another. Generally speaking, households headed by men are larger than those headed by women.

Table 7. Size of households by gender of head of household

<i>Faritany</i>	<i>Head of household</i>		<i>Total</i>
	<i>Man</i>	<i>Woman</i>	
Antananarivo	5.0	3.6	4.8
Fianarantsoa	5.6	4.2	5.3
Toamasina	4.8	3.3	4.5
Mahajanga	5.4	3.5	5.0
Toliara	5.6	4.0	5.3
Antsiranana	4.7	3.6	4.5
Total	5.2	3.7	4.9

Source: INSTAT/ Directorate of household statistics (DSM), 2004

(ii) Social and demographic characteristics of heads of household

18. Malagasy society is based on the patriarchal system.

19. The following matrimonial arrangements are practiced: Customary monogamous marriage, civil marriage, non-marital monogamous cohabitation, customary polygamous marriage and non-marital polygamous cohabitation.

Table 8. Matrimonial status of heads of household by gender

<i>Civil status</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Civil marriage spouse	39,6	4,4	32,4
Customary monogamous marriage spouse	44,1	5,9	36,3
Member of a customary polygamous marriage	1,1	0,0	0,9
Member of a non-marital monogamous union	7,0	2,4	6,1
Member of a non-marital polygamous union	0,4	0,1	0,3
Divorced	0,3	7,0	1,6
Separated	2,9	27,1	7,8
Widowed	2,6	38,6	10,0
Single	2,1	14,5	4,6
Total	100,0	100,0	100,0

Source: INSTAT/DSM, 2002

20. According to the following table, of every five Malagasy households one is headed by a woman.

Table 9. Per cent breakdown of households by gender of household head and by province

<i>Faritany</i>	<i>Gender of head of household</i>		<i>Total</i>
	<i>Male</i>	<i>Female</i>	
Antananarivo	83.9	16.2	100.0
Fianarantsoa	79.4	20.6	100.0
Toamasina	79.7	20.3	100.0
Mahajanga	77.8	22.2	100.0
Toliara	79.6	20.4	100.0
Antsiranana	79.9	20.1	100.0
Total	80.7	19.3	100.0

Source: INSTAT/DSM/EPM2004

Human development indicators

(i) *Human Development Index (HDI) at the national level*

21. In 2002, Madagascar's HDI was estimated at 0.480, and its real per capita GDP, calculated in purchasing power parity (PPP)⁴, was US\$811. The aggregate gross school enrolment rate at all schooling levels was 48.3 per cent and the population's life expectancy at birth was 53 years. Accordingly, on the 0-1 human development measurement scale, Madagascar had achieved, up to that year, less than half of the maximum progress expected and, as a result, ranked among the low human development countries.

22. Madagascar's HDI, however, grew steadily in the period 1997-2000, increasing from 0.468 in 2001 to 0.480 in 2002 and to 0.499 in 2005, thereby placing Madagascar 146th among 177 countries⁵.

(ii) *HDI by province*

23. In 2002, there were substantial human development disparities among the provinces. HDI exceeded 0.500 in Antananarivo and 0.400 in Antsiranana, Toamasina and Mahajanga; and was under 0.400 in Fianarantsoa and Toliara.

(iii) *Gender-related Development Index (GDI)*

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

Table 10. Gender-related Development Index (GDI)

<i>Indicators</i>	<i>Gender</i>		<i>Total</i>
	<i>Man</i>	<i>Women</i>	
Proportion of total population (%)	49.9	50.1	100.0
Life expectancy at birth (years)	52.0	53.9	53.0
Adult literacy (%)	75.1	62.4	68.7
Overall school enrolment (%)	47.7	45.7	46.7
Proportion of total active population (%)	50.9	49.1	100
Real GDP per capita (PPP⁶ US\$)	NA	NA	929.2

NA = Not available

Source: INSTAT/DSM/EPM 2002

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

⁴ PPP is an exchange rate that accounts for price differences among countries, allowing international comparisons of real output and. The PPP equivalent of US\$1.00 in a given country is the amount needed to purchase the same volume of goods and services as can be bought for US\$1.00 in the USA. The PPP equivalent of US\$1.00 in Madagascar is based on the Human Development Report 2002 and the exchange rate (\$/FMG).

⁵ Source: National Human Development Report (NHDR) 2005, UNDP.

⁶ Purchasing power parity.

2. ADMINISTRATIVE ORGANIZATION, GOVERNMENT STRUCTURE AND RECENT POLITICAL HISTORY

(a) Administrative organization

26. The country is divided into six autonomous provinces, subdivided into 22 regions, 111 districts and 1,558 communes.

27. Urban and rural communes consist of neighbourhoods, subdivided into sectors.

Table 11. Surface area and administrative structure of the autonomous provinces

<i>Autonomous provinces</i>	<i>Surface area (km²)</i>	<i>Number of:</i>		
		<i>Regions</i>	<i>Districts</i>	<i>Communities</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
<i>National total</i>	587,051	22	111	1,558

(b) Basic political structure

28. The State structure provided for under title III, article 41 of the Constitution of 1992 includes the following State authorities:

- (a) The President of the Republic and the Government, which constitute the executive branch;
- (b) The national Assembly and the Senate, which constitute the legislative branch;
- (c) The Constitutional High Court (HCC).

29. The courts and tribunals constitute the judiciary branch.

(c) Political history

30. Towards the end of the second presidential term of the Second Republic, the State abolished censorship and, by acknowledging the multiparty system, introduced democratic pluralism. Political parties left the National Front for the Defence of the Revolution (FNDR) to protest against the re-election of the outgoing president and demanded the establishment of a transitional Government entrusted with preparing the introduction of the Third Republic, under a new Constitution and a new electoral code.

31. That transitional Government was set up under the Panorama Convention of 31 October 1991. The following transition bodies were established:

- (a) The Presidency, led by the serving President;
- (b) The High State Authority (HAE), chaired by professor Albert ZAFY;
- (c) The Government, led by the Prime Minister, invested with full powers;
- (d) The Committee for economic and social recovery (CRES).

32. The President of the Republic, Mr. Didier RATSIRAKA, retained his post.

33. Professor Albert ZAFY was designated chairman of HAE and Mr. Guy Willy RAZANAMASY became Prime Minister.

34. The transitional Government was entrusted with organizing various forums with a view to preparing early presidential elections and the establishment of the Third Republic.

35. CRES was set up during the transition in order to provide the Government with advisory opinions, replacing the National Assembly, which was dissolved.

36. In September 1992, a new Constitution, formulated by the regional and national forums, was adopted. The Third Republic comprised a parliamentary system and a five-year term of office for the President of the Republic, who could be re-elected. Earlier, the President's term of office had been seven years.

37. Seven candidates stood for President in the presidential elections of November 1992. In March 1993, Mr. Albert ZAFY was elected in a runoff, defeating the outgoing President, Mr. Didier RATSIRAKA.

38. In September 1995, Professor Albert ZAFY organized a referendum aimed at amending the Constitution in order to reinstate the presidential system.

39. After a no-confidence vote against Mr. Prime Minister Emmanuel RAKOTOVAHINY, President Albert ZAFY replaced him with Mr. Norbert Lala RATSIRAHONANA, until then Chairman of HCC.

40. President Albert ZAFY was impeached and HCC designated Prime Minister Norbert Lala RATSIRAHONANA Head of State and Government. He was entrusted with preparing early presidential elections.

41. On 31 January 1997, Mr. Didier RATSIRAKA was again elected President of the Republic.

42. In September 1998, he proceeded with an amendment of the Constitution, establishing the autonomous provinces and changing the term "State power" to "State function".

(i) The presidential elections of 16 December 2001

43. Six candidates participated in the presidential elections of 16 December 2001, whose results were disputed.

44. On 25 January 2002, HCC, whose headquarters had been temporarily moved to the Hôtel Ermitage in Mantasoa, issued a decision ordering a runoff on the grounds that no candidate had obtained more than 50 per cent of the votes.
45. A nation-wide popular movement staged a demonstration followed by a general strike, demanding a verification of the voting results reports drawn up at the 16,000 polling stations.
46. Mr. Didier RATSIRAKA's supporters opposed the organization of such a verification. On the other hand, the support committees in favour of Mr. Marc RAVALOMANANA organized demonstrations protesting the decision taken by HCC at Mantasoa.
47. On 22 February 2002 Mr. Marc RAVALOMANANA was sworn in as President of the Republic. At the time, the international community characterized that event as an extra-constitutional self-proclamation.
48. In order to resolve that post-electoral crisis, the two candidates met at Dakar in April 2002 through the good offices of Mr. Abdoulaye WADE, President of Senegal, and under the aegis of the African Union and signed an agreement known as "DAKAR I".
49. Under that agreement, it was recommended to organize a recount of the votes in the presence of both parties and, should neither candidate obtain more than 50 per cent of the votes, hold a runoff.
50. Through decision No. 04 of 16 April 2002, the administrative chamber of the Supreme Court voided the designation of the HCC members who had issued the Mantasoa decision.
51. That annulment decision was taken subsequent to the recourse of one of the candidates for HCC membership.
52. The grounds for the annulment consisted in failure to follow due process in designating HCC members.
53. In the same decision, the administrative chamber of the Supreme Court reinstated the previous HCC members.
54. After a vote recount, HCC declared Mr. Marc RAVALOMANANA winner of the first round of the elections with 51.46 per cent of the votes versus 35.90 per cent of the votes for Mr. Didier RATSIRAKA.
55. On 6 May 2002, Mr. Marc RAVALOMANANA was for the second time sworn in as President of the Republic of Madagascar.
56. In response, the outgoing President and his supporters decreed the transformation of the autonomous provinces into federal states, even though the Constitution prohibits any action calling into question the unity of the State and provides for punishing any secession attempt with the death penalty.
57. Barricades were set up and bridges and public facilities were destroyed at various places throughout the island.

58. In June 2002, still under the aegis of the African Union, a second meeting, known as DAKAR II, was organized in Senegal in order to find a way out the crisis

59. After the recognition of the new Government by Switzerland, Germany, the United States and, later, France, President Marc RAVALOMANANA implemented measures necessary for the restoration of security and public order throughout the territory.

60. During a special mission to Madagascar in July 2002, Mr. Dominique de VILLEPIN, French Minister of Foreign Affairs, recognized of the Government of President Marc RAVALOMANANA on behalf of his country.

61. On the ground, the imminent advance of peace forces, consisting inter alia of reservists, compelled the outgoing President, Mr. Didier RATSIRAKA, to leave the country precipitously.

62. The barricades were dismantled without any major resistance, except in the northern part of the island. The resistance put up by Colonel Coutity ultimately failed, leading to his arrest and indictment.

63. The restoration of the fuel supply allowed a gradual return to normalcy and the termination of a period of widespread shortages.

(ii) Constitutional developments since the previous report

64. On 18 September 1992, Madagascar adopted a new Constitution. Subsequently, the Constitution was revised twice, under constitutional acts No. 95-001 of 13 October 1996 and No. 98-001 of 8 April 1998.

The Constitution of 1992

65. Demanded by the popular movement of 1991 and drawn up subsequent to the regional and national forums, the 1992 Constitution is characterized by:

- (a) The dissolution of the Second Republic and the commencement of the Third Republic;
- (b) The abandonment of socialist ideology, which was replaced by democracy and the multiparty system;
- (c) The elimination of the High Council of the Revolution (CSR) and of FNDR;
- (d) The establishment of a parliamentary system;
- (e) The separation of the branches of Government;
- (f) The return to the bicameral parliamentary system of the First Republic.

66. The major innovation introduced by the new Constitution is the recognition, stated in the preamble, that the following international instruments are an integral part of Malagasy positive law:

- (a) The International Bill of Human Rights;
- (b) The African Charter on Human and People's Rights;

- (c) The Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

67. Based on the above recognition, the legal system of Madagascar comprises the essential terms of the international instruments concerned.

68. The Constitution guarantees the protection of the civil and political rights of citizens.

The constitutional reform of 1995 (constitutional act No. 95-001 of 13 October 1995)

69. The innovations introduced through this reform regarded the designation of the Prime Minister, Head of Government, by the President of the Republic; and the administrative reorganization of the territory into provinces, regions and communities.

The constitutional reform of 8 April 1998

70. Upon resuming power in 1997, President Didier RATSIRAKA proceeded with reforming the Constitution.

71. That reform introduced the following changes:

- (a) Establishment of the autonomous provinces.
- (b) Modification of the grounds for impeachment of the President of the Republic. Under the new provisions, the President may be prevented from carrying out his/her functions only as a result of duly established physical or mental disablement;
- (c) Modification of the procedure for impeachment of the President of the Republic. Under the new provisions, such impeachment is possible only through separate votes in the two houses and a two thirds majority in each house instead of a single vote and an absolute majority, as had been the case before.
- (d) Replacement of the concept of *power* with the concept of *function* and therefore introduction of the new terminology "legislative, executive and judiciary functions".

3. ECONOMIC, SOCIAL AND CULTURAL CHARACTERISTICS

(a) Economic indicators

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

(i) Gross domestic product (GDP)

73. Save for the years 1991 and 2002, characterized by political crises, Madagascar recorded a constant increase in GDP from 1985 to 2005.

Table 12. GDP in nominal and real terms, and the inflation rate

<i>Year</i>	<i>Nominal GDP (MGA billions)</i>	<i>Real GDP (MGA billions 1984)</i>	<i>Nominal GDP (FMG billions)</i>	<i>Real GDP (FMG billions 1984)</i>	<i>Growth (%)</i>	<i>Inflation (%)</i>
1985	379	343	1,893	1,714	1.2	10.4
1990	921	393	4,604	1,963	3.1	11.5
1995	2,696	386	13,479	1,931	1.7	45.1
2000	5,377	466	26,885	2,332,	4.8	9.8
2001	5,969	494	29,845	2,470	6.0	7.3
2002	6,008	432	30,040	2,160	-12.7	15.2
2003	6,777	474	33,885	2,370	9.8	2.8
2004*	8,156	499	40,778	2,494	5.3	13.8
2005*	10,095	522	50,476	2,609	4.6	18.4

* *Provisional*

Source: Directorate of Economic Analysis, INSTAT.

(ii) Inflation

74. The year 2004 was characterized by an across-the-board rise in consumer prices, which continued up to 2005. Fuel, staples and health necessities were especially hard hit. The inflation was caused by, inter alia, 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 in the first half of 2004.

(iii) Currency depreciation

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

Table 13. Average value of the Madagascar exchange rate from 1985 to 2006

Unit: MGA

<i>Period</i>	<i>USD</i>		<i>EURO</i>	
	<i>Period average</i>	<i>Period end</i>	<i>Period average</i>	<i>Period end</i>
1985 average	132	127	-	-
1990 average	299	293	-	-
1995 average	853	855	-	-
1997 average	1,020	1,026	-	-
2001 average	1,318	1,317	1,181	1,174
2002 average	1,366	1,366	1,274	1,274

<i>Period</i>	<i>USD</i>		<i>EURO</i>	
	<i>Period average</i>	<i>Period end</i>	<i>Period average</i>	<i>Period end</i>
2003 average	1,238	1,239	1,399	1,409
January 2004	1,290	1,348	1,626	1,673
July 2004	2,160	2,071	2,652	2,477
August 2004	2,040	2,046	2,471	2,465
September 2004	2,064	2,074	2,512	2,553
2004	1,869	-	2,320	-
2005	2,003	-	2,488	-
January 2006	2,139	-	2,588	-
February 2006	2,174	-	2,597	-
March 2006	2,194	-	2,634	-
April 2006	2,187	-	2,679	-

Source: Central Bank of Madagascar.

(b) Social indicators

Poverty

76. The macroeconomic recovery of the late 1990s was accompanied by a modest reduction in the poverty level. Between 1997 and 1999, the proportion of citizens living below the poverty line - defined as the level of total expenditure needed to purchase a minimum basket of 2,100 calories per capita, decreased by 2 per cent⁷.

77. This modest improvement of the situation was felt only in the urban areas. Poverty is more acute in the countryside.

78. The proportion of Malagasy living below the poverty line was, respectively, 70 per cent in 1993, 73.3 per cent in 1997, 71.3 per cent in 1999, 69.6 per cent in 2001 and 80.7 per cent in 2002. Since then, the incidence of poverty has been declining. It amounted to 72.1 per cent in 2004 and 68.7 per cent in 2005.

79. To combat poverty, Madagascar updated its Poverty Reduction Strategy Paper (PRSP) in July 2003. The first annual implementation report was published in July 2004 and the document was revised in June 2005. Current action is based on the Madagascar Action Plan (MAP).

⁷ Source: National Statistics Institute / Household Statistics Department (INSTAT/DSM).

Table 14. Poverty indicators by social stratum, 2004

Unit: %

		<i>Incidence of poverty</i>	<i>Poverty intensity</i>	<i>Proportion of the population</i>	<i>Proportion of consumption</i>
Antananarivo	Urban	39.2	11.8	8.3	13.9
	Rural	68.2	26.6	20.4	20.2
Fianarantsoa	Urban	78.4	34.4	3.5	3.1
	Rural	87.5	41.5	18.4	12.4
Toamasina	Urban	63.7	25.3	3.4	4.1
	Rural	80.8	43.2	12.0	14.3
Mahajanga	Urban	54.3	21.3	2.3	2.7
	Rural	79.0	36.6	9.0	7.0
Toliara	Urban	60.5	23.6	3.3	3.7
	Rural	75.5	31.2	12.0	10.6
Antsiranana	Urban	36.7	12.6	1.3	2.0
	Rural	71.7	30.5	6.1	6.1
Ensemble		72.1	31.6	100.0	100.0

Source: INSTAT/DSM/EPM 2004

Labour force

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

Labour force participation rate

81. In 2002, the participation rate was 65.5 per cent. This rate had been 68.7 per cent in 2001 but fell sharply, by three percentage points, after the 2002 crisis. Urban areas experienced the largest decrease, by 3.8 percentage points, compared to 2.8 percentage points in rural areas. The decline in the participation rate was greater among men (-4,2 points) among women (-2,2 points).

Employment

Table 15. Breakdown of employment by industry and area of residence

	<i>Major urban centres (GCU)</i>	<i>Secondary urban centres (CUS)</i>	<i>Rural</i>	<i>Aggregate</i>
Agriculture	11,7	71,8	90,1	82,4
Food industry	1,6	0,4	0,2	0,3

	<i>Major urban centres (GCU's)</i>	<i>Secondary urban centres (CUSs)</i>	<i>Rural</i>	<i>Aggregate</i>
Textile industry	6,0	0,3	0,4	0,8
Construction and public works / labour-intensive activities	4,6	1,4	1,3	1,5
Other industries	7,4	2,1	1,0	1,6
Trade	21,2	9,6	1,7	4,0
Transport	5,9	1,5	0,6	1,1
Private health sector	0,6	0,2	0,1	0,1
Private education sector	2,1	0,8	0,2	0,4
Public administration	10,6	4,0	2,0	2,9
Other private services	28,3	8,0	2,5	4,9
<i>Total</i>	100,0	100,0	100,0	100,0

Source: INSTAT/DSM/EPM 2004

Wage income

82. It is estimated that 78 per cent of the urban labour force work in the informal economy. In all, this would amount to 1.6 million persons or 10 per cent of the population. In the informal sector, wages are particularly low and conditions precarious.

83. In the informal economy, the median wages of a male worker with primary education are half of what a man with the same level of education earns and the formal sector. Median wages for women in the informal economy or even lower compared to what women earn in the formal sector. For the same level of responsibilities, women's wages are equal to two thirds of the remuneration of men.

Table 16. Ratio of women's to men's wage incomes, by social-professional category (CSP) and institutional sector

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

Source: INSTAT/DSM, EPM1993 and EPM 2001

84. In 2002, the average annual level of earned income was estimated at MGA 763,200 and the median level at MGA 516,000. Employees in urban areas are better paid than those in the countryside. Holders of supervisory positions earn more than triple the wages of unskilled labour.

85. Women's employment in the private sector and informal economy is less well paid.
86. An 8.0 per cent rise of the nominal wage level was recorded between 2001 and 2002.

Unemployment

(i) The situation of unemployment

87. Workers in the informal economy do not benefit from the social protection system. They are more likely to become unemployed. The 2002 political crisis led many companies to reduce or halt their activities, which resulted in a significant increase in the rate of unemployment in cities.
88. The results of the EPM 2002 survey indicate that there were 385,400 unemployed workers in Madagascar in 2002, up by more than 90,000 from 2001. The unemployment rate gained nearly 1 point in a year, rising from 3.6 per cent in 2001 to more than 4.5 per cent in 2002. In 2004, however, that rate clearly improved, declining to 2.7 per cent.
89. Young people between 15 and 24 are the other group of job seekers with the greatest difficulty finding employment. The unemployment rate for this category rose from less than 5.1 per cent in 2001 to more than 7.3 per cent in 2002. These results are due to layoffs and massive dismissals at free-zone enterprises during the 2002 crisis.

(ii) Socio-demographic characteristics of the unemployed

90. Nearly 43 per cent of the unemployed live in urban environments, including 15 per cent in the capital. The greatest numbers of unemployed, more than 35 per cent of the total, are in the Antananarivo province. The Mahajanga province, on the contrary, is least affected, with fewer than 8 per cent of all unemployed persons.

(iii) Job applications

91. In 2003, the number of job seekers applying to provincial placement services was 6,191, of whom 51.1 per cent were male and 48.9 per cent female, 85 per cent had at least secondary education, more than 18 per cent were university graduates and 52.2 per cent were first-time applicants, slightly more so among men than among women.

Health

92. The health sector is among the priority sectors for development under the MDGs and the PRSP. This section mainly outlines the principal indicators for this sector.
93. The health policy introduced in 1995 announced two major changes in orientation:
- (a) Progressive decentralization of health services, which were henceforth to be managed through the 111 medical districts;
 - (b) A cost-recovery policy involving user fees.
94. Under the National Health Policy, the following goals were set in 2006:
- (a) A 50 per cent reduction in the socio-economic burden of the main communicable diseases, including emerging and re-emerging diseases,

- (b) A 20 per cent reduction in mortality due to non-communicable diseases,
- (c) Promotion of maternal and child health,
- (d) A stepped-up fight against malnutrition,
- (e) Improvement of the health system's performance.

95. Details regarding this analysis will be provided in subsequent sections.

(i) Maternal and child health

(i) Antenatal consultations

96. In 2002, the rate of use the antenatal consultation services at basic health centres (CSBs) was 63.8 per cent.

(ii) Vaccination

97. Of all pregnant women, 54.1 per cent received two or more doses of antitetanus toxoid (ATT) vaccination. Administration of this vaccine was more frequent in the province of Fianarantsoa, with more than 69.6 per cent of cases.

Table 17. Births protected against neonatal tetanus in CSBs, by province, 2002

<i>Faritany</i>	<i>Pregnancies expected</i>	<i>Number pregnant women having received two or more ATT inoculations</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
Total pays	704,671	381,297	54.1

Source: MINSAN.

98. Since the last report, the Malagasy Government has made considerable efforts to achieve a high vaccination rate. There was a clear improvement in the vaccination of children aged 0 to 11 months. The following results were recorded in 2004: BCG 89 per cent, TDAP3 78.2 per cent, POLIO3 78.2 per cent and measles 95 per cent.

(iii) Childbirth

99. The majority of women are confined outside medical establishments. Out of every five parturients, one gives birth in a CSB maternity ward.

Table 18. Use of CSB maternity wards by province, 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
Total pays	704,671	141,073	8,931	20.0

Source: MINSAN

100. Approximately 90 per cent of childbirths carried out in CSBs had a normal outcome. Maternal death during childbirth occurred in approximately 2.6 per cent of cases.

Table 19. Outcome of births at CSBs by province, 2002

<i>Faritany</i>	<i>Deliveries</i>	<i>Infants born alive</i>			<i>Stillbirths</i>		<i>Maternal deaths</i>	
		<i>Number</i>	<i>Birth weight < 2,500 g</i>		<i>Number</i>	<i>%</i>	<i>Number</i>	<i>‰</i>
			<i>Number</i>	<i>%</i>				
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: MINSAN

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

(ii) Malaria control

102. The use of insecticide-treated mosquito nets (ITNs) began in 1997 for pregnant women and children under five.

103. The number of insecticide-treated mosquito nets 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.

(iii) HIV/AIDS

104. 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 per cent and 42.5 per cent respectively.⁸

Table 20. Persons living with AIDS in Madagascar - cumulative number of cases

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

Note: By date of notification. Number of individuals tested: 218,310.

Source: National Reference Laboratory (LNR), June 2003.

105. The prevalence rate of AIDS increased from 1.1 in 2004 to 1.5 in 2005.

106. Details regarding this analysis will be provided in subsequent sections.

Education

107. The Malagasy Government has joined the Education for All (EFA) movement, which took shape at the conferences at Jomtien, Thailand, in 1990 and Dakar, Senegal, in 2000. For Madagascar, the top priorities are:

- (a) Universalization of basic education,
- (b) A 100 per cent completion rate for the primary education cycle,
- (c) A 50 per cent reduction in the rate of illiteracy.

108. The Government's efforts are focused on three essential parameters, i.e.:

- (a) Access, namely, an increase in school capacity, to ensure universal education for all Malagasy children by 2015,
- (b) Equity, namely, ensuring quality appraisals in both rural and urban environments, to reduce the drop-out rate,

⁸ Source: DLIST.

- (c) Equality, namely, improvement of teaching and teaching equipment to reduce the rate of grade-repeating to 8 per cent and achieve a 100 per cent completion rate by 2015.

109. To achieve these goals, the Malagasy Government received additional credits of US\$ 10 million under the EFA Fast Track Initiative (FTI).

110. Legislative and regulatory reforms were undertaken in the field of education.

(c) Cultural indicators

(i) Culture

111. Malagasy is the single national language of Madagascar. Each ethnic group, however, has its own culture.

112. The action plans of the Ministry of Culture and Tourism are primarily aimed at the promotion of cultural identity. Inter alia, they include the following activities:

- (a) Organization of intercultural dialogue in the six provinces in the framework of the annual observance of United Nations Day
- (b) Enhancement of the regional cultural heritages
- (c) Establishment of the National Office for Culture and of provincial arts and culture centres in the chief provincial towns
- (d) Creation of art and culture sections in the missions of the Republic of Madagascar abroad.

113. The Ministry of Culture and Tourism, cognizant of the importance of the cultural dimension of development, publishes or reprints and disseminates works in Malagasy with a view to highlighting the contribution of the various cultures and civilizations and incorporating them into school curricula.

(ii) Communication and religion

114. The right to information and communication and to freedom of religion without any race-, origin- or gender-based distinction is guaranteed by the Constitution.

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

116. In August 2004, there were 93 recognized religious organizations, all denominations included.

4. GENERAL LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS

(a) The Constitution

117. Direct applicability of international conventions by the courts is guaranteed by the Constitution, which, in its preamble, recognizes the International Bill of Human Rights, the

African Charter on Human and Peoples' Rights and the conventions on the rights of women and the rights of the child, which are considered to be an integral part of positive law.

118. Accordingly, Madagascar seeks to standardize its national legislation in compliance with the requirements of duly ratified international conventions.

119. The National Commission for Human Rights was established in 1996 under article 40 (2) of the 1992 Constitution, providing that "the State shall guarantee, through the establishment of specialized bodies, the promotion and protection of human rights".

120. Articles 17-40 of the Constitution ensure the protection and exercise of the economic, social and cultural duties and rights in accordance with the Covenant. That protection is limited by respect for the freedom of others and by the safeguarding of public order.

121. Under Article 83 (3), "the law shall establish rules concerning civil rights and fundamental guarantees granted to individuals and groups for the exercise of rights and liberties".

(b) Judicial, administrative and other authorities having jurisdiction with regard to human rights

(i) Judicial authorities

122. Courts and tribunals have jurisdiction in all cases of human rights violations, since Madagascar does not yet have judicial bodies specialized in that area.

(ii) Administrative authorities

123. In performing their functions, the administrative authorities responsible for law enforcement have an obligation to respect human rights.

124. Under criminal code article 114, "any civil servant or Government agent or official who orders or commits an arbitrary act or infringes a person's liberty or the civil rights of one or more citizens or the Constitution shall be stripped of his/her civil rights".

(c) Other bodies having jurisdiction in the area of human rights

125. The following two independent bodies, contributing to the protection of human rights, have been established:

- (a) Office of the Ombudsman (*Médiateur*), established by decree No. 92-012 of 29 April 1992. The High Council against corruption (CSLCC), which has become the High Council for integrity (CSI), has initiated a reform, which is currently in progress and is aimed at revitalizing that office. The goal is to provide the office with adequate resources in view of its objectives.
- (b) National Human Rights Commission (CNDH), established by decree No. 96-1282 of 18 December 1996.

(i) Remedies

126. Any person whose rights have been violated may have recourse to the courts and tribunals.

127. The Ombudsman and CNDH are empowered to receive complaints and denunciations but may not conduct investigations and inquiries.

128. When cases are referred to them, the above independent bodies undertake mediation efforts, formulate recommendations and assist the victims during court and tribunal proceedings.

129. CNDH, in particular, supports the victims in the various stages with a view to a successful outcome of their action for human rights protection.

(ii) Right to compensation

130. Any person whose rights have been violated and has suffered a prejudice may request compensation from the competent authority.

SECOND PART: THE ARTICLES OF THE COVENANT

ARTICLE 1 (Right to self-determination)

1. Implementation of article 1 of the Covenant

131. All of the rights recognised by the Covenant are enshrined in the Constitution under title II, "Social and cultural rights and duties", which provides for:

- (a) The right to exercise political rights
- (b) The right to protection of health as of conception
- (c) The right to protection of the family
- (d) Free access to public education
- (e) Compulsory primary education
- (f) The right to access, equal for all, to the civil service
- (g) The right to fair remuneration
- (h) Press freedom
- (i) Freedom of association
- (j) The right to strike
- (k) The recognition of individual property and the security of capital and investments
- (l) The political neutrality of public administration, the armed forces, the judiciary, teaching and education.

132. In addition to the International Covenant on Economic, Social and Cultural Rights (ICESCR), Madagascar has ratified the International Convention on the Elimination of all Forms of Racial Discrimination and presented its latest report to CERD in August 2004. Moreover,

Madagascar's latest report on the International Covenant on Civil and Political Rights (ICCPR) has already been submitted and will be presented soon.

133. Information regarding measures taken, which meets the concerns of the Committee, has therefore been provided as part of those two reports.

134. Since Madagascar's last ICESCR report in 1986, drawn up under the sway of the 1975 Constitution, significant innovations have occurred at the institutional level and in the general orientation of the country's social and economic policy.

135. Article 6 of the 1992 Constitution is worded as follows: "Sovereignty shall reside with the people, who shall exercise it through their representatives, elected by direct or indirect universal suffrage, or through a referendum. No faction or individual may usurp the exercise of sovereignty".

136. Madagascar has therefore complied with the principles stated in ICESCR.

137. Article 1 of the Covenant is implemented without any reference to race, gender, religion or ethnic origin. All Malagasy have actual access to ensuring their political, economic, social and cultural development.

2. Constitutional provisions

138. The Constitution voted by universal suffrage in 1992 resulted from a major popular movement which occurred in 1991 and 1992, put an end to the socialist regime and ushered Madagascar on the path to democracy, in the contemporary sense of the word, namely, a parliamentary system.

139. The Constitution was amended twice, in 1995 and in 1998. The 1995 amendment aimed at the establishment of a semi-presidential system by strengthening the role of the President, particularly regarding the designation of the Prime Minister, who was no longer appointed by the Parliament.

140. The 1998 amendment essentially confirmed the principle of decentralization through the establishment of new administrative structures comprising autonomous provinces, regions and communes, while perpetuating the Fokonolona, which has always been the traditional grassroots socio-economic and political system of Malagasy social organization.

3. Legislative measures

At the structural level, or level of administrative organisation

141. The administrative organisation illustrates the empowerment of all Malagasy citizens according to the principle of self-determination. The principle of separation of the executive and legislative powers is evident at all levels. Moreover, the decentralized authorities' freedom to implement projects attests to the economic self-determination of those bodies.

(a) The Fokontany

142. Significantly, article 35 of the Constitution is worded as follows: "The Fokonolona may take appropriate measures to prevent destruction of their environment, loss of their land, seizure

of herds of cattle, or loss of their ceremonial heritage, unless these measures jeopardize the common interest or public order."

143. The basic administrative unit is the Fokontany, an administrative subdivision of the Commune. Decree No. 2004-299 of 3 March 2004 lays down the mode of organization, operation and functions of the Fokontany. The residents of the Fokonotany make up the "Fokonolona." Each Fokontany is under the direct supervision of the commune"

(b) The Commune

144. Decree No. 96-898 of 25 September 1996, defining the responsibilities of the mayor, designates the mayor as head of communal administration. The mayor appoints by decree the head and deputy head(s) of the Fokontany, as appropriate, selecting them from a list of five persons over 18 proposed by the Fokonolana to a general assembly convened as a legislative body by the mayor in accordance with article 5 of decree No. 2004-299 of 3 March 2004. The head of the Fokontany implements the decisions of the general assembly.

(c) The Region

145. Pursuant to act No. 2004- 001 of 17 June 2004 regarding the Regions, a Region is a public body with mainly economic and social functions. They organize, foster, coordinate and harmonize the economic and social development of the area under their purview and are responsible for planning, land use management and the implementation of development programmes.

146. Regions are both decentralised territorial authorities and local units of administration.

147. As decentralised territorial authorities, these entities have a legal status and financial independence. They are freely administered by regional advisers appointed under conditions and procedures defined by law and by regulations. Members of Parliament are ex-officio members of the Regional Council.

148. As local government authorities, the Regions cover all the decentralised services of the State at the regional level.

149. A Region is responsible for the following activities:

- (a) Administration of its heritage;
- (b) Establishment of a regional land development plan for regional, industrial, craft and commercial promotion;
- (c) Building and management of health, educational, road and hydroelectric infrastructure;
- (d) Environmental management.

(d) The autonomous provinces

150. The autonomous provinces are public entities with a legal status and administrative and financial independence. They are organized into decentralized territorial authorities comprising regions and communes, each of which has a deliberating and an executive body.

151. Their heritage comprises a public and a private domain. The goal is to provide the national territory with a rational organization serving as an institutional framework for the citizens' effective participation in the management of public affairs and for economic growth centres.

**ARTICLES 2 TO 5 (Economic, social and cultural self-determination,
and respective limitations)**

1. Introduction to the implementation of articles 2 to 5

152. The PRSP⁹, spanning the period 2003-2006, succeeded the DCPE (Economic Policy Framework Paper (EPFP))¹⁰, which had been the frame of reference for all poverty reduction policies and activities.

153. The basis of the strategy was to ensure that all operational activities carried out within the framework of the various Government programmes were aimed at developing the economic, social, political and environmental resource with a view to alleviating poverty.

154. Madagascar has recently adopted the Madagascar Plan of Action (MAP)¹¹ 2007-2012. The aim is to make a qualitative leap in the development process through a five-year plan which would mobilize the Malagasy people and the international partners towards rapid growth and poverty reduction in line with the measures laid down in relation to MDGs.¹²

2. National measures

155. The protection of the rights of such minorities as migrants, refugees and persons of a different national origin on an equal footing with the Malagasy has already been outlined in Madagascar's latest report under the Convention on the Elimination of All Forms of Racial Discrimination, presented in Geneva on 2 and 3 August 2004.

156. Nevertheless, measures and activities aimed at meeting the relevant requirements of the Covenant and some limitations justified by law are mentioned here as a reminder.

(a) National measures and initiatives

Specialized institutions

157. Reference is made here to the report submitted under the Convention on the Elimination of All Forms of Racial Discrimination.

⁹ DSRP.

¹⁰ DCPE.

¹¹ MAP.

¹² OMD.

158. Under article 40 (2) of the Constitution, "the State shall guarantee, through the establishment of specialized bodies, the promotion and protection of human rights". Accordingly, in addition to the judicial and administrative authorities, the courts and the tribunals, the Office of the Ombudsman (*Médiateur*), established by decree No. 92-012 of 29 April 1992.

159. Under conditions specified in the above decree, the Ombudsman receives, the complaints regarding the operation of State administrators, public territorial authorities, public establishments and any other public-service body in their relations with the population,

160. Within his/her area of jurisdiction, the Ombudsman receives no instructions from any authority.

161. Furthermore, the right to an effective remedy and the right to compensation are provided for and regulated by the law.

Human rights dissemination and teaching

162. The State endeavours to align national legislation with the provisions of the ratified international conventions and treaties.

(a) Dissemination of international instruments

163. The various international instruments have been translated into the national language in order to enhance awareness of the goals of human rights conventions and treaties.

(b) Human rights teaching

164. In line with United Nations recommendations, the introduction of human rights teaching into basic education was planned in the framework of the United Nations Decade for Human Rights Education (1995-2004).

165. In 2002, the Office of mass education and civics (OEMC) was created within the Ministry of National Education and Scientific Research in order to strengthen public-spiritedness among the young promote education in democratic citizenship.

166. Human rights education is one of the main missions of OEMC.

167. The following strategic lines of action have been adopted:

- (a) Education in national loyalty and citizenship
- (b) Family and community education
- (c) Development and environmental education
- (d) Health and hygiene education
- (e) Preventive education regarding, inter alia, HIV/AIDS and drugs.

168. The Office provides training for teachers, students, parents and educational communities, and through daily educational broadcasts on the national radio stations.

169 Moreover, the Office promotes mainstreaming human rights education into the curriculum.

170. Currently, the civics programmer is being enriched and expanded to the vocational and technical training high schools.

171. In addition to the above Government activities, the national system of NGOs active in the area of human rights and its regional outposts contribute to the dissemination of human rights through the same teaching methodology.

172. Lastly, in performing their functions, the administrative authorities responsible for law enforcement have an obligation to respect human rights.

173. Furthermore, under criminal code article 114, "any civil servant or Government agent or official who orders or commits an arbitrary act or infringes a person's liberty or the civic rights of one or more citizens or the Constitution shall be stripped of his/her civic rights".

Promotion of gender equality and protection of children

174. Madagascar has ratified the Convention on the Elimination of all Forms of Discrimination against Women and will soon submit its second periodic report to CEDAW.

175. That report elaborates on, inter alia, activities carried out for the promotion of women's economic, social and cultural rights. Generally speaking, however, the equal opportunities policy pursued has taken specific form under the National gender and development action plan, 2004-2008 (PANAGED), adopted by the Government Council through decree No. 2003-1184 of 23 December 2003.

176. "Gender and development" committees have been set up at the level of the Regions with a view to the operational implementation of PANAGED. Their mission is to ensure the gender mainstreaming in every development programmer in compliance with ICESCR.

177. With a view to the legislative implementation of the principles of the Convention on the Rights of the Child, the Government has set up a Rights of the Child Reform Commission, which recently submitted to Parliament a bill regarding the protection of children in keeping with the principles of ICESCR.

178. The above national efforts are undertaken in conjunction with international cooperation for a gradual achievement of the goals of the Covenant.

(b) Limitations

The right to vote

179. Under article 6 of the Constitution, "all citizens, of both sexes, who possess civil and political rights shall be electors under conditions determined by law.

180. Electoral status may be removed only by judicial decision".

Access to civil service

181. Under article 17 of act No. 2003-011 of 3 September 2003 on the general status of civil servants, "no one shall be employed as a civil servant unless he/she meets the following conditions:

1. Being a national of Madagascar

..."

Access to land property

182. Access to land property is subject to economic restrictions to the extent that act No. 2003-028 of 27 August 2003, amending and completing some provisions of an act No. 62-006 of 6 June 1962 determining the organization and monitoring of immigration, which had been amended by act No. 95-020 of 27 November 1995, provides that aliens may acquire land only if it represents a certain level of investment.

183. The above legislative reform, however, constitutes a major improvement over the previous situation, whereby such access was totally prohibited.

184. Moreover, aliens who fail to meet the prerequisites of the above act may settle in Madagascar by contracting a long-term lease, granted for a period of 18 to 99 years. The system is governed by decree No. 62-064 of 27 September 1962 on long-term leases, amended by act No. 96-016 of 13 August 1996.

3. International cooperation

185. In the process of gradually ensuring the rights provided for in the Covenant, Madagascar has always benefited from financial and technical assistance provided by multilateral, regional and bilateral donors.

186. That applies to such agencies of the United Nations system as UNDP, FAO, WHO, UNICEF, WFP, UNCTAD, UNFPA, ILO and the World Bank and to a number of other organisations active in various development-related areas, such as the African Union, ADB, COI, COMESA, SADC. Various West European, Asian, North American, African and Indian Ocean also provide assistance to Madagascar.

187. The above partnership mechanisms are based on cooperation agreements.

For instance:

188. The cumulative effect of the structural Adjustment programmes launched since 1985 has led to a more open and market-oriented economy.

189. To better articulate the structural adjustment policy, a project entitled MAG/97/007 on "Governance and Public Policies for Sustainable Human Development in Madagascar" was launched for a three year period in collaboration with the United Nation Development Programme (UNDP).

ARTICLE 6 (Right to work)

190. Madagascar has ratified International Labour Organization (ILO) Convention No. 122 concerning Employment Policy and No. 111 concerning Discrimination in Respect of Employment and Occupation, the Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Elimination of all Forms of Discrimination against Women.

191. The right to work and the policy and methodology for ensuring sustainable development and productive full employment were addressed in Madagascar's report of 12 November 1986.

192. Under article 27 of the 1992 Constitution, the right to work is stipulated as follows: "Work and professional training shall be a right and a duty for every citizen.

193. Access to the civil service shall be open to every citizen with no conditions other than those of ability and aptitude."

194. As part of the amendments made to the Constitution in 1998 regarding the establishment of the autonomous provinces, the following provisions were added to article 27: "However, recruitment into civil service may be subject to quotas for the various autonomous provinces for a period and according to procedures to be specified by law."

195. These provisions were confirmed by law in 2001 and a decree will soon be issued to ensure their implementation.

196. Article 16 of the new civil service regulations retains the following earlier relevant provision: "Accession to the various permanent jobs referred to in article 1 shall be possible solely under the conditions stipulated in these regulations."

197. Under article 2 of act No. 2003-044 of 28 July 2004 on the labour code, "shall be considered as a worker, according to this law, any person, regardless of gender and nationality, who commits himself/herself to place his/her professional activity - against remuneration - under the administration and authority of another individual or public or private legal entity. The following persons shall also be considered to be workers within the meaning of this code:

- (a) Persons remunerated on a piecework basis or by the piece, who regularly work on their own for an enterprise;
- (b) Persons who regularly work on their own for and by permission of another person, regardless of the form of remuneration and the duration of the work.

1. Structures for the protection of the right to work

198. With a view to the implementation of the provisions of ILO Convention No. 144 concerning Tripartite Consultations to Promote the Implementation of International Labour Standards, the Androhibe agreement of February 2000 established a tripartite body entitled "National Employment Council" (CNE), which later became the "National Labour Council" (CNT). Provided for in article 185 of the new labour code, it is responsible for examining and formulating proposals on all technical issues relating to work, employment and vocational training.

199. Moreover, a body entitled "High Civil-Service Council " (CSFOP) was established for the public sector in order to address any general issues of interest to civil servants and the civil service.

2. Policy for the promotion of full, productive and freely chosen employment

200. Under the strategy aimed at encouraging and promoting human and material security systems and a broader social protection, the Government, through the Ministry of Labour, has focused on the promotion of an environment conducive to job creation and quality of life improvement in the framework of a labour market open to social dialogue.

201. In that context, a national employment policy which guarantees the fundamental rights of the social partners was formulated, comprising the following main strategy components: Consolidation of the partnership between the State, employers and employees; a higher GDP growth rate; and a higher investment rate.

202. To that end, it is planned to pursue the following goals:

- (a) Job creation in the rural and urban areas;
- (b) Reduction of unemployment;
- (c) Incorporation of informal sector activities into the formal economy.

(a) National employment policy

203. The national employment policy has been under implementation since 2005. The overall objectives are: Effective poverty reduction and the creation of an environment conducive to growth, investment and employment.

204. The implementation of the above policy consists in:

- (a) Building up the confidence of economic operators by fostering a climate of security for persons, business and assets in the framework of political stability, the rule of law and good governance;
- (b) Promoting and preserving human resources by ensuring compliance with labour legislation, launching initiatives for the access of workers to ongoing training, versatility and continuing education;
- (c) Reducing the inequalities and marginalization resulting from territorial relations by energizing the economic regions;
- (d) Amplifying social protection in the rural areas;
- (e) Strengthening the "local training and employment" component.

(b) Employment enhancing measures

205. Major initiatives include the sectoral programmer for rural development; the Development Intervention Fund (FID) project; the sectoral transport project for road construction and

rehabilitation; and direct funding to communities for access to social services and for implementing community development projects.

206. The following activities have also been planned:

- (a) Stepping up the high labour intensity approach, small- and medium-sized enterprise activities, and the financing of the productive sectors;
- (b) Developing the private sector as part of the synergy of public-private partnerships (PPP);
- (c) Improving the framework for the creation of small- and medium-sized enterprises and strengthening the free-zone enterprises;
- (d) Promoting macroeconomic stability;
- (e) Developing and improving the institutional framework for an environment conducive to the development of the private sector;
- (f) Setting up inefficient community-based administrative services that meet the needs of users, including the establishment of a commune-level real estate office;
- (g) Promoting social dialogue;
- (h) Revitalizing the activity of associations and cooperatives;
- (i) Improving the financing mechanisms designed to develop employment by promoting microfinance bodies such as OTIV and CECAM, private small-business financing institutions such as SIPEM, APEM and ADEFI and savings and credit mutual benefit companies such as, inter alia, VOLAMAHASOA, TIAVO and TITEM;
- (j) Supporting the organization and institutionalization of the informal sector;
- (k) Improving labour legislation.

3. Measures for a better use of the labour market

(a) Employment services

207. Since the colonial period, placement units known as "employment and manpower services" operate within the provincial directorates for labour and social legislation.

208. The role of the above units with regard to processing employment offers and requests is defined in article 151 of act No. 94-029 of 25 August 1995 on the labour code.

209. The new labour code has established, within the Ministry of Labour, a "National employment office", whose mission is to collect, centralize, coordinate the production of and update information regarding the formal labour market.

210. Permission to set up private placement agencies and the system of requests for the expression interest through the press enlarge the range of options in choosing a job.

(b) Vocational training

211. The current labour code, which entered into force in 2004, defines vocational training in the same manner as the 1975 labour code, namely, as "a right of the worker and a duty of the Nation" (article 191 (1)).

212. The initial training provided by the public technical high schools is complemented through the licensing of private training centres and higher institutions. As a result, the following establishments have been set up:

- (a) Establishments offering instruction in art trades and techniques for middle management and supervisors
- (b) Higher training institutes for communications management and company administration staff (ISCAM, INSCAE)
- (c) Religious higher education institutions (Catholic University, Adventist University, Christian Higher Institute for management and mathematics).

213. In addition to steps taken by enterprises, the National Institute for promotion and training (INPF) provides in-house vocational training, block-release training and tailor-made training.

214. Furthermore, vocational and technical training is provided by some NGOs. For instance, the Andohatapenaka development centre (CDA) in Antananarivo offers such training for children not enrolled in school.

(c) Workers' education

215. A National Labour Institute (INTRA) was set up in accordance with decree No. 2003-857 to replace the National Workers' Education Centre (CNEO), which had been operating since 1980. Its functions are outlined in articles 189 and 190 of the current labour code and aim at:

- (a) Ensuring the continuing education of workers in order to enable them to participate in the economic and social life of the enterprise and of the country and to fully carry out their union-related role and similar functions;
- (b) Building the capacities of human resources;
- (c) Strengthening the capacities of employers' and workers' organizations in view of promoting social dialogue;
- (d) Offering managers, union staff and workers technical assistance and general training in the areas of labour, business management, economics and working conditions;
- (e) Making services and documentation available to them, and in particular publishing a newsletter as a link between workers and employers;
- (f) Carrying out research on working conditions, particularly with regard to health and hygiene at the workplace and to the work environment;
- (g) Contributing to the creation of a statistical employment observatory designed to function as a central databank in that area;

- (h) Setting up a pool of projects for retiring or dismissed workers with a view to their social reintegration;
- (i) Cooperating with the technical departments of labour, employment and social protection on research that those bodies conduct;
- (j) Participating in the training of labour monitors and inspectors.

4. Unemployment and underemployment

216. In 2005, the labour force participation rate was 64.6 per cent. It exceeds 88 per cent, if account is taken of all age groups from 15 to 64 years. In the following four Regions that rate is particularly high: Androy (77 per cent), Melaky (75 per cent), Ihorombe (73 per cent) and Vakinankaratra (72 per cent).

217. According to ILO, the unemployment rate is low in Madagascar (amounting in 2005 to 2.8 per cent, or 2.6 per cent for ages 15-64) and does not constitute a major problem. The actual problem is underemployment, the suboptimal use of human resources. In fact, 25.2 per cent of employed workers (24.6 per cent for ages 15-64) involuntarily work fewer than 35 hours per week and are affected by what is known as "work-hours-linked underemployment". That type of underemployment is particularly acute in the Regions of Vakinankaratra, Ilasy and Atsimo Atsinanana, affecting respectively more than 45, 34 and 33 per cent of the local workers.

218. The above situation entails may have a negative impact on the economic performance of the sectors concerned.

219. The National Human Development Report (NHDR) 2003 addresses unemployment and underemployment in relation to entry into the labour market in the various types of urban and rural settings (NHDR 2003, pp. 58-59).

220. According to NHDR, the 1.6 million jobs created between 1993 and 2001 have not absorbed all of the job seekers. The unemployment rate has been stagnant among men and has doubled among women.

Table 21. Development of unemployment rate by gender

<i>Year</i>	<i>Men</i>	<i>Women</i>
1993	2.1 %	2.1 %
2001	2.3 %	4.3 %

Table 22. Development of the unemployment rate by type of area

<i>Year</i>	<i>Urban areas</i>		<i>Rural areas</i>	
	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
1993	7.2	6.0	0.8	1.4
2001	6.4	10.9	0.9	2.7

221. The following tables show the development of employment and the structure of hires.

Table 23. Development of employment and structure of hires, 2000-2003

<i>Year</i>	<i>Job requests received</i>	<i>Job offers received</i>	<i>Placements made</i>	<i>Unsatisfied requests</i>	<i>Unsatisfied offers</i>	<i>Direct hires</i>	<i>Recruitment</i>	<i>Dismissals</i>
2000*	2,685	325	299	2,386	26	2,593	2,892	210
2001*	14,326	1,977	1,861	12,465	116	7,684	9,545	696
2002*	6,954	363	323	6,631	40	5,938	6,261	978
2003*	3,056	128	122	2,934	02	2,271	2,393	181

** NB: First half of 2003*

Source: Ministry of Labour - Six regional and four prefectural employment units.

Table 24. Labour market overview, January-December 2004/2005

	<i>Job requests received</i>			<i>Job offers received</i>	<i>Placements made</i>	<i>Unsatisfied requests</i>	<i>Unsatisfied offers</i>	<i>Direct hires</i>	<i>Recruitment</i>	<i>Dismissals</i>
	<i>Men</i>	<i>Women</i>	<i>Total</i>							
2004	2,198	2,114	4,312	765	606	3,706	159	6,338	6,944	812
2005	3,242	3,431	6,673	1,476	1,375	5,298	101	3,598	4,973	1,613

Table 25. Establishment openings and shut-downs, January-December 2004/2005

<i>Year</i>	<i>Establishment openings</i>		<i>Establishment shut-down</i>	
	<i>Number of establishments</i>	<i>Number of workers hired</i>	<i>Number of establishments</i>	<i>Number of workers affected</i>
2004	57	4,994	4	34
2005	78	1,873	5	92

Source: INSTAT/DSM, EPM 1993 and EPM 2001

222. The number of establishment openings and shut-downs is a function of market fluctuations related to the economy.

Table 26. Workforce composition by sector, gender and type of area
Unit: %

	1993			2001		
	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Aggregate						
Food industry	4.1	1.6	2.9	2.8	4.9	3.8
Textile industry	3.1	12.9	7.9	4.0	17.0	9.9
Construction and public works	9.7	0.2	5.1	7.5	0.4	4.3
Other industries	14.2	14.6	14.4	16.2	4.9	11.1
Trade	20.3	31.7	25.8	14.3	35.3	23.8
Transport	10.7	0.5	5.8	12.6	0.2	7.0
Private health sector	0.4	0.7	0.5	0.8	0.6	0.7
Private education sector	1.8	2.0	1.9	2.7	4.6	3.6
Public administration	19.3	10.4	15.0	13.9	7.5	11.0
Other services	16.3	25.3	20.7	25.1	24.6	24.9
<i>Total</i>	100.0	100.0	100.0	100.0	100.0	100.0
Urban areas						
Food industry	2.6	2.5	2.6	4.6	5.3	5.0
Textile industry	4.4	13.0	8.6	4.4	14.8	9.2
Construction and public works	9.1	0.3	4.8	8.3	0.4	4.7
Other industries	10.7	7.1	10.0	14.5	3.2	9.3
Trade	22.1	32.1	27.0	15.4	33.0	23.5
Transport	13.4	0.8	7.3	12.8	0.3	7.0
Private health sector	0.5	0.8	0.6	1.0	0.8	0.9
Private education sector	1.4	2.1	1.7	2.3	3.4	2.8
Public administration	16.5	11.5	14.1	14.4	10.6	12.7
Other services	17.2	29.6	23.2	22.2	28.2	24.9
<i>Total</i>	100.0	100.0	100.0	100.0	100.0	100.0
Rural areas						
Food industry	6.8	0.0	3.5	1.3	4.5	2.7
Textile industry	0.7	12.7	6.6	3.7	18.8	10.5
Construction and public works	10.8	0.0	5.6	6.9	0.4	3.9
Other industries	16.9	28.2	22.4	17.6	6.3	12.6
Trade	17.2	30.8	23.8	13.3	37.4	24.1
Transport	5.9	0.0	3.0	12.5	0.1	6.9
Private health sector	0.2	0.5	0.3	0.6	0.4	0.5
Private education sector	2.5	1.9	2.2	3.0	5.7	4.2
Public administration	24.3	8.3	16.5	13.5	4.8	9.6
Other services	14.7	17.5	16.1	27.5	21.5	24.8
<i>Total</i>	100.0	100.0	100.0	100.0	100.0	100.0

Source: INSTAT/DSM, EPM 1993 and EPM 2001

Table 27. Workforce composition by professional category, gender and type of area

	1993			2001		
	Men	Women	Total	Men	Women	Total
Aggregate						
Senior and middle management	0.1	0.1	0.1	4.3	1.8	3.1
Salaried and wage workers	18.1	11.4	14.8	13.8	8.9	11.4
Unskilled labour	0.5	0.4	0.4	5.0	3.0	4.0
Self-employed and business owners	56.3	35.6	46.1	54.6	33.6	44.4
Domestic assistants	25.0	52.5	38.5	22.3	52.7	37.0
<i>Total</i>	100.0	100.0	100.0	100.0	100.0	100.0
Urban areas						
Senior and middle management	0.4	0.2	0.3	11.0	5.8	8.5
Salaried and wage workers	49.0	32.9	41.0	31.1	25.1	28.3
Unskilled labour	1.3	1.1	1.2	8.9	5.3	7.2
Self-employed and business owners	33.7	39.2	36.4	35.7	35.2	35.5
Domestic assistants	15.5	26.6	21.0	13.2	28.6	20.5
<i>Total</i>	100.0	100.0	100.0	100.0	100.0	100.0
Rural areas						
Senior and middle management	0.0	0.1	0.0	2.7	0.9	1.8
Salaried and wage workers	10.3	5.9	8.1	9.6	5.3	7.5
Unskilled labour	0.3	0.2	0.2	4.1	2.4	3.3
Self-employed and business owners	62.0	34.7	48.6	59.2	33.2	46.5
Domestic assistants	27.4	59.2	43.0	24.4	58.1	40.9
<i>Total</i>	100.0	100.0	100.0	100.0	100.0	100.0

Source: INSTAT/DSM, EPM 1993 and EPM 2001

Table 28. Breakdown of employment by sector and type of area

Unit: %

	GCU's	CUSs	Rural areas	Aggregate
Public sector	12,7	4,6	2,2	3,2
Private business / Free-zone enterprises	40,3	13,5	10,2	12,7
NGOs	0,9	0,8	0,3	0,4
Self-employed/ Non-agricultural enterprise	33,2	72,0	82,6	77,9
Other	12,9	9,1	4,7	5,8
Total	100,0	100,0	100,0	100,0

Source: INSTAT/DSM/EPM 2004

5. Measures for persons with disabilities

223. Persons with disabilities enjoy and exercise, directly or through a third person, the rights attributed to all citizens under the Constitution, the Declaration on the Rights of Disabled Persons adopted by the General Assembly of the United Nations and the international conventions ratified by Madagascar.

224. The objective of act No. 97-044 of 2 February 1998 and the related implementation decree No. 162-2001 of 21 February 2001 concerning disabled persons is to guarantee for all disabled persons the recognition, enjoyment and exercise - by themselves or through third persons - of all of the rights recognized for all citizens without distinction.

225. Under article 5 of decree No 2001-162, "disabled persons shall have the right to special measures of protection according to their material and psychological needs."

226. Under article 6 of the same decree, "disabled persons shall enjoy their rights fully in their relations with other members of society".

227. Under article 7 of the same decree, "the right to health is inherent in the human person. All disabled persons are entitled to enjoy the best possible physical, mental and sensory health".

228. Under article 17 of the same decree, "children and adolescents with disabilities shall be offered normal education within the normal schooling system. Where necessary, and based on the type and degree of severity of their disability, education in a specialized centre may be considered".

229. Under article 22 of the same decree, "all disabled persons shall have the right to decent surroundings in keeping with their condition."

230. Under article 26 of the same decree, "access to civil service through competitions and examinations organized by the State and any other public authority shall depend on the candidates' aptitude for meeting the actual current conditions for succeeding in such competitions and examinations".

231. In order to give effect to these rights, the Government through the Ministry of Population, Social Protection and Leisure (MPPSL), ascribes considerable significance to the eradication of social discrimination based on disabilities affecting part of the population.

232. Steps taken for persons with disabilities in the above framework aim at:

- (a) Studying and implementing a socio-judicial guarantee system for the disabled;
- (b) Encouraging the community-based re-adaptation of persons with disabilities;
- (c) Providing material support to groups of young persons with disabilities in order to facilitate their social reintegration;
- (d) Rehabilitating the structures taking care of young persons with disabilities;
- (e) Providing professional training to associations of persons with disabilities;
- (f) Detecting early any potential disabilities in children under eight.

Employment of persons with disabilities

233. As early as 1995, the labour code prohibited discrimination against the disabled. The relevant provisions are also contained in articles 105-108 of the new labour code, which refer to the following matters:

- (a) Article 105: Discrimination related to work or employment
- (b) Article 106: Learning and vocational training
- (c) Article 107: Hiring
- (d) Article 108: Professional reintegration.

6. Monitoring the exercise of the right to work

234. Any worker or employer may request the Labour Inspectorate to settle a dispute out of court. At any rate, before referring a case to the court having competence to hear litigations between a worker still under contract and the employer, the case must first be submitted to the Labour inspectorate.

235. Labour courts are set up within the judicial authorities for settling disputes between employers and employees, such as:

- (a) Disputes related to the interpretation of the law or a collective or shop agreement;
- (b) Disputes arising from employment or training contracts;
- (c) Disputes remaining unresolved after due referral to the Labour Inspectorate.

(a) Cases involving union representatives

236. Any intended dismissal of a current, former or aspiring union representative by an employer must be submitted to the appropriate labour inspector for a ruling. If the dismissal is refused, the employer's decision becomes null and void.

237. If the rejection of the dismissal is confirmed by the labour court judge, the worker concerned is entitled to back payment of wages and other benefits that the worker did not receive during the period of suspension decided by the employer and may claim damages determined by the appropriate jurisdiction.

(b) Cases involving works council members

238. Any intended dismissal of a member of the works council by the employer must be submitted to the labour inspector for a ruling, which shall be issued within 45 days.

239. The same procedure to the dismissal of former members of the works council for a period of six months after the expiration of their mandate and of aspiring members of the works council from the announcement of their candidacy and for three months after the voting.

240. If the rejection of the dismissal is confirmed by the labour court judge, the worker concerned is entitled to back payment of wages and other benefits that the worker did not receive during the period of suspension and may claim damages.

**ARTICLE 7 (Right to the enjoyment of just and
favourable conditions of work)**

241. Madagascar has ratified the following ILO convention:

- (a) No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value
- (b) No. 14 concerning the Application of the Weekly Rest in Industrial Undertakings
- (c) No. 132 concerning Annual Holidays with Pay
- (d) No. 81 concerning Labour Inspection in Industry and Commerce
- (e) No. 129 on Labour Inspection in Agriculture.

242. Convention No. 131 concerning Minimum Wage Fixing, with Special Reference to Developing Countries has not yet been ratified but measures have been taken to implement Convention No. 26 concerning the Creation of Minimum Wage-Fixing Machinery.

243. Convention No. 106 concerning Weekly Rest in Commerce and Offices has not yet been ratified but weekly rest is practiced in industry, commerce and offices in accordance with the national legislation.

1. Health and safety

244. Madagascar has not yet ratified ILO Convention No. 155 concerning Occupational Safety and Health and the Working Environment.

245. However, legislative measures regarding the issue of health, safety and the working environment are provided for in act No. 94-027 of 18 November 1994. Currently, these matters are governed by title IV of the new labour code.

246. In accordance with the provisions of title IV, decree No. 2003-1162 on the organization of occupational medicine was enacted on 17 December 2003 on the advice of CNE.

247. The provisions of decree No. 889 of 20 May 1960, providing for general measures regarding health, safety and the working environment, are still in force.

248. In order to build health staff capacities, 40 company physicians received supplementary training at the National Institute for Public and Community Health (INSPC). Legal provisions are being developed with a view to setting objectives and priorities for a training programme for occupational physicians

249. In order to protect the health of civil servants, the Government has set up medical and social units in every ministry and public agency, as indicated below:

Table 29. Inter-enterprise medical units

<i>Provinces</i>	<i>Districts</i>	<i>Number of inter-enterprise medical units</i>
Antananarivo	Antananarivo	3
	Antsirabe	1
Antsiranana	Antalaha	1
	Antsiranana City	1
	Nosy-Be	1
	Ambanja	1
	Sambava	1
Fianarantsoa	Fianarantsoa	1
	Mananjary	1
	Farafangana	1
	Ambositra	1
	Manakara	1
	Ambalavao	1
Mahajanga	Mahajanga	2
	Marovoay	1
Toamasina	Toamasina	1
	Fenerive-East	1
	Ambatondrazaka	1
	Moramaga	1
	Amparafaravola	1
Toliara	Toliara	1
	Amboasary	1
	Taolagnaro	1
	Morondava	1
Total		27

(a) Autonomous medical services for enterprises (SMAE):

- (i) Sugar refineries
- (ii) Energy
- (iii) Banks
- (iv) Insurance
- (v) Ship-building
- (vi) Free-zone enterprises.

(b) Medical services for other workers (see following paragraph).

250. For rural and urban informal sector workers, health and hygiene services are provided by CBSs 1 and CSBs 2 within communes and district hospital centres.

2. Remuneration

251. Madagascar has ratified ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value and the Government has taken legislative steps to ensure equal pay for equal work.

252. Article 29 of the Constitution confirms the principle of equal salaries and wages as follows: "All citizens shall be entitled to a fair remuneration commensurate with the quality of their work and output, guaranteeing them and their family an existence consistent with human dignity."

253. Malagasy legislation provides for non-discrimination on salaries. Under article 53 of the labour code, "for the same professional qualifications, same job and for the same value of work, all workers shall be paid the same salary without any discrimination whatsoever based on their origin, colour, nationality, gender, age, affiliation to a union or opinion".

254. Wage determination, which had been governed by earlier labour codes establishing the "minimum wage guaranteed for all occupations" (SMIG) and ensuring a necessary minimum income to the most disadvantaged workers, was changed through act No. 2003-044 on the labour code on the basis of the principle of a "minimum hiring wage" (SME) for the agricultural and non-agricultural sectors.

255. The bodies authorised to provide advice on the issue of salaries are:

- (a) In the case of the public sector: **CSFOP**, a bipartite body.
- (b) In the case of the private sector:
 - (i) CNT, a tripartite body;
 - (ii) One-off bipartite meetings on wages;
 - (iii) Employers' and workers' associations.

(a) Public sector

256. The provisions of decree No. 93-019 of 30 April 1993 on the civil service regulations have been maintained in articles 26 and 27 of act No. 2003-011 of 3 September 2003 on the civil service regulations, which provides that "for services rendered, a civil servant shall be entitled to a fair remuneration, comprising:

- (a) A grade-related salary subject to pension withholdings
- (b) Expatriation allowance
- (c) Family benefits
- (d) Transport allowance
- (e) School enrolment allowance.

257. Civil servants may receive performance- and merit-related bonuses and other compensations."

(b) Private sector

258. Act No. 94-029 of 25 August 1995 and Act No. 2003-044 of 28 July 2004 apply the same principles of equality regarding wages.

(c) Minimum starting wage

259. The minimum starting wage (SME) replaced the minimum guaranteed inter occupational wage (SMIG) in 1993. Under article 55 of act No. 2003-044 of 28 July 2004 on the labour code, "there shall be a minimum agricultural and non agricultural minimum starting salary taking into consideration the basic minimum for guaranteeing workers a decent purchasing power.

260. A decree adopted on the advice of the CNT shall establish the minimum starting wage based on the professional category and revised periodically in line with developments in the national accounts, the economic outlook and consumer prices.

261. A decree adopted on the advice of the CNT shall establish grades, grade points and the minimum starting and seniority-based wages by professional category, which shall apply to the agricultural and non agricultural sector."

262. The following tables show the development of wage incomes.

Table 30. Average nominal wage incomes by occupational category

Unit: MGA thousand - 1\$ = MGA 2,000

<i>Faritany</i>	<i>Senior and middle management</i>		<i>Skilled workers</i>		<i>Unskilled workers and labourers</i>	
	<i>MGA</i>	<i>\$</i>	<i>MGA</i>	<i>\$</i>	<i>MGA</i>	<i>\$</i>
Antananarivo	4,007.6	2.0	1,608.4	0.8042	634	0.317
Fianarantsoa	1,843.8	0.9	1,130.2	0.5651	848.2	0.4241
Toamasina	2,608.2	1.3	1,184.8	0.5924	479.6	0.2398
Mahajanga	1,502.4	0.8	1,024.4	0.5122	618	0.309
Toliara	4,005.0	2.0	1,711.6	0.8558	784	0.392
Antsiranana	2,163.2	1.1	1,085.6	0.5428	1066	0.533
Ensemble	3,246.8	1.6	1,454.4	0.7272	692	0.346

Source: INSTAT/DSM, EPM1993 and EPM 2001

Table 31. Development of average wage income by professional category, 2001-2004

Unit: Ariary thousand - 1\$ = MGA 1,318 (2001) - 1\$ = MGA 1,869 (2004)

<i>Faritany</i>	<i>Senior and middle management</i>				<i>Skilled workers</i>				<i>Unskilled workers and labourers</i>			
	<i>2001</i>		<i>2004</i>		<i>2001</i>		<i>2004</i>		<i>2001</i>		<i>2004</i>	
	<i>MGA</i>	<i>\$</i>	<i>MGA</i>	<i>\$</i>	<i>MGA</i>	<i>\$</i>	<i>MGA</i>	<i>\$</i>	<i>MGA</i>	<i>\$</i>	<i>MGA</i>	<i>\$</i>
Antananarivo	1,697.8	1.29	1,603	0.85	1,697.8	1.28	754.4	0.40	383.6	0.29	0.29	0.29
Fianarantsoa	1088	0.82	1,035.2	0.55	525.2	0.39	724	0.38	148.4	0.11	0.11	0.11
Toamasina	1,037.6	0.78	1,974.2	1.05	606.8	0.46	904.8	0.48	355.8	0.26	0.26	0.26
Mahajanga	1,315.4	0.99	1,118.6	0.59	712.8	0.54	785.2	0.42	349.4	0.26	0.26	0.26
Toliara	1020	0.77	1367	0.73	697	0.52	1,038.6	0.55	334	0.25	0.25	0.25
Antsiranana	929.2	0.70	1,065.8	0.57	832.4	0.63	806.2	0.43	648.8	0.49	0.49	0.49
Ensemble	1,432.6	1.08	1,426.4	0.76	656.8	0.49	799	0.42	308	0.23	0.23	0.23

Source: INSTAT/DSM, EPM 2004 Year 2001: 1\$ = MGA 1 318 Year 2004: 1\$ = MGA 1 869

(d) Wage differences between men and women**Table 32. Ratio between wages earned by women and men by industry, professional category and sector**

Unit: %

<i>Industry</i>	<i>1993</i>	<i>2001</i>
<i>Industry</i>		
Agriculture	62.4	41.4
Food industry	157.7	44.5
Textile industry	53.2	71.0
Construction and public works / labour-intensive activities	124.0	40.4
Other industries	52.1	126.0
Trade	78.2	69.4
Transport	128.0	73.7
Private health sector	73.4	43.6
Private education sector	79.2	71.5
Public administration	85.1	78.5
Other private services	43.5	66;6
<i>Professional category</i>		
Senior and middle management	47.6	75.3
Salaried and wage workers	64.5	59.5

<i>Industry</i>	<i>1993</i>	<i>2001</i>
Unskilled labour	60.6	74.7
<i>Sector</i>		
Public sector	89.4	79.9
Formal private sector	70.6	59.9
Informal sector	53.4	58.5
NGOs	87.3	66.5
Aggregate	64.4	61.8

Source: INSTAT/DSM, EPMI 1993 and EPM 2001.

3. Labour inspectorate monitoring of compliance with laws and regulations

263. ILO Conventions No. 81 and No. 129 have a high priority in the framework of labour law with respect to the agricultural and non-agricultural sectors..

264. Accordingly, the authorities have set up, at the national and regional levels, inspection units, in accordance with the principle of community-based administration, with a view to informing about and ensuring compliance with the applicable legislation.

265. Article 234 of the labour code defines the following duties of the labour inspector:

- (a) "Ensuring that the legislative and regulatory provisions pertaining to working conditions and the protection of workers are enforced ...;
- (b) Providing information and technical advice to employers and employees on the legal provisions in force;
- (c) Informing the competent authorities about deficiencies or abuses which are not specifically covered by the existing legislative and regulatory provisions ".

(a) Labour monitors and deputy labour inspectors

266. Labour monitors assist labour inspectors. They are authorised to record violations against labour law and regulations in reports, on the basis of which the labour inspector may draw up a violation statement in accordance with article 239 (5) above.

267. In the administrative districts where there are no Labour Inspectors or Controllers, the District Head deputising for the labour Inspector transmits to the latter the necessary information to draft a report.

(b) Building inspection capacities

268. In view of the inadequate number of labour inspectors, measures were taken in 1998 to strengthen monitoring, particularly in the form of unexpected checks.

269. Accordingly, 90 labour inspectors were trained at the National School for Administration (ENAM) and 45 monitors are currently receiving training at National Centre for Administrative Training (CNFA).

(c) Geographical distribution of labour inspectorates

- (a) Labour inspectorates operate in Antananarivo, Fianarantsoa, Toliara, Toamasina, Antsiranana, Mahajanga, Antsirabe, Morondava, Manakara, Taolagnaro and Moramanga.
- (b) Labour inspectorates are being set up in Sambava and Tsironomandidy.

4. Equal opportunities with regard to promotion

270. In order to ensure equal opportunities regarding promotion, article 5 (3) and (4) of title III of the labour code defines sexual harassment and provides for the protection of witnesses. According to the law, sexual harassment is a punishable offence and “any uncalled for behaviour of a sexual nature which interferes with the job, conditions employment or the normal development of one's career or creates an intimidating working environment shall be construed as sexual harassment at the workplace.

271. No salaried worker shall be punished, discriminated against career- or jobwise or dismissed for testifying about the actions mentioned in the above paragraph or for recounting them.”

272. Sexual harassment is a criminal offence carrying, under article 333 (b) of the criminal code, one- to three-year imprisonment and an MGA 1 to 4 million fine.

273. The Antsirabe court of first instance has found an employer guilty of sexually harassing a woman employed under his authority and condemned him.

5. Weekly rest and holidays

274. In keeping with ILO Convention No. 14, weekly rest is provided for under article 80 of the labour code (act No. 2003-044). Article 81 of that code provides for paid public and bank holidays.

275. All workers are entitled to two and a half days of paid leave at the expense of the employer for every calendar month served, according to the provisions of articles 86-90 of the current labour code.

6. International assistance

276. ILO has provided capacity building assistance through training workshops and through support in drafting legal provisions with a view to reforming the labour legislation.

**ARTICLE 8 (Right to form trade unions and join
the trade union of one's choice)**

277. Madagascar has ratified ILO Conventions No. 87 concerning Freedom of Association and Protection of the Right to Organize and No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively.

278. Madagascar's report to CERD, presented on 3-4 August 2004, has dealt with the right to form and join trade unions under article 5 of the relevant Convention.

279. Madagascar's report under ICCPR, drawn up in April 2005, has also dealt with that issue under that Covenant's article 22 on freedom of association, including the right to form and join trade unions.

1. Recognition of the right to form and join unions

280. With regard to private sector workers, under articles 4-16 of act No. 94-029 of 25 August 1995, the earlier labour code guaranteed the exercise of the right to form and join unions. That guarantee has been taken over in the current labour code, under articles 136-140 of act No. 2003-044 of 28 in July 2004.

281. With regard to public sector workers, article 9 of act No. 2003-011 of 3 September 2003 on the civil service regulations provides as follows: "The civil servants' right to form and join a union and freedom of association are recognized."

282. Although Madagascar has not ratified ILO Convention No. 151 concerning Labour Relations (Public Service), the following three mechanisms have been set up within the Ministry of Civil Service, Labour and Social Legislation (MFTPLS) with a view to implementing related measures:

- (a) CSFOP,
- (b) Joint Administrative Commission,
- (c) Disciplinary Board.

283. With regard to the judiciary, article 103 de la Constitution provides for the following three relevant bodies:

- (a) High Council of the Judiciary, which is in operation;
- (b) National Council of Justice, in the process of being created;
- (c) General Inspectorate of Justice, whose charter is being drawn up.

284. The above bodies, established in accordance with ILO Convention No. 151, contributed to good working and functioning relations in the areas of administration and justice.

2. Establishment of unions

285. The restrictions imposed by the 1975 labour code, under decree No. 75-013, which compelled union federations to become affiliated with political parties members of FNDR, were eliminated in subsequent labour codes.

286. Thus, under article 138 (2) of the current labour code, "workers' and employers' organizations are entitled to:

- (a) Draw up their articles of association and regulations, freely elect their representatives, organize their management and activities, and formulate their programmes of action;

- (b) Form federations and confederations and become affiliated to them. Any labour union, federation or confederation may become affiliated to international organizations of workers or employers"..
..

287. Labour unions have the right to set up union groups and carry out activities for the promotion and defence of their interests within the enterprises.

3. Inter-union cooperation

288. That first grouping of unions was created in 1989, through cooperation of the organizations concerned, at the beginning of the privatization of States enterprises.

289. "Fiaraha-Miasa Foibe Sendikaly" (FFS) was established in 1989, Intersyndikaly in 1994, and lastly the Conference of Malagasy Workers (CTM) in 1998.

290. Although their number is not available, unionized workers, according to MFPTLS, account for 10 per cent of wage workers.

291. The right to form enjoined unions has also been addressed under article 5 in the Government's report to CERD, regarding non-citizens.

Table 33. Presentation of some group of affiliated unions

<i>Organization</i>	<i>FISEMARE</i>	<i>SEKRIMA</i>	<i>USAM</i>
Headquarters	+	+	+
Year of creation	1978	1938	1954
Federations	11 federations	7 federations	2 federations
- Public sector	Civil servants Educators Health	Civil servants Educators	Manufacturing
- Private sector	Mines and energy Manufacturing Educators Banks Metal processing Free zones Transport Graphic arts	Sailors Manufacturing Services	27 isolated unions
- Informal sector	Peasants	Traditional fishermen Craft workers Peasants	Informal sector

<i>Organization</i>	<i>FISEMARE</i>	<i>SEKRIMA</i>	<i>USAM</i>
Women's' organizations	National federation of women	Confederate Commission of Women Workers	
Cross-cutting structures	6 provincial unions	17 regional unions	

Main CTM groups of unions (1998)	14	FISEMA – FISEMARE – FSMF – FNAE – FMM – SECES – SEMPFI/TOVAMA – SEKRIMA – SEREMA – USAM – SYGMMA – Sa RTM – TM – SRMM
Non- CTM		UGTM – STM – CSTM
Year of creation	3	2002 – 2002 – 2003
International affiliations: FMM is affiliated with ORAF and CISL SEKRIMA and USAM are affiliated with ODSA and CMT. FISEMA and FISEMARE are affiliated with FSM		

4. Representation of workers

(a) Union representatives

292. Under articles 150 and 151 of the labour code, which govern the designation of the union representative, "he/she is designated BY the union group in the enterprise. In the vent that there are two union groups in an enterprise, they may form a union grouping and designate one or more inter-union representatives.

293. In case of disagreement between the unions regarding the designation of inter-union representatives, no inter-union representative may be appointed within the establishment or the enterprise.

294. It shall be up to the unions to designate or dismiss inter-union delegates.

(b) Works council

295. Under article 159 of the labour code, "a works council shall be established in all enterprises subject to the labour code, which employ 50 or more permanent workers.

296. It shall be an advisory bipartite body for negotiation, dialogue and cooperation within the enterprise. It shall be consulted and formulate an opinion on all issues related to the life of the workers, such as work conditions, social and cultural matters, hygiene, safety, health and work environment, individual or collective dismissals on economic grounds, and labour disputes".

5. The right to strike and procedures for settling collective disputes

297. The right to strike, referred to in article 33 of the Constitution, has been addressed under article 5 in Madagascar's report to CERD and in the ICCPR report regarding the implementation of article 22 of that Covenant.

298. Subsequent to the presentation of the above reports, limitations were imposed. In order to prevent an interruption in some essential services, such as the judiciary. Accordingly, under article 12 of decree No. 2005-005 of 22 March 2006 containing the framework act on the regulations governing the judiciary, "the judges' right to form and join unions is recognized. However, since a possible interruption in the operation of the judicial service may seriously impair fundamental needs of the nation and undermine the security of persons and goods, any action which may stop or hinder the normal functioning of courts shall be prohibited".

6. Mechanisms

299. The mechanisms described below have been established in order to ensure enforcement and prevention measures related to the exercise of the rights provided for in article 8 of the Covenant:

(a) In the public sector

300. CSFOP (article 40) is an advisory body provided for in the civil service regulations.

301. Implementing decree No. 2002-1195, repealing and replacing decree No. 93-963 of 14 September 1993 determining the composition and the rules of organization and operation of CSFOP, remains in force with regard to the implementation of the afore-mentioned act.

302. CSFOP shall have the following membership:

- (a) 24 representatives of ministerial departments
- (b) 24 representatives of union groups and organizations.

(b) In the private sector

303. CNT, established under articles 184-187 of the labour code, is a tripartite body for consultation, dialogue and follow-up. It provides a framework for coordination and negotiation between the social partners with regard to wages and work conditions, and for information on all issues falling within its competence.

304. Regional tripartite councils are established in each Region.

Role of CNT

305. CNT contributes to the development of national policy on employment and vocational training provided with a view to the promotion of workers currently employed in enterprises.

306. CNT is responsible for:

- (a) Following up on the implementation of the policy formulated;
- (b) Issuing opinions on the content of legislative and regulatory texts falling within its competence;
- (c) Defining mechanisms for determining minimum wages and wage rates.

307. The National Council for Technical and Vocational Training, is responsible for, in cooperation with CNT, defining the main thrusts and ensuring the implementation of the national policy on vocation training in general and on in-house training in particular.

ARTICLE 9 (Right to social security, including social insurance)

1. General framework

308. Madagascar has acceded neither to ILO Convention No. 102 concerning Minimum Standards of Social Security nor to the related subsequent ILO Conventions Nos. 121, 128, 130 and 168.

309. However, under article 30 of the Constitution, "through social agencies, 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".

310. Under article 40 (2) of the Constitution, "the State shall ensure, by instituting specialized agencies, the promotion and protection of human rights".

2. In the public sector

311. The Pension Fund for Civilians and Military (CRCM) is responsible for granting retirement pensions to management agents under act No. 2003-011 on civil service regulations. Agents with a special status, such members of the judiciary, are entitled to social benefits under the provisions applicable to their category.

312. The Contingency and Retirement Pension Fund (CPR) is responsible for paying retirement pensions to non-management agents.

Table 34. Social security coverage provided to civil servants by the ministries

<i>Coverage</i>	<i>Funding</i>
CRCM CPR Hospital treatment Retirement Disablement Sickness Widowhood Ministry and institution medical services Pre-employment medical examinations	Article 27 of act No. 2003-011 of 3 September 2003: "For services rendered, a civil servant shall be entitled to a fair remuneration comprising: 1. A grade-related salary subject to pension withholdings" - In the case of CRCM, contributions are paid by the ministries, local authorities or employing establishments (16 per cent of wages paid) and by the agent (4 per cent of wages received). - In the case of CPR, contributions are paid by the ministries, local authorities or employing establishments (13 per cent of wages paid) and by the agent (3 per cent of wages received).
Medical interviews and examinations:	Hospital expenses for a retired agent or a member of his/her family are paid by the local authority or the employing organization. The budgetary treatment of the medical expenses of civil servants is ensured by the Ministry of the Budget and Finance.

3. In the private sector

313. Various legislative measures are being taken in order to address the issues related to the right to Social Security in the private sector. They include the following:

- (a) Act No. 94-026 of 17 November 1994 on the social protection code
- (b) Decree No. 62-078 of 29 September 1962 on the creation of the National Fund for Family Allowances and Industrial Accidents, amended by act No. 67-034 of 18 December 1967
- (c) Act No. 68-023 of 17 December 1968 establishing a retirement system and creating the National Fund for Social Contingencies, and subsequent texts
- (d) Decree No. 63-124 of 22 February 1963 establishing a code of family allocations and industrial accidents, amended by decrees No. 69-145 of 8 April 1969 formulating the social contingency code, No. 69-233 of 17 June 1969, No. 94-471 of 11 August 1994, No. 94-769 of 6 December 1994 and No. 99-458 of 21 June 1999
- (e) Act No. 94-026 of 17 November 1994 on the social protection code, containing general provisions on the fundamental rights enshrined in the Constitution and establishing a national system for social protection
- (f) Under article 2 of the above act, the national social security system "shall aim at ensuring for every citizen minimum social protection in keeping with human dignity".

314. Accordingly, three national organizations are responsible for providing social benefits to the following beneficiary categories:

- (a) Wage workers and worker categories assimilated thereto
- (b) Self-employed workers
- (c) The professions.

315. Lastly, the National Social-Contingency Fund (CNAPS) is responsible for managing the social security systems provided for wage workers in the private sector and for non-wage workers carrying out income-generating activities.

316. In Madagascar, benefits are provided for medical care, maternity services, old-age, disablement, survivors, industrial accidents and family allowances.

317. Under decree No. 2003-1162 of 17 December 2003, the provision of medical services to workers affiliated to the system is ensured by the inter-enterprise medical units.

4. Autonomous units of public agencies

318. In the case of public sector workers, the provision of medical services is ensured by the medical and health care unit operating within a very public agency, without any worker contribution.

319. Moreover, the population as a whole is entitled to medical care provided by CSBs. Furthermore, medical and health care services are available on a national scale through district health units (SSDs) and hospital centres district and other levels (such as CHD, CHR and CHU).

320. The social protection agreement for wage workers and worker categories assimilated thereto under the social contingency code is governed by decree No. 69-145 of 8 April 1969.

Table 35. Social protection coverage of private-sector workers

<i>Organizations and benefits</i>	<i>Financing</i>
– Family Allowances Fund: – Pre-birth allowance – Maternity allowance – Family allowance – Daily half-wage allowance – Industrial Accidents and Occupational Diseases Fund – Daily industrial-accident allowance – Travelling expenses – Pensions – Retirement Pension Fund – Private retirement pension – Old age insurance – Transfer of contributions – Reimbursement of contributions	– Contributions paid by employers to the Family Benefits Fund and the Industrial Accidents and Occupational Diseases Fund. – Contributions paid by employers and workers to the Retirement Pension Fund.

ARTICLE 10 (Protection and assistance accorded to the family)

321. MPPSL is responsible for drawing up national policy with regard to social protection, in cooperation with the representatives of the administrative bodies concerned, the private sector, civil society and the bilateral and multilateral technical and financial partners (inter alia, the World Bank; such agencies of the United Nations system as UNICEF, WFP and UNIDO; the European Union, France, Switzerland and the United States).

322. A steering committee supervises and coordinates the process of the implementation of the social protection strategy.

323. The strategy in question comprises programmes in the following areas: Fight against dropping out of school, access to health care in the case of the poorest and most vulnerable population groups, universalization of nutrition activities in favour of children under five, and rapid and systematic response to disasters through a high intensity of labour works. Social protection expenditure may increase, and constant terms, from MGA 92 billion in 2005 to MGA 120 billion in 2010. This attests to the Government's resolve to enhance social protection.

324. Programmes have been launched for the social integration of particularly vulnerable groups, such as persons with disabilities and street children. These programmes will be rigorously evaluated before their implementations General.

325. The strategy paper proposes a four-tier institutional mechanism:

1. Inter-ministerial coordination and promotion;
2. Risk-monitoring, policy formulation, medium-term expenditure programme preparation, and outcome evaluation;
3. Coordination and implementation of programmes;
4. Execution in the field. The related annual expenditures since 1997 appears in the table below.

Table 36. Development of social protection expenditure, 1997-2003

Unit: FMG billion

	<i>Regular budget</i>	<i>Programme Implementation Plan (PIP)</i>	<i>Heavily Indebted Poor Countries (HIPC) Initiative</i>	<i>Total (current prices)</i>	<i>Total (constant prices)</i>	<i>Index</i>
1997	18.1	82.8	0	100.9	100.9	100
1998	22.6	104.6	0	127.2	119.7	119
1999	21.3	100	0	121.4	103.9	103
2000	32.2	252.3	0	284.5	208.7	207
2001	51.6	477.6	47.6	576.8	395.8	392
2002	54.6	467	98.3	619.9	372.1	369
2003	29.3	410.1	69.4	508.8	291.3	289

Source: Ravelosoa and Key

Table 37. Budget share of expenditure on social sector (excluding interest), 2000-2003

Unit: %

	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2000/03</i>
Education (without social protection)	9.7	9.6	7.9	11	9.5
Health (without social protection)	7.1	6.5	5.3	6.5	6.3
Social protection	4.4	7.9	7.8	7	6.9
Social sectors	21.1	24	21	24.6	22.7
Aggregate public expenditure	100	100	100	100	100

Source: Ravelosoa and Key

326. Since achieving independence, Madagascar has acceded to international conventions and covenants, such as the following:

- (a) ICCPR
- (b) Convention on the Rights of the Child
- (c) Convention on the Elimination of All Forms of Racial Discrimination

- (d) ILO Convention No. 138 concerning Minimum Age for Admission to Employment (16 August 1999).

327. Other instruments related to the protection of children and adolescents in the areas of employment and labour and ratified by Madagascar include the following:

- (a) ILO Convention No. 6 concerning the Night Work of Young Persons Employed in Industry, 1919;
- (b) ILO Convention No. 29 concerning Forced or Compulsory Labour, 1930;
- (c) ILO Convention No. 123 concerning the Minimum Age for Admission to Employment Underground in Mines, 1965;
- (d) ILO Convention No. 124 concerning Medical Examination of Young Persons for Fitness for Employment Underground in Mines, 1965;
- (e) ILO Convention No. 127 concerning the Maximum Permissible Weight to Be Carried by One Worker, 1967;
- (f) ILO Convention No. 138 concerning Minimum Age for Admission to Employment, 1973;
- (g) ILO Recommendation No. 146 on Minimum Age, 1973;
- (h) ILO Convention No. 182 on the Worst Forms of Child Labour, 1999;
- (i) ILO Recommendation No. 190 on the Worst Forms of Child Labour, 1999.

328. Domestic acts, regulations and national plans adopted with a view to the protection of children include the following:

- (a) Act No. 94-029 of 4 November 1994 on the labour code;
- (b) Decree No. 95-715 of 23 November 1995 on the implementation of the provisions of act No. 94-029;
- (c) Decree No. 62-152 of 28 March 1962 stipulating work conditions for children, women and pregnant women;
- (d) National action plan regarding child labour. Madagascar has submitted reports related to article 10 the Covenant to treaty bodies.

1. The family within the context of Malagasy society

329. In the Constitution, the word used to describe the family is "ankohonana", a term which comprises the father, the mother and the children. In Malagasy society, however, all persons linked by filiation, matrimony and "fatidrà" are also regarded as "ankohonana" members.

330. "Fatidrà" establishes a virtual family relation between two otherwise unrelated persons through the ceremonial use of each other's blood. That bond applies to those two persons' descendents, extended family and community of origin.

331. In that context, the family is described in Malagasy society with the word "fianakaviana", whose significance therefore transcends the family unit consisting of the parents and children.

2. Age of legal majority

332. There are four types of majority in Madagascar:

- (a) Majority for purposes of marriage ("spousal majority"), namely, the minimum age for entering into marriage: 14 years for girls and 17 years for boys. (In a view of this discriminatory practice, the Government is currently preparing a bill raising that age to 18 for both genders.)
- (b) Voting age ("electoral majority"): 18 years.
- (c) Age at which one is criminally responsible ("criminal majority"): 18 years.
- (d) Full age ("civil majority"): 21 years.

3. Protection of the family

333. A family is regarded as vulnerable when it lacks the means for avoiding a considerable reduction in its consumption as a result of a crisis. More precisely, any family with a higher than 50 per cent probability of sinking below the poverty line in a given year may be considered as vulnerable. The name of social protection is to help vulnerable families or groups in critical situations to avoid destitution.

4. Legal procedures for contracting marriage

334. To be legally valid, a marriage must meet the following requirements:

- (a) The spouses' free consent;
- (b) Proof of having the age required for marriage, namely, 14 for girls and 17 for boys;
- (c) Officialization of the union by appearing before the population registrar with a celibacy certificate and a birth certificate, with margin annotations where appropriate;
- (d) Entry of the marriage in the population register.

335. Customary marriage, however, is regarded as regular once the traditional ceremonies have been carried out and are followed by its entry in the population register.

336. Customary marriage is recognized by the State in view of the great number of such unions in rural areas. Legislation aims at protecting the families formed in accordance with customary rules.

337. Certain customary practices persist although they are against the law. They include marriage prompted by financial considerations, namely, arranged marriage is designed to maintain ownership of ancestral property, which might change hands as a result of a marriage freely entered into.

338. That practice is based on the maximum "*Lova tsy mifindra*", which means that property may not be inherited by strangers to the family.

339. Moreover, there are cases in which a child is engaged at birth and, when of age, may not refuse the marriage.

340. There is no statistical information regarding the exact number of persons in such a situation.

341. The Ministry of Justice organizes the dissemination of the relevant laws by radio and television with a view to a change in attitudes and the elimination of illegal practices running counter to the Covenant.

5. Protection of the family

342. In order to facilitate the formation of a family, the right to marriage is based on the spouses' free consent.

343. In order to preserve, strengthen and protect the family, the law accords legally married persons family allowances, and a pre-birth allowance, widowhood pension and a housing allowance of MGA 14,000 (compared to MGA 2,000 five years ago) for civil servants. These protection measures are provided for under the following acts and regulatory provisions:

- (a) Act No. 2003-011 of 3 September 2003 on civil service regulations;
- (b) Act No. 94-025 on 17 November 1994 on the regulations for non-professional agents of the State;
- (c) Decree No. 61-642 of 29 November 1961, as amended, on the creation and regulation of the contingency and retirement pension fund of non-civil-service agents of the State.

344. In the rural areas, families working in the agricultural sector do not enjoy the same advantages as those working in the public sector.

345. Accordingly, the Government launched in 1990 eight national population policy aimed at economic and social development through the improvement of the population's quality of life in keeping with the people's needs than prerequisites for success.

346. Education and family life, aimed at protecting families through various training activities, constitutes one of the components of the above policy. Combating illiteracy is one of the strategies used to implement the policy in question. Many housewives (37 per cent, compared to 34 per cent in the case of family men) are illiterate despite that group's social importance. Accordingly, awareness-raising, educational and training initiatives are undertaken in order to provide mothers with knowledge that they can then transmit to their children.

347. Moreover, in view of the average size of Malagasy households, which is (according to EPM 2004) 4.9 persons, a population policy is a necessary component of development planning in order to obtain a demographic growth rate compatible with economic development with a view to improving the well-being of the family. The State's health policy focuses on comprehensive awareness-raising campaign on the significance of family-planning.

348. The Malagasy legislation draws no distinction with regard to the benefits provided by the State to extended families and to family groups, save for children in authority care, which is governed by decree No. 77-041 of 29 in June 1977 regarding that group of children.

6. Families benefiting from no assistance or protection

349. Care centres for children, particularly orphans, and abandoned housewives provide protection to those groups with the help of national and international, bilateral and multilateral partners.

350. These centres promote a system of sponsorship for children, orphans in particular, to and ensure their school enrolment and the fulfilment of the right to food and clothing; and a system of income generating activities for housewives with a view to ensuring their financial independence.

7. Maternity protection

351. The State has set up a significant number of CSBs and ensures that they stay in contact with the community in order to provide basic maternity-related health care, especially to rural women, who often are victims of:

- (a) Poverty;
- (b) Remoteness of CSBs;
- (c) Ignorance of maternity protection systems;
- (d) The prevalence of traditional practices.

352. Article No. 97 of the labour code provides for maternity leave of 14 consecutive weeks, comprising six weeks before in a weeks after childbirth. Mail civil servants are entitled to a 15-day paternity leave. In the private sector, paternity leave is part of a 10-day leave for a family-related event.

353. In the private sector, the following cash benefits are accorded in the above periods:

- (a) Pre-birth allowance: MGA 36
- (b) Maternity allowance: MGA 4,800 in two instalments after childbirth
- (c) Family allowance: MGA 2 000 per child per month
- (d) Half-wage compensation: $\frac{1}{2}$ by the employer + $\frac{1}{2}$ by CNAPS
- (e) Reimbursement of Medical Expenses up to MGA 5 000.

354. Civil servants are entitled to a pre-birth allowance of 18,000 MGA and a family allowance of 2,000 MGA per child per month.

Table 38. Development of family benefits

<i>Date</i>	<i>Pre-birth allowance</i>	<i>Maternity allowance</i>	<i>Family allowance</i>	
			<i>Children</i>	<i>Amount</i>
Before 1 April 2003	MGA 3,780	MGA 5,040	1st child	MGA 800
			2nd child	MGA 600
			3rd child	MGA 400
			4th child	MGA 200
			5th and subsequent children	MGA 100
As from 1 April 2003	MGA 18,000	MGA 24,000	Single rate	MGA 2,000 per child

355. Rural and informal-sector women are clearly disadvantaged.

356. Measures having taken in order to help these categories of women through development initiatives and other activities undertaken in underprivileged areas through NGOs and associations and with assistance from international organizations with a view to encouraging:

- (a) Information, education and training for rural women
- (b) An increase in the number of CSBs and the recruitment of medical staff
- (c) Recruitment of medical service employees
- (d) The recognition and training of midwives.

357. The above measures have produced noteworthy results, and in particular an increase in recourse to CSBs 1 and CSBs 2, even though the rate of use of such units is not yet satisfactory.

358. Prejudices, inhibitions, insufficient training, inadequate teaching materials, traditional beliefs or taboos which persist in a number of regions continue to constitute unfortunate obstacles.

8. Special protection measures for children and adolescents

359. Under article 100 of act No. 2003-044 of 28 July 2004 on the labour code, "the minimum legal age for access to employment shall be 15 years throughout the territory of Madagascar. That minimum age shall not be lower than the age at which compulsory school attendance ends".

360. Extrapolation from 1999 data of the ongoing EPMs indicates that the number of working children aged seven to 17 is 1,387,800, accounting for 33 per cent of the total number of Malagasy children (4,204,000).

361. Among urban children aged 6 to 14 who were out of school, 21 per cent of boys and 14 per cent of girls work on a full-time basis. In the rural areas, those percentages are, respectively, 18 and 9 per cent.

362. Of the Malagasy children who work, 37,5 per cent are aged 15 to 17 and 62,5 per cent have not yet reached the minimum legal age of employment. Almost the totality (90.6 per cent) of children aged six to nine and 75.7 per cent of adolescents aged 15 to 17 work as unremunerated family help.

363. Household work is one of the worst forms of child labour in Madagascar. According to surveys carried out in 2004 in preparation of the National action plan regarding child labour, domestic labourers are largely victims of abuse and mistreatment. Approximately half began working at age 15. Domestic child labourers are rural children sent to the urban areas through informal networks. In some cases, the intermediaries are paid by the employers.

364. Some of the other worst forms of child labour in Madagascar include such informal rural work as the cutting of sisal hemp, harvesting cash crops (coffee and vanilla, for instance) and cattle herding.

365. A number of NGOs and associations are active in the area of child protection in most of the areas of the island. The children concerned are attended by private organizations and by public bodies, such as MFTPLS, which, through the "Manjary Soa" Centre takes care of children from disadvantaged families in the surroundings of the area of 67 Ha.

366. Most of the children in question are street children, orphans, girl mothers and other children from destitute families. They are too numerous for all of them to be attended. Most of the NGOs and associations involved in their protection have been active in Madagascar for many years and give priority to child labourers who face particularly difficult conditions, such as orphans, homeless children and children with physical disabilities.

9. Children with disabilities

367. The Convention on the Rights of the Child provides for the protection of children without distinction. That also applies to children with disabilities.

368. By ratifying the above convention, the government reaffirmed its political resolve to address the problems of persons with disabilities, who account for 10 per cent of the population. To that end, act No. 97-044 on persons with disabilities and the related implementing decree No. 2001/162 were adopted, respectively, in 1997 and 2001.

369. The following associations are active in this area:

- (a) National union of associations of persons with disabilities (UNAHM), with 21 member associations;
- (b) Group of organisations conducting activities for persons with disabilities (COPH), with six provincial offices (comprising in total approximately 100 associations);
- (c) FANANTENANA Ambatondrazaka association (with 12 member associations), cooperating closely with the State for the protection of persons with disabilities and for ensuring the enjoyment of their human, cultural, economic and social rights.

Table 39. Provinces providing care for persons with motor disabilities

<i>Provinces</i>	<i>Number of children attended by the Centres</i>	<i>Age of persons attended</i>
Antananarivo	190	Children up to adulthood
Antsiranana	80	6 to 18 years
Fianarantsoa	82	20 years on average
	82	Children and adults
Toliary	80	12 -15 years
Toamasina	50	18 years on average

Source: Directorate of Social Protection, MPPSL.

370. Private and public organizations engage in ensuring the education of children with disabilities, providing them with information and raising awareness of their rights.

371. The activities in question address all children, whether they belong to a centre or not.

372. Accordingly, the above organizations organize the events for the children concerned and their parents. Moreover, awareness-raising activities are organized by the ministries responsible in this area, namely, the Ministry of Civil Service, Labour and Social Laws and MPPSL, through child protection networks established in the country's six provinces.

10. Highlights in the protection of children's rights

373. Madagascar's ratification of ILO Conventions No. 138 and No. 182 in 2001 attests to the country's resolve to protect children against all forms of economic and social exploitation and to prevent their employment on jobs and facing risks for their physical, intellectual and moral development.

374. As an outcome of efforts launched in 1997, a national management committee for combating child labour (CDN) was established in 1998 in order to coordinate and supervise all activities undertaken in the area.

375. That body was replaced by the National Committee for Combating Child Labour (CNLTE) in accordance with the memorandum of understanding concluded between the government and ILO on 3 June 2004. CNLTE was set up under decree No. 2004-985 of 12 October 2004 on the creation, missions and composition of CNLTE, amended by decree No. 2005-523 of 9 August 2005.

376. CNLTE is headed by the Minister of Labour and its technical secretariat is provided by the Directorate of Labour and Professional Relations in the Ministry of Civil Service, Labour and Social Laws, Supported by the Division for the Prevention, Abolition and Monitoring of Child Labour (PACTE), set out in the Fundamental Rights Promotion Unit (SPDF).

377. Provincial CNLTE delegations, whose members comprise decentralized bodies of the ministries participating in CNLTE and local actors, aim at a regional ownership of the fight

against child labour with a view to decentralized initiatives, particularly the regional committees for combating child labour (CRLTEs).

378. Direct action undertaken by the Government in this area comprises the inclusion in the 2004-2006 PIP of a budget provision for the improvement of the situation of child workers. Moreover, the Ministry of Civil Service, Labour and Social Laws has drawn up a programme entitled "Improvement of the situation of child what is in Madagascar" designed to retrieve child labourers from their current activities and enable them to develop under acceptable living conditions.

379. To that end, the above ministry established the "Manjary Soa" centre for child labourers with a view to ensuring the school enrolment of the younger children and providing vocational training to child workers aged 15-19, after an initial six- to nine-month training. Since its creation in 2002, the Antananarivo centre has trained 190 children and is now admitting its fifth class. Similar centres also exist in Toamasina and Tuléar.

380. In addition to PIP measures, the Government closely cooperates with ILO in the framework of the International Programme on the Elimination of Child Labour (IPEC), through which ILO provides indirect support in the form of building in the capacities of institutions supporting children.

381. Currently, through the United States Department of Labour (DOL) partnership, the United States Embassy participates in funding action programmes initiated by civil society organizations and NGOs to address issues related to child labour in the various regions of the country.

382. One of the relevant activities is the national action plan for combating child labour (PNA), which was drawn up in 2004 subsequent to a number of regional advisory workshops and a national strategic planning and validation workshop. PNA contributes to the implementation of the Time-Bound Programme for the Elimination of Child Labour (PAD), which provides the Government with a comprehensive framework for developing a plan of action with well-defined objectives covering 15 years (2004-2019).

383. In addition to information on the situation of child labour in Madagascar, PNA traces out the main thrusts of action to be undertaken in order to ensure synergy among the various actors. In that context, it comprises strategic goals, and implementation and monitoring framework and funding prospects, with emphasis on the worst forms of child labour and on the goal of creating an environment conducive to children's auspicious development, free from all subsistence constraints.

384. PNA is currently in the first phase of its 15-year implementation period.

385. With regard to future action, continuing the implementation of PNA is the priority for such actors as CNLTE.

386. The establishment of provincial child-labour observatories (OPTE) in the country's various provinces is crucial to the combat against child labour. These observatories shall be responsible for, inter alia, the collection, analysis and follow-up of data on child labour with a view to providing a comprehensive understanding of that issue in the regions and allow for monitoring its development on the basis of current and reliable information.

387. There are plans for continuing to set up CRLTEs and expanding the "Manjary Soa" centres in the various regions of the country.

388. There are also plans for building the capacities of the various institutions and actors in cooperation with the relevant partners, reforming the legislation and regulations regarding the work of children and effectively implementing and expanding programme activities in the Regions.

ARTICLE 11 (Right to an adequate standard of living)

1. The standard of living of the population

389. Economic development resumed in Madagascar during the period 1996-2001. The inflation rate decreased from 45 per cent in 1994 to less than 7 per cent in 2001. In that year, the economic growth rate, having exceeded the population growth rate for four years, attained 6.0 per cent. Foreign direct investment (FDI) resumed with the establishment of free zones, whose number increased from 241 in 1997 to 308 in 2001.

390. In 2004, 72.1 per cent of the Malagasy population lived under the poverty line. Poverty is mainly a rural phenomenon in all provinces. The rural population with the highest standard of living is in the Antananarivo province, with a poverty incidence rate of approximately 68.2 per cent. The urban population with the highest standard of living is in Antsiranana province, with a poverty incidence rate of only 36.7 per cent and an intensity coefficient that is also low (12.6 per cent). The most vulnerable population is in the Fianarantsoa province, with a poverty incidence rate of 87.5 per cent and a critical intensity coefficient (41.5 per cent). In fact, the population of that region accounts for 18.4 per cent of the country's population but only for 12.4 per cent of aggregate consumption. Inversely, the urban inhabitants of Antananarivo account for only 8.3 per cent of the country's population but for about 13.9 per cent of aggregate consumption.

2. Right to adequate food

391. The National Food Policy (PNAN) adopted by the Government on 20 April 2004 by decree No. 2004-496 ensures the right of the Malagasy population as a whole to adequate food with a view to facilitating the survival of children and the optimum development of their physical and intellectual potential, and promoting the health and well-being of mothers and the other adults, through the synergy of multisector initiatives.

392. PNAN comprises the following 14 strategies:

- (1) Promotion of breast-feeding and food supplementation;
- (2) Conduct of community-based nutrition activities at the national level;
- (3) Combat against deficiencies in micronutrients (inadequate total daily caloric intake (TDCI), avitaminosis-A and iron-deficiency anaemia);
- (4) Incorporation of nutrition-related measures into primary health care and strengthening relevant cooperation with community nutrition centres;
- (5) Care of undernourished children in the nutritional rehabilitation centres and the community nutrition centres;

- (6) Improvement of household food security (SAM);
- (7) Conduct of school-based nutrition activities at the national level;
- (8) Communication strategy aimed at awareness-raising and attitude change with regard to nutrition;
- (9) Convergence of development policies, especially with regard to combating malnutrition, poverty and food insecurity;
- (10) Preparation for and response to food emergencies;
- (11) National system for food and nutrition of monitoring for the provision of information as a basis for appropriate decisions;
- (12) Building of the national capacities in the nutritional area;
- (13) Drawing up and implementation of standards and legislation related to nutrition and food;
- (14) Mainstreaming of the food component into the combat against emerging problems, HIV/AIDS and non-transmissible diseases (NTDs).

393. The National Food Office (ONN) ensures the technical coordination and monitoring of the implementation of PNAN 2005-2009 in accordance with the strategic goals of the National Food Council (CNN).

394. A national programme for combating "Kere", or drought, has been launched by the State on a multisector basis. Every inter-agency department represented on the National Aid Committee (CNS) undertakes activities in the South as a function of its specific responsibilities.

395. Accordingly, MPPSL, through various meetings designed to raise awareness among the population in the South with a view to a change in attitudes, subsequent to the welfare state (1994) and in connection with the development actors (2004), has launched an extensive programme for economic, social and cultural development in that region.

396. In the five districts exposed to famine as a result of "Kere", 1,189 households have benefited from income-generating activities (AGRs).

397. "Kere" is caused by unfavourable weather conditions resulting in drought and the lack of access to irrigation, especially in the regions of the South.

Table 40. Breakdown of AGR beneficiary households in five southern districts

<i>Districts</i>	<i>Number of groupings</i>	<i>Number of households</i>	<i>Income-generating activities</i>
Amboasary South	30	283	Fishing, cutting and sowing, market gardening, brick making, sale of basic necessity items (PPNs), and raising "akoho gasy" chickens
Ambovombe	47	468	Raising of turkeys, goats and sheep, and wool preparation

<i>Districts</i>	<i>Number of groupings</i>	<i>Number of households</i>	<i>Income-generating activities</i>
Ampanihy	6	50	Pastry making, sheep raising
Beloha	14	109	Goat raising, fishing and sale of PPNs
Tsihombe	30	279	Raising of hens, turkeys and goats, cutting and sowing, market gardening, brick making, sale of PPNs and computer facilities

Source: MPPSL, "Activities Report", Activities in 2004.

Changes achieved

398. Through the implementation, in the South, of the water-provision programme and the national programme for combating "Kere", the condition of women has clearly improved in the regions concerned.

399. As a result of AGRs, the economic situation of women improved, children have been able to attend school and the number of men migrating for work has decreased

400. Through ONN, established under decree No. 2004-1072, the Government emphasized access to food in a tangible manner.

401. Through MPPSL and the Ministry of Health and Family Planning (MINSAN), the Government launched food assistance programme funded by WFP.

402. The above food assistance was distributed to the following persons:

- (a) Orphans and vulnerable children aged 5 to 18;
- (b) Accurately and moderately undernourished children with a weight/height ratio (PT) of 70-80 per cent, children at risk with a 125-120 mm branchial circumference (PB) and children from CRENI centres (Intensive nutritional rehabilitation care centres / therapeutic feeding centres);
- (c) Tuberculosis patients.

403. Of the 4,000 children over five who were beneficiaries, 12 per cent were orphans and 88 per cent were street or vulnerable children (49 per cent girls and 51 per cent boys).

404. Children received 102.69 m.t. of rice, 10.09 m.t. of beans, 14.191 m.t. of corn-soy blend (CSB), amounting to a total of 145 m.t. of foodstuffs, for a daily ration per child of 300 g rice, 30 g beans, 35 g oil and 30 g CSB.

405. The above food assistance satisfies a major part of the children's daily energy needs and therefore has been valuable to them.

406. Of the 1000 children attended in 16 CRENA centres (Ambulatory nutritional rehabilitation care centres / Supplementary feeding centres), 52 per cent have been girls and 48 per cent boys.

Table 41. Breakdown of children treated in CRENA centres

<i>Grounds for admission</i>	<i>Number of children</i>
PT 70-80 %	164
PB 125-130 mm	35
Children from CRENI	16
Other criteria (inter alia, malnutrition and social problems)	179
Total admitted	394
<i>Condition at exit</i>	<i>Number of children</i>
Healed	135
Abandoned	19
Dead	1
Transferred	52
Total having exited	209

407. The above children received such medical care as elimination of parasites, vitamin A distribution and vaccination.

408. Tuberculosis patients under medical treatment received 78 m.t. of foodstuffs, for a daily ration of 825 g rice, 40 g beans, 35 g oil and 30 g CSB. That food assistance allows patients to complete an eight-month treatment and therefore has constituted a significant contribution to their health.

3. Methods for disseminating information and agricultural production and output conservation and distribution

409. Various implementation measures have been developed in this area. Production methods include the following:

- (a) Establishment of the Rural Development Applied Research (CENRADERU), which designs new production methods "*Ketsa valo andro*";
- (b) Organization of agricultural display windows and competitions, and intensification of agricultural production;
- (c) Dissemination of information on new agricultural techniques;
- (d) Distribution of sorted seeds;
- (e) Distribution of Agricultural Materiel (inter alia, tools and tractors).

410. Conservation methods include the following:

- (a) Construction of warehousing facilities for peasant associations financed by PSDR;

- (b) As a part of the economic integration support programme (PAISE/France), training on foodstuff conservation

411. With regard to distribution measures, mention should be made of the creation of CNS at the national and regional levels.

4. Measures taken for disseminating knowledge regarding nutritional principles

412. The creation of a nutrition unit within public agencies responsible in this area has been one of the measures taken in order to disseminate knowledge regarding nutritional principles through radio and television awareness campaigns, in CSBs and in the village nutrition centres operated by the former SEECALINE project, currently ONN.

413. Another relevant activity has been the creation of baby hostels designed to distribute nutritive meals two babies and to the most vulnerable persons in the country's 22 Regions.

4. Land reforms

414. Act No. 66-025 of 19 December 1966 provides for the cultivation of agricultural land as a duty of all proprietors.

415. In case of non-compliance by the proprietor, any person who ensures the cultivation of the land in question is entitled to protection by the law.

416. Under article 37 of the above act, "the State may allocate land to farmers for a period of five years".

417. Act No. 2005/019 of 17 October 2005 is a framework law which specifies the principles governing land regulations.

418. Commune-level land-property offices have been set up under the above framework law.

419. A National Policy for Real Estate and Real-Estate Decentralization has been launched with a view to facilitating the issue of land titles.

420. The legislative measures adopted in this area are aimed at increasing the security of land property titles in the rural areas. The provisions and question protect farmers against any misappropriation of their land, a frequent phenomenon before the reform. Lack of land ownership security is an obstacle to increasing agricultural output and therefore to attaining food security objectives.

5. The right to adequate housing

Table 42. Types of housing by province

Unit: %

	<i>Antananarivo</i>	<i>Fianarantsoa</i>	<i>Toamasina</i>	<i>Mahajanga</i>	<i>Toliara</i>	<i>Antsiranana</i>	<i>Total</i>
Apartments	9.5	2.4	2.1	0.8	3.0	4.5	4.5
Studio apartments	14.9	10.5	4.0	1.4	3.5	34.0	10.4
Traditional private house	70.5	86.5	93.7	91.2	92.2	60.3	82.4
Villa	4.2	0.3	0.2	0.6	0.6	1.1	1.6
Other	0.9	0.2	0.1	6.0	0.8	0.1	1.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: INSTAT/DSM/EPM/2004

421. Of the total number of households in the country, 83 per cent own their housing. Tenants account for 9 per cent, while occupants of on-site accommodations for free-of-charge facilities account for the remaining 8 per cent.

422. The percentage of households owning their housing varies significantly among areas of residence. For instance, it is 89 per cent in the rural areas, compared to 60 per cent in the urban areas.

423. The above difference results from the relative ease of acquiring a terrain and building materials, as opposed to their urban areas, where, as a consequence of the high cost of land and construction materials, 28 per cent of households are tenants.

5.1 Homeless persons

424. In this group, 600 families have been relodged by Father Pedro and 4,000 by MPPSL in partnership with the Antananarivo and Antsirabe urban communes.

5.2 Evicted persons

425. Article 34 of the Constitution is worded as follows: "The State shall guarantee the right to private property. No one may be deprived of property save for public use and with the condition of fair prior compensation."

426. In addition to evictions for public use, there are cases of eviction of owners of illegally constructed buildings.

427. In the framework of the implementation of urban rehabilitation programmes, certain projects for site redevelopment and preparation for international events (such as Olympic Games, exhibits and conferences), or "city of charm" operations, have been undertaken, necessitating the eviction of inhabitants in or near the area's concerned.

428. As a compensation, the Government has endeavoured to rehouse the victims through activities assigned to an NGO entitled CARE, particularly in connection with the expropriations related to road construction for *Boulevard de l'Europe* at Ankorondrano.

5.3 Civil servants

429. A housing service, attached to the Ministry of the Economy, Finance and the Budget, is responsible for allocating accommodations to civil servants.

430. No accommodations are currently allocated. Every civil servant receives a housing allowance equal to MGA 14,000.

431. The Last social housing units were built in the 67 Ha district in the capital. Starting in the 1990s, the State formulated and subsidized a programme for 35,000 housing units and the "habitat" projects. A decree on social housing construction is currently underway.

5.4 Tenants

432. The law protects tenants against improper conviction. Where an eviction is recognized as such, the tenant thus victimized is entitled to damages. Where the tenant is a business, the eviction procedure is much more difficult because the relevant legislation aims at protecting the sustainability of business establishments.

433. There are currently laws applicable to construction regulations standards and rules and to the building of infrastructure. Compliance with these provisions is ensured by the Department of Domains and the Urban Commune through the issue of construction permits.

434. Environmental planning and health in housing units and settlements is governed by the town planning code and the laws pertaining to living conditions.

435. Other measures, adopted for ensuring the enjoyment of the right to housing are contained in PRSP and MAP, lead to the opening of the real estate market and to an increase in the number of real estate companies.

5.5 Measures encouraging housing construction

436. Duty-free import of construction products and materials has been an incentive building, which is further encouraged by supplementary housing-tax exemptions over limited periods.

437. Projects for setting up urban centres are currently under study.

6. Health and sanitation conditions

(a) Types toilets

438. The type of toilet most frequently used (namely, by 44.7 per cent of households) is the traditional latrine, while 40.1 per cent of households have no toilet.

(b) Main source of drinking water

439. In 2004, a considerable share of the Malagasy population used water from rivers, lakes and ponds (26.5 per cent), unsafe springs (22.8 per cent) and uncovered pumpless wells (16.2 per cent).

(c) Lighting and fuel

440. Of the total population, 80.8 per cent use kerosene for lighting, 14.4 per cent have electricity and 3.8 per cent use candles. The rate of use of electricity, highest in Antananarivo (30.0 per cent) and Antsiranana (13.9 per cent), sharply differentiates rural and urban areas. Only 4.4 per cent of rural households are connected receive power supply versus 75.0 per cent of households in GCUs and 28.8 per cent of households in CUSs. Kerosene is used by 90.8 per cent of rural households and by 18.7 per cent of GCU household's.

441. For cooking and heating, 71.6 per cent of households use collected wood, 17.1 per cent use coal, 5.8 per cent purchase wood, and only 0.42 and 0.12 per cent use, respectively, gas and petroleum. Coal is mostly used in Antananarivo province, at the rate of 31.6 per cent, compared to 14.4 per cent in Mahajanga and 8.11 per cent in Toamasina.

ARTICLE 12 (Right to health)

442. The provisions of the following articles of the Constitution meet the requirements of the Covenant:

443. Article 17: "The State shall organize the exercise of rights which guarantee to the individual personal integrity and dignity, and complete physical, intellectual, and moral development."

444. Article 19: "The State shall recognize every individual's right to protection of his/her health as from conception."

445. Article 22: "The State shall take the measures necessary for ensuring the intellectual development of every individual, limited only by each person's ability."

446. Article 30: "Through social agencies, the State shall endeavour to provide for the needs of every citizen who, by reason of age or physical or mental weakness, is unable to work."

447. A draft reform is currently in progress with a view to amending decree No. 62-072 of 29 September 1962 on the public health code, mainly in order to better implement the constitutional provisions in compliance with the requirements of the Covenant.

1. State of health of the population

448. Current physical diseases present the following frequencies:

Table 43. Breakdown of patients by declared disease

Unit: %

Diseases	Share
Acute respiratory insufficiency (ARI)	8.1
Fever or suspected malaria	42.4
Diarrhoeal disease	11.9
Skin infection	1.9
Mouth-tooth infection	6.8
Wounds, burns	5.4
Eye and related infections	1.9
Arterial hypertension (AHT)	3.1
Cough lasting over three weeks	5.2
Gynaecological infection	1.6
Autres	11.8

Source: INSTAT /DSM/EPM 2004

449. Transmissible diseases constitute the main causes of morbidity in the population. They result from inadequate living conditions, habitual practices unfavourable to health and limited access to satisfactory health services. These problems affect the rural population to a greater degree.

450. With regard to maternal health, limited access of pregnant and parturient women to adequate health care constantly exposes women in procreating age and their children to the risk of death, thereby inhibiting the country's development. This problem mainly affects rural women and, by increasing maternal in neonatal mortality, decreases live expectancy at birth.

Table 44. Factors affecting women's access to health care, broken down by certain social and demographic characteristics

Characteristic	Knowing where to go for treatment	Having permission to seek treatment	Having the money for the treatment	Distance to the health unit	Having to take a means of transport	Not wanting to go there alone	Service not provided by a woman	Any of the problems listed	Number of women
Area of residence									
Capital	15.9	14.1	28.7	20.7	17.8	10.2	3.0	33.4	466
Other cities	15.3	12.5	42.4	31.4	28.2	17.3	8.4	54.2	1,509
Urban area	15.4	12.9	39.2	28.9	25.7	15.8	7.1	49.3	1,975
Rural area	19.5	16.7	48.0	44.8	38.2	23.7	10.7	62.8	5,974

<i>Characteristics</i>	<i>Knowing where to go for treatment</i>	<i>Having permission to seek treatment</i>	<i>Having the money for the treatment</i>	<i>Distance to the health unit</i>	<i>Having to take a means of transport</i>	<i>Not wanting to go there alone</i>	<i>Service not provided by a woman</i>	<i>Any of the problems listed</i>	<i>Number of women</i>
Matrimonial status									
Single	21.1	19.7	44.5	35.5	30.8	22.7	15.2	55.8	1,693
In union	17.2	14.2	44.1	42.2	35.9	21.2	8.3	59.6	5,140
After break-up of a union	20.2	17.0	55.5	42.7	38.0	22.8	8.7	64.0	115
Level of well-being									
Poorest	24.3	21.0	56.1	57.9	52.0	28.3	10.8	74.7	1,700
Second poorest	26.3	21.2	56.3	52.4	42.5	28.8	14.1	73.3	1,206
Average	19.4	16.0	51.5	47.2	40.8	29.8	14.7	66.1	1,466
Above average	15.3	13.5	44.1	33.1	27.4	16.8	8.5	55.3	1,531
Wealthiest	10.8	9.9	28.3	21.2	18.3	10.1	3.9	36.8	2,046
Aggregate	18.5	15.8	45.8	40.9	35.1	21.7	9.8	59.4	7,949

Sources: EDSMD-III Madagascar 2003–2004

451. Although the infant and child mortality rate has decreased significantly in the last 10 years, children under five, particularly in rural regions and especially in land-locked areas, are still exposed to various fatal problems caused largely by limited access to adequate health care. Moreover, their living conditions lead to the main causes of morbidity, such as acute respiratory infections, fever and diarrheal disease, often compounded by chronic malnutrition and substandard vaccination.

Table 45. Percentage of children under three considered as affected by malnutrition according to three anthropometric indicators of nutritional status, broken down by certain social and demographic characteristics

<i>Characteristics</i>	<i>Height/age</i>		<i>Weight/height</i>		<i>Weight/age</i>		<i>Number of children</i>
	<i>% under -3SD</i>	<i>% under -2SD</i>	<i>% under -3SD</i>	<i>% under -2SD</i>	<i>% under -3SD</i>	<i>% under -2SD</i>	
Child's age in months							
Under 6	4.5	17.8	1.2	5.9	1.8	7.2	529
6 – 9	12.2	32.0	1.7	11.3	7.6	31.5	399
10 – 11	12.5	46.9	3.5	16.1	13.9	50.1	150
12 – 23	31.1	57.3	4.2	18.4	15.0	50.3	1,129
24 – 35	25.6	49.9	3.2	14.8	14.8	46.3	946

<i>Characteristics</i>	<i>Height/age</i>		<i>Weight/height</i>		<i>Weight/age</i>		<i>Number of children</i>
	<i>% under -3SD</i>	<i>% under -2SD</i>	<i>% under -3SD</i>	<i>% under -2SD</i>	<i>% under -3SD</i>	<i>% under -2SD</i>	
Interval between births, in months							
First birth	23.2	48.7	2.3	13.4	11.5	41.0	657
< 24	29.7	51.8	3.8	17.1	16.4	46.9	471
24 – 47	19.6	43.8	3.8	14.5	10.4	38.5	1,245
48 or more	15.7	35.6	1.6	12.5	10.5	36.2	585
Area of residence							
Capital	19.2	42.6	2.9	10.7	7.9	29.3	103
Other cities	17.8	38.7	2.1	13.9	10.8	36.2	495
Urban area	18.0	39.3	2.3	13.4	10.3	35.0	598
Rural area	22.6	46.0	3.2	14.4	12.1	40.5	2,555
Level of education							
No education	22.5	46.9	4.1	16.8	16.5	45.2	791
Primary / Reading ability	22.6	46.4	2.9	13.5	11.1	39.9	1,612
Secondary or higher	16.2	36.3	2.6	13.3	6.8	31.6	631
Children of mothers surveyed / Children of mothers not surveyed							
Mother living in household	21.5	40.4	6.9	17.3	11.9	26.4	76
Mother not living in household	33.7	53.3	0.2	11.5	14.2	37.0	120
Level of well-being							
Poorest	22.9	50.5	3.0	15.3	14.5	45.7	827
Second poorest	19.8	47.5	2.8	15.6	12.2	43.6	609
Average	24.5	45.2	4.8	13.9	13.8	39.8	688
Above average	20.9	38.2	2.2	12.4	8.5	33.7	577
Wealthiest	18.8	38.2	1.7	13.1	7.1	29.4	453
Aggregate	21.7	44.8	3.0	14.2	11.7	39.5	3,154

Sources: EDSMD-III Madagascar 2003 - 2004

**Table 46. Breakdown of the mortality rate among children
by social and demographic characteristics**

<i>Characteristics</i>	<i>Neonatal mortality</i>	<i>Post-natal mortality</i>	<i>Infant mortality (under 1 year of age)</i>	<i>Child mortality (1 to 4 years of age)</i>	<i>Infant-child mortality (0 to 5 year of age)</i>
Area of residence					
Capital	17.7	8.9	26.6	17.1	43.2
Other cities	23.1	23.6	46.8	15.6	80.7
Urban area	22.1	20.8	42.8	31.9	73.3
Rural area	36.7	38.9	72.6	48.0	120.0
Level of education					
No education	45.2	51.3	96.5	55.7	146.9
Primary / Reading ability	32.9	33.9	66.8	49.5	113.0
Secondary or higher	23.2	20.5	43.6	22.8	65.4
Level of well-being					
Poorest	43.1	43.7	86.7	60.3	141.8
Second poorest	35.6	55.0	90.7	62.3	147.4
Average	32.2	33.3	65.5	37.4	100.5
Above average	32.5	22.2	54.7	37.1	89.7
Wealthiest	19.0	13.9	32.9	17.1	49.4

Sources: EDSMD-III Madagascar 2003 - 2004

2. Measures taken by the state

(a) National Health Policy (PNS)

452. In order to address the various health problems, Madagascar updated in 2005 its National Health Policy (PNS) as a framework of reference and guidance for development initiatives in the health sector.

(b) National Health Budget (BNS)

453. Health services are one of the State's priority sectors. In 2003, however, health activities funding, which had been increasing regularly, was reduced as a result of the political crisis which occurred in the first half of 2002, disrupting the economic and social system.

Table 47. Development of budget allocations to the health sector as a percentage of the national budget, 1997-2004

Unit: FMG

Budget category		1997 financial year		1998 financial year		1999 financial year		2000 financial year	
		<i>Amount</i>	<i>% of BG</i>	<i>Amount</i>	<i>% of BG</i>	<i>Amount</i>	<i>% of BG</i>	<i>Amount</i>	<i>% of BG</i>
Operational (net of balance)	Health budget	62,060,028	8.88	72,005,828	7.57	88,982,565	7.34	94,018,000	6.50
	General budget	698,432,300		950,800,000		1,211,837,129		1,434,746,000	
Investment	Health budget	121,949,990	10.25	118,512,828	12.46	173,550,401	14.32	242,892,472	16.93
	General budget			950,800,000		1,211,837,129		1,434,746,000	

Budget category		2001 financial year		2002 financial year		2003 financial year		2 financial year	
		<i>Amount</i>	<i>% of BG</i>	<i>Amount</i>	<i>% of BG</i>	<i>Amount</i>	<i>% of BG</i>	<i>Amount</i>	<i>% B.G</i>
Operational (net of balance)	Health budget	116,853,913	23.3	120,329,000	19.9	92,479,673	18.5	92,479,673	17.4
	General budget	501,390,610		604,367,161		501,227,257		531,158,799	
Investment	Health budget	223,698,974	7.67	299,435,161	8.15	194,954,800	7.31	215,412,700	6.92
	General budget	2,915,000,000		3,669,800,000		2,666,057,680		3,110,657,595	

Sources: Statistical Yearbook of the Health Sector, 1999, 2000, 2001, 2003 - Financial Department, MINSAN

3. Environmental and industrial health

(a) Environment protection

454. The Ministry of the Environment Waters and Forests includes a Directorate for Protection, which is responsible for the combat against pollution and the management of industrial waste.

455. The above directorate has decentralized offices in each provincial capital with a view to monitoring and following up on environmental health.

456. A National Policy for Environment Protection is under preparation.

457. Moreover, legislative and regulatory provisions on public health and environment protection are implemented. Furthermore, measures taken at the national and local levels against endemic and epidemic diseases include such steps as is incineration of industrial and household wastes, liquid waste treatment, disinfection for preventing transmissible diseases, supply of garbage bags and trucks, and rat extermination.

(b) Access of the population to drinking water

458. The national rate of access to safe water increased slightly in the period 1999-2001 and significantly in the period 2002-2004.

Table 48. Development of the right of access to safe water

<i>Unit: %</i>				
<i>Year</i>	<i>1999</i>	<i>2001</i>	<i>2002</i>	<i>2004</i>
Eau protégée	23,6	24,7	29,4	34,6

Source: INSTAT/DSM/EPM 1999, 2001, 2002 et 2004

459. A considerable proportion of the Malagasy population uses water from rivers, lakes and ponds (26.5 per cent), unsafe springs (22.8 per cent) and uncovered pumpless wells (16.2 per cent).¹³

460. Use of pump-equipped fountains is most frequent in the provinces of Antananarivo (34.0 per cent) and Toliara (17.3 per cent) and, in particular, in the urban areas, and the use of safe springs is most frequent in the Fianarantsoa province (7.1 per cent). Only 3.1 per cent of Malagasy households have plumbing or an in-house faucet. They are urban, particularly wealthy households.

461. The State established, within the Ministry of Energy and Mines, the Directorate for the Promotion of Drinking Water, which is responsible for coordinating and following up on all initiatives regarding the enhancement of the drinking water supply.

462. In this area, the State receives the following contributions from its technical and financial partners: SEECALINE, which has become ONN, promotes the dissemination of a system, known as "SUR'EAU", for using water disinfectants at affordable prices. A nationwide awareness-raising campaign is carried out by ONN. The Strategic Programme for Rural Development (PSDR) and Switzerland also contributed. Japan promotes activities in the South. The Neighbourhood-based Drainage Project (PAIQ) is active in urban and rural areas. FIKRIFAMA is active in rural areas nationwide. Other partners in this area are TEZA, an NGO which is an association for parents' education in personal hygiene; and "WASH - Water, Assainissement, Soap and Hygiene", an inter-agency body promoting the use of clean water, soap and lavatories.

463. In the urban areas, efforts have been made to set up public pumps, showers and washing-places. In the rural areas, fountains have been built and wells constructed for public use.

464. Wherever such works have taken place, a committee is designated for managing, maintaining and protecting the facilities.

465. The following table shows a breakdown of households by main type of drinking water supply and area of residence.

¹³ Source: EPM 2004.

Table 49. Breakdown of households by main type of drinking water supply and area of residence

Unit: %

	<i>GCU</i> s	<i>CU</i> Ss	<i>Rural areas</i>	<i>Aggregate</i>
In-house plumbing	4.8	0.3	0.3	0.8
In-house faucet	14.7	3.4	0.6	2.3
Private outdoors faucet	5.8	5.0	0.4	1.5
Rain water	0.0	0.4	0.4	0.4
Water vendor	2.2	3.5	1.4	1.7
Tank truck service	0.0	0.0	0.0	0.0
Public fountain	56.1	26.3	10.9	17.3
Pump-equipped well	5.2	1.1	1.8	2.1
Covered pumpless well	5.9	13.4	3.8	5.1
Open pumpless well	1.2	12.3	18.7	16.2
Safe or covered spring	2.1	2.8	3.4	3.2
Unsafe spring	1.8	12.9	27.0	22.8
River, lake or pond	0.0	18.4	31.2	26.5
Other	0.1	0.5	0.1	0.2
Total	100.0	100.0	100.0	100.0

Source: INSTAT/DSM/EPM, 2004

(c) Access of the population to adequate facilities for excrement disposal

466. The type of toilet most frequently used (namely, by 44.7 per cent of households) is the traditional latrine, while 40.1 per cent of households have no toilet. That situation is more frequent in the rural areas (46.1 per cent) than in the urban areas (only 1.6 per cent in GCUs). It is particularly frequent among poor households. Modern type toilets, such as the so-called Turkish-style facilities with flush or the English-style sitting toilets are mainly encountered in the major urban centres.

Table 50. Breakdown of households by type of toilet and area of residence

Unit: %

	<i>English-style bathroom with sitting toilet</i>	<i>Turkish-style toilet with flush</i>	<i>Turkish-style latrine</i>	<i>Latrine with cleanable slabs</i>	<i>Traditional latrine</i>	<i>Tub</i>	<i>Open hole</i>	<i>Other</i>	<i>No toilet</i>	<i>Total</i>
GCU s	8.0	4.5	2.1	10.7	67.5	3.6	1.5	0.6	1.6	100.0
CUS s	1.4	1.0	0.8	2.5	51.3	5.1	4.8	0.0	33.1	100.0
Rural areas	0.7	0.6	0.5	1.7	40.7	4.2	5.4	0.0	46.1	100.0
Total	1.5	1.1	0.7	2.7	44.7	4.3	5.0	0.1	40.1	100.0

Source: INSTAT/DSM/EPM, 2004

467. The State has taken the following initiatives:

- (a) Establishment of an internal-ministerial committee for combating cholera during the national epidemic of 2000.
- (b) Support for building latrines in the rural areas, and family and public latrines, lavatories, showers and washing-places in the urban areas.
- (c) Setting up of inter-regional roadblocks with free-of-charge and systematic distribution of specific drugs to any person travelling between cities.
- (d) A campaign against certain regional customs and habits in relation to lavatories. Such NGOs as PAIQ, WASH, CARE and TEZA accelerated the implementation of related awareness-raising activities and the construction of latrines.
- (e) An awareness-raising campaign among the population with regard to using and building latrines and using soap.

(d) Industrial hygiene

468. In Madagascar, there are small-, medium- and large-sized industrial enterprises. Although relevant provisions exist, the rules of industrial hygiene are not always complied with in the small and medium-sized enterprises.

469. That reason is that the owners of such enterprises mistakenly believe that such compliance would increase costs and could be an obstacle to economic performance.

470. Information and awareness-raising meetings are broadly organized in order to redress the above situation.

471. Act No. 2003-044 of 28 July 2004 on the labour code provides, in title IV, for "the conditions of hygiene, security and environment at the workplace". Article 111 of the act, in particular, stipulates that "workers shall comply with all measures for ensuring the required hygiene insecurity".

472. Articles 110 and 112-130 of the labour code provide for specific industrial hygiene measures. There are provisions concerning waste treatment and household waste disposal.

4. Legislative and political measures

(a) Regarding the population

473. Act No. 90-030 of 19 December 1990 on the national population policy for economic and social development.

474. The above policy was drawn up with a view to improving the quality of life and ensuring the well-being of all population categories.

(b) Regarding the survival of mothers

475. Provisions in act No. 94-029 on the labour code: Pregnant women are entitled to certain allowances and maternity leave.

476. National policy for the promotion of women with a view to balance development, 2000-2015.

477. Nationwide awareness-raising initiatives on violence against women and girls.

478. National Action Plan "Gender and Development", 2004-2008, drawn up by the Ministry of Population.

(c) Regarding the survival of children

479. Act No. 90-029, authorizing the notification of the Convention on the Rights of the Child.

(d) Regarding the elderly

480. Initiatives undertaken since 2002 with a view to providing assistance to the elderly: In 2005, distribution of a green card to persons over 60, entitling them to rate reductions on public transportation, medical care and the purchase of medicines. The type of coverage differs among districts.

(e) Regarding persons with disabilities

481. Act No. 97-044 of 2 February 1998 on the rights of persons with disabilities.

482. Decree No. 2001-162 of 21 February 2001 on the implementation of act No. 97-044.

483. Inter-Ministerial Decision No. 24-665/2004 of 27 December 2004 on the health-related rights of persons with disabilities.

484. Inter-Ministerial Decision No. 24-666/2004 of 27 December 2004 on the disability card for handicapped persons, entitling them to rate reductions on public transportation, medical care in public establishments, and various allowances largely related to special education.

(f) Regarding Persons Living with HIV

485. Act No. 2005-040 of 20 February 2006 on combating, and protecting the rights of persons living with, HIV/AIDS.

(g) Regarding disadvantaged groups

486. Decree No. 2003-1040 of 14 October 2003 establishing, a users' contribution in all public basic sanitation training activities, as a new form of community participation in assisting particularly the poor. The scheme is known as "FANOME" or "Fandraisan' Anjara NO Mba Entiko"¹⁴.

487. Inter-ministerial decision No. 5228/2004 of 11 March 2004 on the implementation of decree No. 2003-1040.

488. State assistance - reinforced by international associations - to poor families, street children, orphans and prisoners, among others.

5. Strategic measures

(a) Promotion of the health of the mother and child

489. Priority activities addressing, in particular, reproductive health, with the promotion of low-risk maternity programmes, family-planning and child survival. These activities are provided for under the following initiatives:

- (a) National Family-planning Policy, including community-based dissemination activities by:
- (b) Roadmap for the Reduction of Maternal Mortality, including strengthening the role of midwives in land-locked areas;
- (c) National policy for the survival of children:
 - (i) Introduction, at community level, of coverage of the expenses related to certain diseases, such as ARI diarrhea and malaria, and to nutritional monitoring;
 - (ii) Increase of the rate of vaccination coverage for all antigens;
 - (iii) Fight against malnutrition in vulnerable groups (children and women in procreating age): As a result of political resolve, creation of ONN, which is responsible for planning and implementing national nutrition programmes with a view to the balanced development of the child's nutritional condition and for insuring better childbirth outcomes, through the National Community-based Nutrition Programme (PNNC).

¹⁴ "Non-stop financing for the purchase of medicines".

(b) Fight against diseases

Combating transmissible diseases

490. Strengthening the combat against the diseases targeted by the MDGs:

- (a) Malaria: Promotion of the use of ITNs, intermittent presumptive treatment of pregnant women (TPI), and home interior spraying campaign (CAID);
- (b) Tuberculosis: Decentralization of diagnostic and treatment centres (CDTs) and microscopy centres, community participation in social mobilization, and strengthening of activity monitoring and evaluation;
- (c) HIV/AIDS: As an indication of political resolve in this area, establishment of the Executive Secretariat of the National Council for Combating AIDS (SE/CNLS) , responsible for planning and implementation of programmes against HIV/AIDS at the national level.

491. Reduction of the lethality and morbidity rates of other epidemic diseases.

492. Participation of the country in the world programme for the elimination of leprosy and lymphatic filariasis, both of which are incapacitating diseases.

Combating non-transmissible diseases

493. Implementation of the following programmes: Early detection of cervical cancer, promotion of oral and dental health, measures against cardio-vascular diseases and action regarding incapacitating ailments.

(c) Strategy for the protection of health and the promotion of healthy behaviour patterns

Access of the population to drinking water

493. Creation, within the Ministry of Energy and Mines, of the Directorate for the Promotion of Drinking Water, responsible for coordinating monitoring all activities related to clean water promotion. A number of government bodies and foreign associations are active in the area of ensuring the supply of drinking water and clean water use in urban and rural areas of the country.

Sanitation

495. The programme for enhancing the population's access to adequate facilities for the disposal of excrements was strengthened through the establishment of the inter-ministerial committee for combating cholera during the epidemic of 2000.

496. Campaign for a change of attitudes among civil servants, with the participation of NGOs, foreign associations and the media.

497. Support for the construction of latrines in the rural areas and public toilets, showers and washing-places in the urban areas.

Waste disposal

498. Pursuant to decree No. 99 954 of 15 December 1999 on the compatibility of investments with the environment (MECIE), a National Policy for the Management of Health Establishment Wastes and Safety with Regard to Injections was formulated. Regulations addressing specific regional characteristics are adopted by the local authorities, for instance, through decision No. 991/CUA/CAB of the urban commune of Antananarivo.

Health at the workplace

499. Act No. 2003-044 of 28 July 2004 on the labour code provides, in title IV, for "conditions of hygiene, security and environment at the workplace" and contains the following stipulations:

- (a) Under article No. 111, "workers shall comply with all measures for ensuring the required hygiene and security"
- (b) Under articles 110 and 112-130, industrial waste should be treated according to relevant regulations.

Other measures

- (a) Monitoring of the safety and quality of food stuffs
- (b) Management of risks and disasters
- (c) Fight against smoking through the ratification of the World Health Organization (WHO) Framework Convention on Tobacco Control
- (d) Fight against addiction to alcohol and drugs.

(d) Strengthening of the health system

500. Effective decentralization of the health system with a view to enhancing performance, promoting equity in the offer of services, responding better to the needs of the population, ensuring adequate decision-making and organizing the operation of the various local health management units.

Table 51. Development of certain indicators regarding resources, 1997-2004

<i>Indicators</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
CSB/ inhabitants	NA	1/5,502	1/5,810	1/5,574	1/5,549	1/5,700	1/6,100	1/5,625
Public physician / inhabitants	1/13,709	1/11,641	1/11,528	1/1,038	1/6,748	1/6,900	1/6,400	1/5,952
Public dentist / inhabitants	1/57,107	1/18,482	1/195,196	1/200,661	1/128,275	1/131,866	1/101,500	1/102,700
Public nurse / inhabitants	1/3,229	1/3,425	1/4,880	1/4,809	1/5,569	1/5,948	1/6,120	1/6,400
Midwife / women in procreating age	1/2,130	1/2,264	1/2,331	1/2,320	1/2,621	1/1,420	1/1,420	1/1,527

Sources: Statistical Yearbook of the Health Sector, 2001, 2003, 2004, - Financial Department, SSSa, MINSAN.

501. Strengthening the funding of the health sector with a view to enhancing the financial accessibility of health care, especially for the poorest groups, through the reestablishment of "FANOME" and the equity fund in all health training activities in January 2004.

502. Decrees No. 344 and 346 of 18 May 2002 on the transformation of the following four urban hospital centres (CHUs) into public and administrative establishments (EPAs): Hôpital Joseph Raseta Befelatanana, Hôpital Joseph Ravoahangy Andrianavalona Ampefiloha Hospital, Groupe Hospitalier Mère Enfant, and Analakely public health facility. Moreover, the establishment of hospital counterpart of the solidarity fund for care to the poor is being examined as part of a draft hospital policy currently under development.

503. Establishment of monitoring and evaluation and of an information and communication system for assessing sector performance and the decision-making process.

504. Partnership development is implemented in accordance with the National Contracting Policy within MINSAN. The relevant plans were drawn up in 2004 and are being updated.

505. Health research has been strengthened by the creation of the National Ethics Committee on Biomedical Research involving human beings.

506. Information and communications technology (ICT) is implemented with a view to making the health-related information efficient and effective at all levels. E-governance is pursued through the creation of an ITC Village at Sambaina and the subsequent formulation of a national telemedicine strategic plan, currently under validation.

10 International assistance for effectively ensuring the exercise of the right to health

507. Technical and financial assistance is provided for the implementation of the following programmes:

- (a) Mother and child survival
- (b) Combat against transmissible and non-transmissible diseases

- (c) Risk and disaster management
- (d) Water supply and drainage
- (e) Strengthening of the health system.

508. The following organizations are technical and financial partners of MINSAN:

- (a) World Health Organization (WHO)
- (b) United Nations Children's Fund (UNICEF)
- (c) United Nations Population Fund (UNPF)
- (d) CRESAN 2 (IDA and State funding)
- (e) African Development Bank (ADP)
- (f) United States Agency for International Development (USAID)
- (g) French Cooperation Agency
- (h) Japan International Cooperation Agency (JICA)
- (i) German Cooperation Agency (GTZ)
- (j) Swiss Cooperation Agency
- (k) Catholic Relief Service (CRS).

ARTICLE 13 (Right to education)

509. The Constitution and the Malagasy legislation contain provisions aimed at fulfilling the requirements of the Covenant.

510. Current educational-system reforms are a logical consequence of earlier initiatives for the improvement of the system.

511. The improvement in question has been the goal of various acts adopted in the period 1978-2004 with regard to the overall objectives of the country's educational, teaching and training system.

512. Moreover, the qualitative and quantitative improvement of Madagascar's educational system has been sought through the adoption of administrative and social provisions.

1. Free primary education

(a) Legal framework

513. Under article 24 of the 1992 Constitution, "the State shall organize public education, free and accessible to all. Primary education shall be compulsory for all."

514. Compulsory primary education free of charge is also guaranteed by various acts regarding the educational system.

515. Article 51 of act No. 78-040 refers to "an educational system free of charge for all at all levels, whose costs shall be borne by the nation as a whole".

516. Acts No. 94-033 of 13 March 1995 and No. 2004-004 of 26 July 2004 guarantee compulsory and free of charge primary education as from the age of six.

517. As a specific measure in implementing the principle of democratization and decentralization of the educational and training system, each Fokontany has been provided with a public primary education school.

(b) Administrative and social measure

518. Phases 1 (1989-1997) and 2 (1998-1999) of the National Programme for the Improvement of Education (PNAE) have constituted the reference framework with regard to education. Activities undertaken by various partners in the area of education have been developed in that context. Such activities include the CRESED 1 and 2 and PREFTEC projects funded by the World Bank; the BAD and OPEP projects; the MINESEB/UNICEF primary education project; WFB activities regarding school canteens; French Cooperation and JICA projects; and many other initiatives carried out on a bilateral basis, by such international NGOs as Aid and Action and by local NGOs. The Joint Malagasy Government – United Nations System Programme for the Promotion of Basic Education for All Malagasy Children (2001-2005) has targeted particularly children not enrolled in school, adolescents excluded from the school system and illiterate adults.

519. For the implementation of the policy on population education, various programmes and projects have been carried out, particularly with UNDP, UNPF and ILO support.

520. Additional HIPC resources have been allocated largely to the social sectors, including education. Despite the results achieved, efforts are still required for attaining the desired outcome in view of existing needs.

521. To that end, and in keeping with the Government's commitment to achieving the Education for All (EFA) objectives, including universal primary education, a strategic plan has been drawn up for reforming and developing the education sector in accordance with the strategic thrusts defined in PRSP.

522. In line with Madagascar's commitment to universal education, in 2002 the Government provided incentives to that effect, such as the following:

- (a) A significant increase in the resources allocated to the education sector in general, from 2.3 to 3.3 per cent of GDP, between 2001 and 2004, and in particular to the primary education sector, from 39 to 49 per cent of total Ministry of Education and Scientific Research (MESR) expenditure for the same period;
- (b) Enrolment incentives: In order to reduce parent's expenses, school kits are provided for students, the primary school children are exempted from paying registration fees and teachers recruited by students' parents' associations (FRAM) are subsidized;

- (c) Transfer of funds to public and primary schools countrywide (school funds) with a view to improving the condition of the establishments and building the initiative capacities of local school authorities;
- (d) Improvement in the working conditions of teachers with the payment of classroom and family separation allowances;
- (e) Construction and rehabilitation of primary education classrooms with international assistance;
- (f) Distribution of textbooks to all public and private school pupils;
- (g) Transformation of basic education into student learning modules (in grades 1-6) in order to reduce repeat rates;
- (h) Revision of curricula in line with the “skills approach” (APC) to make learning more relevant;
- (i) Training of teachers in APC, broad groups and multi-grade classes;
- (j) Improved management of the education system through the establishment of a ministerial intranet, 38 ITC resource centres and 22 regional national-education directorates and the provisions of the various management units with vehicles and computers.

Table 52. Number of classrooms built, or in the process of construction, since 2004

<i>Projects</i>	<i>Classrooms built</i>	<i>Classrooms under construction</i>	<i>Classrooms currently in bidding stage</i>	<i>Total</i>
Development Intervention Fund (DIF)/EFA 2004	978	189	98	1265
EFA/2005 PROJECT	20		618	638
OPEP	128		226	354
BADEA	26	36	26	88
JICA	175	168		343
AGETIPA/French Development Agency (AFD)	389			389
ILO/NORWAY		189		189
MENRS	102		160	262
TOTAL	1,818	582	1,128	3,528

523. The above measures have led to a spectacular increase in the number of primary education pupils beyond forecasts, thereby bringing about significant progress toward universal school enrolment.

Table 53. Number of primary school pupils by gender, 1990-2005

<i>Years</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>
Total	1,570,721	1,496,845	1,490,317	1,504,668	1,511,863	1,740,516	1,892,943
Boys	796,925	783,517	763,905	767,027	743,643	885,860	965,492
Girls	773,796	713,328	726,412	737,641	768,220	854,656	927,451

<i>Years</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>
Total	2,018,707	2,208,321	2,307,314	2,409,082	2,856,480	3,366,462	3,597,731
Boys	1,027,343	1,126,309	1,176,128	1,228,210	1,458,340	1,718,631	1,838,251
Girls	991,364	1,082,012	1,131,242	1,180,872	1,398,140	1,647,831	1,759,480

Source: MENRS.

524. Primary school enrolment since 1990 falls into two distinct periods. The period 1991-1995 is characterized by an overall decrease. Between 1991-92 and 1994-95, gross enrolment ratio (GER) as a whole, namely, for both boys and girls, decreased from 113.1 to 95.7 per cent.

Table 54. Primary education GER development, 1991-2005

<i>Years</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>
Boys	120.3	115.6	110.3	102.9	92.5	98	104.4
Girls	92.4	91.7	89.8	89.5	90.3	96.7	102.8
M/F ratio	1.301	1.261	1.228	1.150	1.024	1.000	1.015

<i>Years</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>
Boys	108.1	115.4	117.4				
Girls	107.0	113.8	115.8				
M/F ratio	1.010	1.015	1.014				
Aggregate			102	105.9	123.1	141.9	147.7

Source: MENRS

525. That decrease in school attendance was more extensive among girls than among boys. In 1991-92, the boys' GER (120.3 per cent) was 28 percentage points higher than the girls' (92.4 per cent). Although gender parity was attained in 1995-96, a year earlier there had still been a 12 percentage point difference between boys' GER (102.9 per cent) and girls' (89.5 per cent).

526. The second period, 1996-2001, is characterized by an increase in school enrolment for both genders and by a convergence of the boys' and girls' rates, albeit with a persisting slight advantage for boys. In 2000-01, GER was assessed at 117.4 per cent for boys and 115.8 and girls. In the period 2002-2005, it declined.

527. Distance between school and the pupils' home is a problem and, with regard to girls' education, an impediment. For 60 per cent of rural children, the school is more than 5 km away from their village. The distance problem also applies to some urban areas.

2. Free and accessible secondary education

528. The Government's objective since 1978 has been the existence of a public general-education junior high school in every Firaiana (commune) and a public senior high school in every Fivondronana (district).

529. Currently, there is a public senior high school in almost every district and a public junior high school in more than half of the communes. Taking into account private establishments, there are on the average one junior high school per commune and almost four senior high schools per district. However, these establishments are concentrated in GCUs and rarely in remote and land-locked communes and districts.

Table 55. Number of public and private school establishments of levels II and III

<i>Type of establishment</i>	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>
Junior high school	1,426	1,519	1,596	1,679	1,596
Senior high school	331	359	336	336	415
Total	1,757	1,878	1,932	2,015	2,011

Source: Statistics Department, MENRS.

530. Save for periods of political crisis, the number of secondary education students has been on the increase. High school attendance is balanced with regard to gender.

Table 56. Development of the number of junior high school students, 1991- 2005

	<i>1991-92</i>	<i>1992-93</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Total	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

	<i>1998-99</i>	<i>1999-00</i>	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>
Total	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: Statistics Department, MENRS.

Table 57. Development of the number of senior high school students, 1991- 2005

	<i>1991-92</i>	<i>1992-93</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>1997-98</i>
Total	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

	<i>1998-99</i>	<i>1999-00</i>	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>
Total	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: Statistics Department, MENRS.

531. Free-of-charge accessibility of general secondary education and technical and vocational education is a principle applied since achieving independence, although the beneficiaries are required to pay a modest amount (registration fees and students' parents' contribution). Moreover, accessibility in GCUs is limited by the low capacity of public establishments, especially technical and vocational junior and senior high schools, whose number is truly inadequate.

Table 58. Number of public technical and vocational junior and senior high schools

Number of institutions by type (agreed by TVET Direction)				
	<i>Number of establishments by type (approved by the Technical and Vocational Education and Training (TVET) Directorate)</i>			
	<i>Vocational training junior high schools (CFPs)</i>	<i>Technical and vocational senior high schools (LTPs)</i>	<i>Institutes</i>	<i>Total</i>
Antananarivo	177	37	47	261
Antsiranana	9	0	1	10
Fianarantsoa	12	2	2	16
Mahajanga	10	2	4	16
Toamasina	28	5	2	35
Toliara	13	0	0	13
Madagascar	249	46	56	351

532. In order to increase the student capacity of secondary education establishments, MENRS has been investing since 2004 in the construction of new classrooms, with the support of

multilateral and bilateral partners. In that period, 400 innate classrooms have been built, 88 are under construction and 150 are in the bidding stage for general education junior high schools, while 180 classrooms and 39 workshops have been built for the vocational and technical education.

3. Free charge and accessible higher education

533. Act No. 78-040 provides for the creation of a regional university centre in every Faritany (province). The beginning, these centres offered unlimited number of study areas but eventually became autonomous universities was a greater variety of subjects. However, only the University of Antananarivo comprises all study areas available in Madagascar.

Table 59. Number of Higher Education Establishments by Province

<i>Universities</i>	<i>Subject areas</i>	<i>Grandes écoles</i>	<i>Institutes</i>		<i>Total</i>
			<i>Public</i>	<i>Private</i>	
Antananarivo	20	9	1	9	39
Mahajanga	4	-	1		5
Toliara	9	1	1		11
Toamasina	7	1	-		8
Fianarantsoa	4	2	-		6
Antsiranana	3	1	2		6
Total	47	14	5	9	75

Source: Statistics Department, MENRS.

534. The numbers of male and female higher education students are roughly equal.

Table 60. Development of the number of higher education students by gender, 1987 -2005

	<i>1987-88</i>	<i>1988-89</i>	<i>1989-90</i>	<i>1990-91</i>	<i>1992-93</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>
Total	36,269	37,095	37,046	35,824	33,202	26,937	21,997	20,808	18,971
Male	21,104	23,170	20,907	19,745	18,336	14,883	11,678	11,313	10,280
Female	15,165	13,925	16,139	16,079	14,866	12,054	10,319	9,495	8,691
Percentage of females	41.81	37.53	43.56	44.88	44.77	44.74	46.91	45.63	45.81

	1997-98	1998-99	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05
Total	20,889	21,018	21,781	21,599	22,607	26,315	31,675	34,746
Male	11,167	11,087	11,529	11,746	12,400	13,964	16,770	18,547
Female	9,722	9,931	10,252	9,853	10,207	12,351	14,905	16,199
Percentage of females	46.67	47.24	47.06	45.61	45.14	46.93	47.05	46.62

Source: Ministry of Higher Education.

535. Public universities are in principle free of charge. However, students pay registration fees and educational trip expenses. Scholarships are granted in order to help them, as much as possible, through university.

536. With regard to access, the University of Antananarivo is compelled to apply a competition system in almost all areas of study because of shortages in infrastructure and teaching staff. In other universities, access is granted selectively and admission is based - depending on the area of study - on candidate evaluation or on entrance examinations.

537. In order to address these problems, the Government has taken measures, including the following:

- (a) Establishment of a system of higher education by correspondence through the National Distance-Learning Centre (CNTEMAD);
- (b) Construction or rehabilitation of student housing and university classrooms;
- (c) Campus improvement;
- (d) Recruitment of 186 new lecturers (80 in 2006 and 106 in 2007);
- (e) Preparation for conversion to the LMD (*Licence-Master-Doctorat*) system.

Table 61. Number of students registered for CNTEMAD correspondence courses

	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05
Total	7,864	7,974	7,106	6,966	6,891	6,245	5,939	6,457	5,978
Male	3,416	3,565	3,069	3,054	3,096	2,847	2,742	3,122	3,024
Female	4,448	4,439	4,037	3,912	3,795	3,398	2,817	3,335	2,954
Foreigners	-	-	-	-	70	49	25	19	13

Source: Ministry of Higher Education.

Table 62. Construction and rehabilitation work carried out in six universities, 2004- 2006

<i>Universities</i>	<i>Classrooms</i>		<i>Housing</i>		<i>Improvements</i>
	<i>Construction</i>	<i>Rehabilitation</i>	<i>Construction</i>	<i>Rehabilitation</i>	
Antananarivo		17 classrooms 1		116 individual accommodations 81 housing units	18 sanitation units
Antsiranana					Area fence
Fianarantsoa	2 two-story buildings		124 housing units		Enclosure Staircase
Mahajanga	1 building		104 individual accommodations	15 housing units	
Toamasiana		3 classrooms 3 amphitheatres		3 housing buildings	1 administrative unit
Toliara				20 housing units for 200 students	1 lodge 1 Museum

Source: MENRS, Report to the National Assembly.

4. Informal education

538. The Malagasy educational system includes an informal education component for persons unable to enrol in a school or are compelled to drop out.

539. Under article 25 of act No. 2004-004, "informal education consists of all educational and training activities provided outside the formal educational system.

540. It is designed to offer apprenticeship and training possibilities to individuals who have not received formal education.

541. It should allow persons of all ages to acquire useful knowledge, professional skills, a general culture and civic capabilities conducive to the development of their personality in dignity."

542. Informal education is an integral part of the overall educational system and is managed by MENRS and MPPSL. It comprises the following components:

- (a) Education for young children
- (b) Functional literacy, designed "to encourage the use of reading, writing and calculations skills in every day, family and community life" (article 33);
- (c) Citizen's and civic education, comprising the following elements:
 - (i) Education in national loyalty and citizenship
 - (ii) Family and community education
 - (iii) Development and environmental education
- (d) Family and village health and hygiene education, particularly preventing and combating HIV/AIDS (article 36).

543. Informal education is implemented in cooperation with NGOs (within literacy, education and social reintegration, and vocational and technical training centres,) under the Ministry of Education

544. Despite the legislative, administrative and social measures taken, the enforcement of the right to education is fraught with problems because of:

- (a) The existence of totally or partially landlocked areas;
- (b) Parents discouragement in relation to school ennoblement for their children in view of unemployment and intellectual underemployment;
- (c) The poverty of the population;
- (d) Rural insecurity;
- (e) Customs and traditions which hinder the exercise girls' or boys right to education, such as early marriage, worst forms of child labour, commercial sexual exploitation of children (CSEC);
- (f) Insufficient budget allocations, despite the Government's efforts and international support, and therefore inadequate infrastructure and teaching staff shortages.

5. Literacy

545. Generally speaking, women have at an education level lower than men's. According to the 2001 EPM, 52 per cent of women and 47 per cent of men were illiterate; 44 per cent of women had received primary education compared to 47 per cent in the case of men; 7.7 per cent of women and 9.5 per cent of man had received secondary education; and only 1.5 per cent of women, versus 2.3 of man, had attended a higher education establishment.

Table 63. Level of education by gender and area of residence

Unit: %

<i>Area</i>	<i>No education</i>		<i>Primary education</i>		<i>Secondary education</i>		<i>Higher education</i>	
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>
Urban	26.9	28.5	46.5	50.8	19.9	16.4	6.7	4.3
Rural	49.1	54.4	43.3	40.1	6.6	4.9	1.0	0.6
Aggregate	44.2	48.1	44.0	42.7	9.5	7.7	2.3	1.5

Source: INSTAT, EPM 2001.

546. Statistics regarding the last two years indicate an improvement of the literacy situation among persons over 15.

Table 64. Rate of literacy among persons over 15

Unit: %

<i>Year</i>	<i>Aggregate</i>	<i>Urban areas</i>	<i>Rural areas</i>
2004	59.2	78	53.2
2005	63	76	59

Source: EPM 2004, 2005

547. The following support initiatives have been undertaken by the partners of MPPSL, namely, UNDP, WFP, WHO, ILO, UNESCO, *Organisation Internationale de la Francophonie* (OIF) and, in the Anosy region, "QIT-Fer et Titane":

- (a) Food supplementation through foodstuff distribution;
- (b) Facilitation of access to microfinance;
- (c) Basic vocational and technical training;
- (d) Trainers' training;
- (e) Creation of literacy centres.

548. As a result of these measures, the number of trainees has increased, the quality of life (in health-related and economic terms) has improved, civic education has been promoted and the establishment of development associations and groupings has been encouraged.

6. Difficulties encountered in promoting literacy

549. The difficulties attendant to the literacy activities include the relatively high attrition rate (40 to 60 per cent) among learners and, despite international assistance, the inadequacy of funding for the fight against illiteracy in view of its incidence.

550. The plan of action of MPPSL provides for literacy training for 100,000 persons in 2006.

551. The above number is derisory compared to the total number of illiterate persons (more than five million). Substantial assistance by the international community is therefore required in order to attain the 2015 objectives in this area.

7. Government objectives in the area of education

552. The Government's objectives and standards with regard to education are as follows:

- (a) Achieve universal education and retain pupils in primary education;
 - (i) Increase the school enrolment rate and attain a primary education completion rate of 100 per cent by 2015;
 - (ii) Enhance access, equality and quality and reduce urban-rural disparities;
 - (iii) Build admission capacities through construction or rehabilitation;

- (iv) Make primary education compulsory through the age of seven;
- (v) Reduce the illiteracy rate by 50 per cent;
- (b) Enhance the quality and relevance of schooling in order to attain a completion rate of 100 per cent by 2015, through the following:
 - (i) Revision of curricula
 - (ii) Continued implementation of the “skills approach” (APC);
 - (iii) Transformation of basic education into student learning modules
 - (iv) Reduction in repeat rates from 30 per cent in 2002 to 5 per cent by 2015
 - (v) Initial and continuing training for teachers;
 - (vi) Language policy reform;
- (c) Manage the education system rationally and efficiently through:
 - (i) Progressive computerization of the system;
 - (ii) Provision of central and the decentralized units with equipment and vehicles;
 - (iii) Training of administrative staff in management and leadership;
- (d) Improve technical and vocational training;
- (e) Strengthen the combined against HIV/AIDS.

553. The Government's programme, MAP 2007-2012, which succeeded PRSP and "whose aim is to make a qualitative leap in the development process through a five-year plan which would mobilize the Malagasy people and the international partners", provides for a seven-year primary education completion rate of 90 per cent in 2012, compared to 55 per cent in 2005, and an increase of public expenditure on education to 6 per cent in 2012, compared to 2.9 per cent in 2005.

8. Budget

554. Budget allocations to education, although they keep increasing, do not meet the needs of the education system.

Table 65. Development of the MENRS budget to, 2001-2005

Unit: MGA million

	2001	2002	2003	2004	2005
BALANCE	92,464	12,829	147,198	159,802	173,516
Secondary and basic education (ESEB)	79,480	102,736	127,973	138,196	153,717
Technical and vocational training (FPT)	4,367	5,464	5,600	6,965	7,906
Higher education (ENSUP)	7,306	10,771	11,758	14,641	9,798
Scientific research	1,311	1,858	1,867		2,094
OPERATION	46,158	37,593	40,685	83,879	98,648
Secondary and basic education (ESEB)	30,023	21,527	26,560	50,714	64,583
Technical and vocational training (FPT)	1,812	1,905	1,775	4,887	6,338
Higher education (ENSUP)	12,922	12,885	11,116	28,278	27,728
Scientific research	1,401	1,276	1,234		
INVESTMENT	57,214	71,637	37,526	77,846	115,505
Secondary and basic education (ESEB)	44,249	58,494	21,813	51,671	102,459
Technical and vocational training (FPT)	5,107	4,259	2,325	4,026	1,168
Higher education (ENSUP)	3,059	3,064	1,978	9,663	14,423
Scientific research	4,799	5,820	8,757		
TOTAL	195,836	230,059	225,409	311,599	391,026

Source: Budget acts

555. As a percentage of GDP and total State expenditure, the budget allocated to education has been progressively increasing.

Table 66. Development of public expenditure on education, 2001-2005

<i>Years</i>	2001	2002	2003	2004	2005
GDP at current prices	5,986.6	6,008.4	6,772.6	7,530.2	
Total State expenditure at current prices	1,052.5	941.9	1,232.6	1,475.6	
Total MENRS expenditure, excluding research, at current prices	134.2	134.8	194.4	283.2	
Total MENRS expenditure as a percentage of GDP	2.3	2.3	2.9	3.8	
Total MENRS expenditure as a percentage of gone STATE expenditure	12.8	14.3	15.8	19.2	

9. Catalytic fund

556. At the initiative of MENRS and with the help of the financial and technical partners who have supported the Malagasy EFA plan, Madagascar are as obtained US\$10 million for 2005 and US\$25 million for 2006 from the Catalytic Fund of the Fast Track Initiative (FTI).

10. Scholarships

557. Equal access to education is one of the major objectives of MENRS. Accordingly, the State grants annual scholarships to primary and secondary education pupils coming from needy families, and monthly scholarships to all university students. Moreover, it distributes school supplies to the above pupils.

558. After the reorganization of higher education in 2000-01, the number of scholarship recipients has been rising steadily.

Table 67. Number of scholarship students, 1987-2005

	1987-88	1988-89	1989-90	1990-91	1992-93	1993-94	1994-95	1995-96
Registered students	36,269	37,095	37,046	35,824	33,202	26,937	21,997	20,808
Scholarship recipients	21,387	21,380	20,628	18,965	17,220	13,667	14,229	14,671
Percentage	58.96	57.63	55.68	52.93	51.86	50.73	64.68	70.50

	1996-97	1997-98	1998-99	1999-2000	2000-01	2002-03	2003-04	2004-05
Registered students	18,971	20,889	21,018	21,781	21,599	26,315	31,675	34,746
Scholarship recipients	13,635	14,031	14,107	14,275	13,682	22,196	25,887	28,774
Percentage	71.87	67.16	67.11	65.53	63.34	84.34	81.72	82.81

Source: MENRS, Directorate of Higher Education.

11. The Malagasy school system

559. The Malagasy school system comprises basic education, secondary education, technical and vocational training, higher education and university training.

560. Basic education lasts nine years and comprises:

- (a) First cycle primary education, organized into the following modules:
 - (i) Preparatory education module, two years
 - (ii) Elementary education module, one year
 - (iii) Middle level module, two years
- (b) Second cycle primary education, organized into the following modules:
 - (i) General education module, two years
 - (ii) Oriented education module, two years.

561. In order to retain children longer in school and protect them from child labour, especially in its worst forms, a bill for establishing a seven-year primary education is under examination by the two houses of the Parliament. If the bill is approved, the school system will be reorganized as follows:

- (a) Primary cycle: Seven years instead of five
- (b) Junior high school cycle: Three years instead of four
- (c) Senior high school cycle: Two years instead of three.

562. Secondary or senior high school education comprises three one-year classes, known as "seconde", "première" and "terminale".

563. Technical and vocational training (FTP), which includes technical and vocational training junior high schools (CFPs) and technical and vocational senior high schools (LTPs), is the least developed area of Malagasy education.

564. Higher education in university training includes six public universities, the *Ecoles Nationales*, and private higher education establishments and institutes accredited by the State and CNTEMAD.

565. In 2006, Malagasy higher education, whether public or private, offered a rich variety of study areas.

Table 68. Number of study areas offered by public and private higher education institutions accredited in 2005

<i>Institutions</i>	<i>Literary areas</i>	<i>Education science</i>	<i>Law and social sciences</i>	<i>Management</i>	<i>Science</i>	<i>Engineering</i>	<i>Agricultural sciences</i>	<i>Medicine</i>	<i>Computer science</i>	<i>Other</i>	<i>Total</i>
Universities	25	17	8	14	15	26	11	8	5	1	130
INSTN					1						1
IST				6		9					15
CNTEM AD	1		6	4					5	2	18
Private entities	2		2	23	1	10	4	2	1	3	48
Total e	28	17	16	47	17	45	15	10	11	6	212

Source: Statistique MENRS

12. The school schedule

566. As in the West, classes in Madagascar begin in September and end in June. In the early 1990s, an attempt was made to adapt the school schedule to seasonal agricultural work in order to retain children in school but that initiative produced no conclusive results and was soon discontinued.

567. Since 2003-04, the school schedule of public general-education establishments comprises five two-month periods in order to facilitate ongoing training for teachers between periods. Private education establishments are free to adopt that system or continue to apply the traditional division into three quarters.

13. System efficiency

(a) Drop-out rate

568. Primary education is characterized by relatively high repeat and drop-rates. That problem has been addressed through efforts to improve the quality of basic education.

Table 69. Development of the number of drop-outs by class and gender

<i>Class</i>	<i>11th</i>	<i>10th</i>	<i>9th</i>	<i>8th</i>	<i>7th</i>
1998-99					
Total	86,671	65,442	70,849	37,125	
Boys	45,226	36,024	19,218	10,432	
Girls	41,445	29,418	51,631	26,693	
Percentage of girls	47.8	45.0	72.9	71.9	

<i>Class</i>	<i>11th</i>	<i>10th</i>	<i>9th</i>	<i>8th</i>	<i>7th</i>
1993-94					
Total	115,637	50,488	57,278	33,150	52,375
Boys	73,260	32,408	31,050	15,422	23,942
Girls	42,377	18,080	26,228	17,727	28,433
Percentage of girls	36.6	35.8	45.8	53.5	54.3
1992-93					
Total	115,237	49,433	56,637	33,409	51,267
Boys	73,094	31,876	30,811	15,937	23,768
Girls	42,142	17,557	25,826	17,472	27,499
Percentage of girls	36.6	35.5	45.6	52.3	53.6

Table 70. Analysis of the turnover of pupils in public and private primary education establishments in the period 1994-98 through 1999-2000

<i>Class</i>	<i>11th</i>		<i>10th</i>		<i>9th</i>		<i>8th</i>		<i>7th</i>	
	<i>1994-95</i>	<i>1999-00</i>	<i>1994-95</i>	<i>1999-00</i>	<i>1994-95</i>	<i>1999-00</i>	<i>1994-95</i>	<i>1999-00</i>	<i>1994-95</i>	<i>1999-00</i>
Moved to next grade										
Boys	38.9	50.0	51.4	57.7	46.1	60.7	56.7	57.3	35.6	74.3
Girls	48.1	49.7	59.9	59.1	49.7	40.5	55.7	58.7	34.3	74.6
Total	43.4	49.8	55.5	58.4	47.9	50.6	56.2	58.0	34.1	74.4
Repeated grade										
Boys	35.5	39.0	30.4	27.0	31.7	28.6	25.8	22.4	32.1	25.7
Girls	36.1	39.7	29.1	27.7	30.9	30.3	24.7	25.9	29.9	25.4
Total	35.8	39.4	29.8	27.3	31.3	29.4	25.3	24.1	31.0	25.6
Dropped out										
Boys	25.6	10.9	18.2	15.3	22.2	10.7	17.5	20.3	32.0	///
Girls	15.8	10.6	11.0	13.2	19.4	29.2	19.6	15.4	35.8	///
Total	20.9	10.8	14.8	14.3	20.8	19.9	18.5	17.8	34.9	///

(b) Secondary education

569. In secondary education, girls show a retention rate which is higher, and repeat and drop-out rates which are lower, than boys.

Table 71. Dropping-out and retention rates in secondary first and second cycles, 1999-2000

Unit: %

<i>Class</i>	<i>First cycle</i>				<i>Second cycle</i>		
	<i>6th</i>	<i>5th</i>	<i>4th</i>	<i>3rd</i>	<i>2nd</i>	<i>1st</i>	<i>"Terminale"</i>
Repeat rate							
- Boys	16.1	12.5	13.2	26.2	10.3	11.6	32.5
- Girls	15.5	12.8	13.7	26.9	10.0	10.3	31.0
Dropping-out rate							
- Boys	13.5	9.6	6.1	35.9	16.0	-4.4	
- Girls	13.4	11.7	5.2	35.7	14.9	-6.0	
Retention rate							
- Boys	100	84.0	74.8	68.8	35.3	28.9	30.8
- Girls	100	84.2	72.9	69.3	35.5	29.5	31.0

Source: MINESEB/UNDP, Table of social indicators, education sector, July 2002.

(c) Rate of success at examinations

570. Despite noticeable improvement in recent years, the rate of success at official examinations is low. The improvement has been due to the introduction of APC in basic education and to teachers' continuing training in test analysis in the late 1990s.

Elementary primary education certificate (CEPE)

Table 72. Development of CEPE examination results, 2001-2005

	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
Pupils registered	182,300	201,535	243,475	271,029	314,021
Successful pupils	113,003	94,947	148,769	163,608	207,191
Ratio (%) of successful to registered pupils	63.5	49.1	62.2	59.7	72.7

First cycle certificate (BEPC)

Table 73. Development of BEPC examination results, 1994-1998 and 2001-2005

	1993-94	1994-95	1995-96	1996-97	1997-98
Pupils registered	65,494	69,213	68,326	66,788	66,834
Successful pupils	16,158	17,226	17,577	22,016	17,460
Ratio (%) of successful to registered pupils	24.70	24.90	25.70	33.00	26.10

	2001	2002	2003	2004	2005
Pupils registered	79,107	74,996	87,260	97,524	107,306
Successful pupils	39,621	25,390	35,236	46,570	41,064
Ratio (%) of successful to registered pupils	50.1	33.9	40.4	50	39.2

Source: MENRS, DES, Registrar's Office, BEPC examination.

The baccalauréat

Table 74. Development of successful candidacies to the *baccalauréat*, 1987-2005

	1987-88	1988-89	1989-90	1990-91	1992-93	1993-94	1994-95	1995-96
Students registered	47,614	42,874	41,080	38,874	40,211	37,423	36,098	34,251
Successful students	8,675	5,827	11,389	8,019	7,944	6,542	9,316	9,482
Ratio (%) of successful to registered students	18.72	13.66	27.7	20.78	19.76	17.48	25.80	27.68

	1996-97	1997-98	1998-99	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05
Students registered	34,182	36,876	38,777	38,777	38,777	40,231	46,988	50,933	56,951
Successful students	10,917	12,647	12,587	12,587	12,587	12,888	19,087	16,971	25,049
Ratio (%) of successful to registered students	34.9	34.0	32.5	32.5	32.5	31.3	40.6	33.3	44.00

Source: Directorate of Higher Education, Baccalauréat examination.

571. Ever more *baccalauréat* holders opt for higher education. In fact, among the students who passed that examination, the percentage of those admitted to the first year of accredited institutions was 59.3 per cent in 2001 and 69.5 per cent in 2006.

Table 75. Rate of admission of new *baccalauréat* holders to the first year of higher education institutions, 2001-2005

Unit: %

<i>Description</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
New baccalauréat holders admitted to first year (1)	59.3	65.1	61.0	60.1	69.5
Universities	42.7	48.7	47.5	46.5	55.8
IST	1.8	1.8	1.4	1.4	1.5
CNTEMAD	8.1	7.3	6.5	7.1	6.5
Private accredited institutions	6.7	7.3	5.6	5.1	5.7
Other (including private non-accredited institutions, FPT, and private preparatory establishments) (2)	40.7	34.9	39.0	39.9	30.5
Total of (1) and (2)	100.0	100.0	100.0	100.0	100.0

572. In the period 1985-2005, the number of higher education degree holders exceeded civil service needs.

Table 76. Number of higher education degree holders, 1985-2004

Year	Deug – duts i	Licence dseg - dsej	Maitrise meg i, mej i	Capen, capet engineering	Dea meg ii, mej ii, dta	Physicians, dental surgeons	Dtc, dess, ces, doctors of engineering	Ph.ds, aggregation holders
1985		986	381	130	8	246		
1986		1,089	394	431	65	313	23	3
1987		1,345	487	433	35	231	15	5
1988	40	1,181	441	470	190	385	29	4
1989	39	1,480	745	271	2	443	4	
1990	52	1,409	503	434	106	620	26	8
1991	37	1,673	463	476				
1992								
1993								
1994					1	341	2	
1995	40	1,412	704	376				
1996								

Year	Deug – duts i	Licence dseg - dsej	Maitrise meg i, mej i	Capen, capet engineering	Dea meg ii, mej ii, dta	Physicians, dental surgeons	Dtc, dess, ces, doctors of engineering	Ph.ds, aggregation holders
1997					55			
1998	2337	1,558	756	331				
1999								
2000					279	608	26	4
2001	2972	1,820	837	378	175	408	33	3
2002	2776	1,976	800	255	177	337	57	2
2003	2848	1,964	1,011	161	203	427	112	14
2004	3751	1,955	1,296	522				
TOTAL					8	246		

14. Teaching staff remuneration

572. In 2005, there were 93,223 teaching staff members. Their remuneration amounted to 3.6 units of per capita GDP.

573. The civil service regulations determine the grade scale for civil servants. The teaching profession constitutes one of the civil service branches and enjoys certain advantages. Teaching staff salaries however are relatively low compared to the remuneration of certain branches subject to special regulations.

Table 77. Comparison of wage indexes for some civil service branches

Recruitme nt level	Teaching staff	Minimum - maximum index	Prison administration	Minim um- maxim um index	National police	Mini mum- maxi mum index	Judges	Minimum- maximum index	Gendarmerie	Minimu m- maximu m index
CEPE	Teacher D	260-675								
BEPC	Teacher C Catégory 2	360-1,020	Prison employee	750- 1,900	- Agent - Sub-sergeant - Sergeant	700- 1,150			Intern- GP2C	700- 1,200
BAC	Teacher B Category 3	480-1,550	- Accounts clerk - Guard	850- 2,050	Police inspector	950- 1,450			GP1C-GPCE	950- 1,600
BAC+2	Teaching officer and counsellor Level 1	625-1,750	- Administrative monitor - Specialized instructor	950- 2,250	Senior police officer	1,000 - 1,900			Sublieutenant- t-captein	1,300- 1,900
BAC+3	Professor, licence	750-2,225								
BAC+4	Professor, maîtrise	815-1,850	Inspector and general inspector	1,400- 3,100	Superintenden t- General inspector	1,550 - 3,450	Intern - First- class	1,000- 3,450	Major- colonel	2,050- 2,850

<i>Recruitment level</i>	<i>Teaching staff</i>	<i>Minimum - maximum index</i>	<i>Prison administration</i>	<i>Minimum-maximum index</i>	<i>National police</i>	<i>Minimum-maximum index</i>	<i>Judges</i>	<i>Minimum-maximum index</i>	<i>Gendarmerie</i>	<i>Minimum-maximum index</i>
BAC+5	- Certified professor - Primary education inspector -Secondary education counsellor	850-2,225 (category VII) or 950-2325 950-2,325								
BAC+7	Lecturer	2,325-2,520								

574. As a rule, the agents of the various branches spend one or two years training at the respective training establishments.

575. In order to improve conditions for primary school teachers, teaching kits have been distributed to all teachers in public and private schools, while public school teachers receive classroom and family separation allowances.

Table 78. Classroom and family separation allowances

<i>Allowances</i>	<i>Zones or levels</i>	<i>Amount (MGA)</i>
Family separation allowance		
	Zone I	6,000
	Zone II	13,000
	Zone III	20,000
Classroom allowance		
	Primary school teacher: - Normal classes - Multigrade classes	7,000 14,000
	Junior high school teacher	10,000
	Senior high school teacher	14,000

Source: MENRS

576. Allowances paid to lecturers engaged in research and to teaching researchers at university level have been increased. Under decree No. 2004-639 on research remuneration rates, teaching staff in the above categories receive a monthly allowance of MGA 150,000. Moreover, whether

in active duty, temporary dispensation from work or retired, university teaching staff receive various allowances provided for under the civil service regulations.

15. Private education

577. The right to private training is enshrined in the Constitution, which in article 25 provides as follows: "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 be subject to a single fiscal regime, under conditions established by law"

578. There are currently eight national private-education directorates (DNEPs), including five denominational (Catholic, FJKM Protestant, Anglican, Lutheran and Adventist).

579. A central directorate (ONEP) in MENRS is responsible for coordinating relations between private education and the State. Inter alia, it manages State subsidies and issues establishment and teaching authorizations for private schools.

580. Generally speaking, the State endeavours to deal with private and public education on an equal footing.

581. Accordingly, the State provides private establishments with funding for classroom construction and teaching supplies, while private school teachers are entitled to the same continuing training and refresher courses as their counterparts in public schools.

582. In 2005, 1,458 rural area schools, with school fees below MGA 800 per month, and the 3,572 teachers working in those schools, received State subsidies. For 2006, another MGA 20,000 subsidy for is underway for each of the 17,250 private school teachers.

583. Moreover, an operations loan has been granted to the eight DNEPs.

584. In the 1990s, public education teaching staff was seconded to private education establishments.

585. Private education has been an integral part of the Malagasy educational system since the time of royalty. The proportion of private schools grows every year. One school out of four, more than one junior high school out of two, and soon three senior high schools out of four are private.

Table 79. Number and share of private educational establishments

<i>Type of establishment</i>	<i>2000-2001</i>	<i>Per cent</i>	<i>2001-2002</i>	<i>Per cent</i>	<i>2002-2003</i>	<i>Per cent</i>	<i>2003-2004</i>	<i>Per cent</i>	<i>2004-2005</i>	<i>Per cent</i>
Primary education	16,262	21.71	18,295	21.09	18,977	22.86	20,160	23.51	20,636	23.96
Public	12,730		14,436		14,637		15,420		15,690	
Private	3,532		3,859		4,340		4,740		4,946	
Junior high school	1,426	47.25	1,519	48.65	1,596	49.81	1,679	51.34	1,855	52.83
Public	752		780		801		817		875	

<i>Type of establishment</i>	<i>2000-2001</i>	<i>Per cent</i>	<i>2001-2002</i>	<i>Per cent</i>	<i>2002-2003</i>	<i>Per cent</i>	<i>2003-2004</i>	<i>Per cent</i>	<i>2004-2005</i>	<i>Per cent</i>
Private	674		739		795		862		980	
Senior high school	331	67.37	359	69.91	336	67.85	368	69.56	415	72.53
Public	108		108		108		112		114	
Private	223		251		228		256		301	

Source: Statistics Department, MENRS.

586. The above figures indicate that there is no obstacle to the creation of private educational establishments, provided that the qualitative and health standards stipulated in the Constitution and the laws are met.

587. In the period 2002-2006, 80 licences were granted to private vocational and technical training institutions.

588. There are currently 29 private higher education institutions accredited by the State, and established by ministerial decision.

16. Vulnerable groups

589. The United Nations has defined the following vulnerable groups: Girls, children of low-income families, children in rural areas, children with physical or mental disabilities, immigrant children and children of migrant workers, children belonging to linguistic, racial, religious or other minorities, and indigenous children.

590. In Madagascar, the children of immigrants, foreign nationals and linguistic, racial and religious minorities enjoy the same right to education as children of Malagasy nationality.

591. Accordingly, immigrants and foreign national may set up their own educational establishments, such as French, United States, Chinese and Islamic schools, and provide teaching in their own language. Their children may also attend public schools.

Table 80. Number of foreign students in higher education institutions, 1988-2004

<i>Year</i>	<i>88/89</i>	<i>89/90</i>	<i>90/91</i>	<i>92/93</i>	<i>93/94</i>	<i>94/95</i>	<i>95/96</i>	<i>97/98</i>	<i>98/99</i>	<i>99/00</i>	<i>02/03</i>	<i>03/04</i>	<i>04/05</i>
Foreign students	147	298	351	319	340	457	465	642	707	871	1,064	1,112	1,117

592. In the case of children living with disabilities, their right to education is enshrined in act No. 97-044 of 2 February 1998 on persons with disabilities and the related implementation decree No. 2001-162 of 21 February 2001, whose article 17 is worded as follows: "Children and adolescents with disabilities shall be offered normal education within the normal schooling system.

593. Where necessary, and based on the type and degree of severity of their disability, education in a specialized centre may be considered."

594. To give effect to that right, the same decree provides for advanced training for specialized educators, the redesigning of school infrastructure, the establishment of an assistance system, and the creation of specialized centres.

595. Moreover, the decree permits persons with disabilities to use typewriters or Braille machines during examinations.

17. Specialized education centres

596. Of Madagascar's eleven specialized education centres for persons with disabilities, one is public and ten private.

597. Meeting the educational needs of disabled children requires the mobilization of considerable financial and human resources and the participation of all stakeholders, particularly international technical and financial partners.

18. Language policy

598. Under article 4 of the Constitution, "the Malagasy language shall be the national language".

599. The Malagasy tongue is the language of communication among all Malagasy people and was the language of instruction in primary education and junior high schools in the period 1975-1984. In 1984, French (mainly) and Malagasy became languages of instruction.

600. The issue of formulating an appropriate language policy is being thoroughly examined in MENRS.

19. The role of international assistance

601. Since meeting Madagascar's educational needs requires the mobilization of considerable material, financial and human resources, international technical and assistance is crucial to the implementation of the State's educational policy.

602. In that context, education system reform and improvement initiatives have been undertaken with support from the United Nations system, international banks and funds, and bilateral cooperation bodies, as described below:

- (a) World Bank: CRESED I and II for secondary and primary education; PREFTEC for vocational and technical education and training; and FADES for higher education;
- (b) UNICEF: Support for EFA, girls' education, school canteens, curriculum reform and publication of related teaching material, and provision of vehicles and computers;
- (c) UNESCO: Support for EFA and literacy;
- (d) WFP: School canteens and food supplementation;
- (e) UNDP: Civic and population education, literacy, and adult education;
- (f) UNFPA: Population education;
- (g) ILO: Population education and combat against child labour;

- (h) ADB: Training related to parents' associations, provision of vehicles, building and rehabilitation of school facilities;
- (i) OPEP: building and rehabilitation of school facilities;
- (j) United States: Continuing training for civic education teachers;
- (k) France: Initial and continuing training for teachers formation, setting up of community libraries, support for bilingual communication, higher education development, scholarships, and building and rehabilitation of school facilities (AFD);
- (l) United Kingdom: Support for English language teaching, building and rehabilitation of private school facilities, and scholarships;
- (m) Norway and Japan (JICA): Building and rehabilitation of private school facilities, and scholarships;
- (n) Germany: Publication of textbooks, teachers' training, literacy, and scholarships;
- (o) Canada: Training and scholarships.

Table 81. Number of foreign scholarships granted by multi- and bilateral partners, 2001-2006

<i>Donors</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>	<i>2005-06</i>	<i>2006-07</i>	<i>TOTAL</i>
Algeria	10			25		12	35
Germany	1	3	4	2	2	2	14
Belgium			1				1
Canada	2	2	3	11	1		19
China		2	2	11	3		18
Cuba					4		4
France				60			60
Indonesia				2	3		5
Japan		3	1	6	4		14
Morocco					7	27	34
Russia	1	3	7	5	10		26
Senegal				7			7
Switzerland		3	4	2	2		11
Thailand				1			1
Tunisia			2	2	2		6
Turkey					3		3
UNESCO					6		6
UNESCO-China			2				2
TOTAL	14	16	26	134	47	41	266

ARTICLE 14 (Compulsory education free of charge)

603. Madagascar is one of the countries applying the principle of compulsory primary education free of charge for all. The efforts currently deployed by the State with international cooperation assistance are aimed at ensuring the full implementation of that rule.

604. Some objectives in this area are in the process of being achieved. For instance, at the beginning of school year 2004-05, the school enrolment rate at primary education level was 98,6 per cent, close to the goal of universal school attendance.

ARTICLE 15 (Right to take part in cultural life and to enjoy the benefits of scientific progress)

1. Constitutional and legislative measures

605. Regarding the right to participate in cultural life, Madagascar ratified the Cultural Charter for Africa through decree No. 76/038 of 10 November 1976.

606. Further, the UNESCO Convention on the Protection of the Diversity of Cultural Content and Artistic Expression is with Parliament with a view to ratification. The objectives of this convention are the protection and promotion of the diversity of cultural expressions, the encouragement of intercultural dialogue worldwide and the strengthening of international cooperation with regard to the promotion of the diversity of cultures.

607. Under article 26(1) of the Constitution, "everyone shall have the right to participate in the cultural life of the community, in scientific progress, and in the resulting benefits".

608. The above article confirms certain Terms of the Covenant and adopts its spirit by referring to the following rights:

- (a) The right to take part in cultural life
- (b) The right to enjoy the benefits of scientific progress
- (c) The right to protection of scientific, literary and artistic production,

609. In MAP, the State formulates the following affirmation: "As a State, we shall honour all of the many cultures and traditions of all the peoples of Madagascar."

610. The State has adopted act No. 048/2004 of 19 November 2004 on the National Cultural Policy for economic development.

611. In a bid to promote cultural diversity, that act stipulates in article 2 that "access to culture is a fundamental right and every individual is entitled to the recognition of his/her culture and identity, provided that he/she respects those of others. Moreover, the act lays down the objectives, strategies and the Government's action plan for the promotion of culture.

612. Under article 15 of the above act "the Malagasy tongue, fundamental element of the cultural heritage and a key tool for achieving the development objectives, is the language of communication and of the promotion of education throughout the national territory".

2. Administrative measures

613. In the preamble of above act, the Government affirms that Malagasy culture is a whole with a unique identity that sets it apart from other countries and constitutes a treasure to be built upon. The Government rises up to the challenge by identifying cultural identity and the expressions of its diversity as keys to the revival of a society characterized by good governance.

614. In that context, the Government:

- (a) Encourages and participates in the organization and promotion of leading cultural events at the provincial and regional levels, including the following;
 - (i) Donia, Takombitsika, Volambetohaka and Magneva - regional festivals for the promotion of culture, comprising carnivals and artistic shows;
 - (ii) Fitampoha (bathing of *sakalava* royal relics), Sambatra (collective circumcision ceremony for young boys), Alahamadibe (Malagasy New Year ceremony), Zanaharibe (whales festival) and Tsangantsaina (New Year ceremony for a new flagpole) - rites commemorating the historical traditions of the individual tribes.
- (b) Sets up reading and cultural activity centres (CLAC) and cultural centres;
- (c) Promotes libraries, museums, theatres, cinemas, and handicraft centres;
- (d) Rehabilitates important sites for trade;
- (e) Identifies historic sites for inclusion in the world cultural heritage list.

3. Institutional infrastructure

615. The Ministry of Culture and Tourism and MENRS are the bodies responsible for the promotion of culture and of the participation of all in culture.

616. The objectives of the Ministry of Culture and Tourism are to safeguard the Malagasy cultural heritage, encourage the development of the arts and promote Malagasy culture at home and abroad.

617. The Ministry of Culture and Tourism endeavours to strengthen awareness of and respect and support for cultural identities and to promote "culture and tourism" synergies for development; and takes into consideration the cultural diversity initiatives.

618. The Ministry of Education mainstreams significant facts related to Malagasy culture into the school programmes.

4. Right to the benefits of scientific progress

(a) Legislative measures

619. Since achieving independence, Madagascar has always attributed importance scientific research, whose significance is enshrined in article 26 of the Constitution, worded as follows: "Everyone shall have the right to participate in the cultural life of the community, in scientific progress, and in the resulting benefits."

620. In order to promote scientific and technical research, the State created through decree No. 63.275 of 15 May 1963 a scientific and technical research commission.

(b) Institutional infrastructure

621. MENRS, the body currently responsible for scientific research, has the following functions:

- (a) Producing fundamental knowledge and know-how necessary for the country's economic, social and cultural development;
- (b) Disseminating the above knowledge, through all appropriate means, among the various population groups with a view to the solution of their material problems in a progressive manner;
- (c) Ensuring the best conditions for research and training.

622. The main responsibility of the Directorate for Scientific Research created in MENRS consists in the promotion of research and scientific progress. The Directorate also ensures the dissemination of research outcomes among such directly concerned users as farmers (interested in improved seeds, young plants and cuttings), fish farmers (interested in tilapia alevins), stock breeders (interested in the vaccination of the country's bovine, ovine, caprine and porcine population) and industrial manufacturers (interested in the treatment of textile factory waste water).

623. The above Directorate supervises the following ten specialized research centres and institutes:

- (a) National institute for nuclear sciences and techniques (INSTN): Peaceful use of nuclear techniques;
- (b) National centre for industrial and technological research (CNRIT): Industrial processing and technology;
- (c) National centre for environmental research (CNRE): Environment;
- (d) National centre for rural development research (CENRADERU/ FOFIFA): Agriculture;
- (e) National centre for pharmaceutical research (CNARP): Drug-related studies;
- (f) Malagasy institute for veterinary vaccination (IMVAVET): Veterinary vaccines;
- (g) National centre for oceanographic research (CNRO): Oceanographic studies;
- (h) Scientific and technical information and documentation centre (CIDST): Collection and dissemination of data and information related scientific research;
- (i) Tsimbazaza but panic: zoological park: Preservation of the national flora and fauna.

624. In addition to the above State facilities, private national and international research centres are in operation, including, in particular, the Malagasy Institute of Applied Research (IMRA), founded by the Malagasy scientist Rakoto-Ratsimamanga, and the *Institut Pasteur*.

5. Restrictions on scientific research

625. In principle, scientific research is completely free on condition of compliance with the legislation in force. To that effect, a National Ethics Committee for biomedical research involving human beings has been set up in order to ensure the compatibility of research methods and results with defending and respecting human rights.

626. Moreover, a bill on limiting the use of chemical weapons has been adopted by the Minister and Government Councils and is at the stage of adoption at the parliamentary level.

6. Financial resources

627. The financial resources of the Ministry of Culture and Tourism which are used for the promotion and protection of culture stem from the national budget; international assistance, namely, from UNESCO ((reconstruction of the Manjakamiadana palace, burnt in November 1995) and OIF; bilateral and multilateral assistance; and fund-raising at the national level.

628. Scientific research is funded from State budget allocations, with income from the products of research, and with assistance provided by the partners of the various research institutes and centres.

Table 82. State budget allocations to scientific research

Unit: MGA million

	2001	2002	2003	2004	2005
Balance	1,311	1,858	1,867	-	-
Operation	1,401	1,276	1,234	-	-
Investment	4,799	5,820	8,757	-	-
Total	7,511	8,954	11,858	-	-

Source: Budget acts.

7. Protection, development and dissemination of culture and scientific research

(a) Constitutional and legislative measures

629. Under article 26 of the Constitution, "the State shall ensure the promotion and protection of the natural cultural heritage and of scientific, literary and artistic production".

(b) Institutional infrastructure

630. MENRS, the Ministry of Culture and Tourism and the Ministry of Communication ensure the safeguarding, development and dissemination of culture and scientific research.

631. To promote artistic creation, Madagascar has the National Academy of Arts, Literature and Sciences, which is over a century old.

632. Article 1 of decree No. 93-02 on the organization of the Academy provides as follows: "The purpose of the Malagasy Academy, placed under the high protection of the Head of the State,

shall be to examine all linguistic, literary, artistic, historical and scientific issues regarding Madagascar.

633. Its role shall be to perform the functions of a National Academy of Arts, Literature and Sciences."

634. The above decree enables the Academy to set up and administer artistic, literary, historical or scientific establishments or centres for activities or research related to its field.

635. Headquartered in Antananarivo, the Academy operates regional academic centres and comprises the following four sections:

- (a) Arts and language sciences
- (b) Moral and political sciences
- (c) Fundamental sciences
- (d) Applied sciences.

(c) Role of information and communication agencies

636. Article 11 of the Constitution guarantees every individual's right to information. In line with that fundamental principle, the State operates a television channel and a national radio station (Radio Fanabeazana) attached to the Ministry of Telecommunications, Postal Services and Communication. These two entities endeavour to promote culture in all of the Regions.

637. Since 1990, private community-based radio stations and television channels, set up in various Regions and districts, participate in the promotion and dissemination of regional culture.

638. Madagascar has a substantial print media sector.

639. CIDST, periodic communications by the National Academy, the *Bitsik' Ambohitsaina* weekly, broadcasts by Radio Fanabeazana (educational productions of the Bureau for Mass Education and Public-spiritedness (OEMC)) and university radio stations, and various university and National Academy bulletins provide information and communication related to scientific research.

(d) Cultural heritage of humanity safeguarding and preservation

640. Under article 4 of act No. 048/2004 "the protection of the national heritage, both tangible and intangible, is a national priority".

641. In 2004, at Durban, Madagascar committed to increasing the surface of its protected areas and national parks to six million hectares.

642. The Ministry of Culture and Tourism and the Ministry of the Environment are responsible for the protection and preservation of the country's natural heritage sites.

643. Thanks to the efforts of the Ministry of Culture and Tourism, two historical sites, the Manjakamiadana and Ambohimanga palaces, have been included in the Cultural Heritage of Humanity.

(e) Culture education

644. Education on culture and art is provided free of charge.

645. The State operates a National Academy for Music and Dance (CNEMD)

646. Several private associations and institutions which are engaged in teaching music, dance, kabary (traditional speech), theatre, traditional games and plastic arts.

647. Lastly, the main elements and concepts of Malagasy tradition and culture are taught at all education levels.

8. Protection of the freedom of creation, production and dissemination of culture and scientific research

(a) Protection of the freedom of artistic creation

Legislative measures

648. Madagascar has legal provisions which protect the freedom of artistic creation and production.

649. In accordance with the Constitution, article 5 of act No. 048/2004 on the national cultural policy provides as follows: "Freedom of creation is a fundamental human rights in all forms of creative cultural initiatives must be stimulated and encouraged."

650. Article 1 (1) of act No. 94-036 of 18 September 1995 on literary and artistic property provides as follows: "The author of an intellectual work shall enjoy, with regard to that work, solely on the grounds that he/she created it, an exclusive right to intangible property, binding on all."

651. Under article 22 of the same act, "only the author shall have the right to divulge his/her work".

652. Under article 22 of the same act, "the author shall enjoy, during his/her life, the exclusive right to exploit his/her work in any form and to draw from it a financial gain.

653. At the author's death, the right shall continue to just in favour of the lawful beneficiaries during the current calendar year and the following 70 years.

654. After that period, the moral rights, which are subject to no time limit, may be exercised by a ministry department responsible for the preservation and development of the national heritage."

655. Lastly, the above act provides for the offences of forging and pirating works of art. Under articles 143, 145 and 146 thereof, carry a prison term of six months to five years and/or a fine of MGA 20,000 - 2 million. In the event of a repetition of the offence, the punishment is doubled.

Administrative measures

a. OMDA

656. Established by decree No. 84-389 of 13 November 1984, the Malagasy Copyright Office (OMDA), a public industrial and commercial establishment, is the official body responsible for the protection of all artistic production. Its aims are:

- (a) To have exclusive authority, at home and abroad, to ensure the protection and defence of the tangible and intangible interests of Malagasy and foreign authors or their lawful beneficiaries with regard to the use of scientific, literary and artistic works in accordance with the provisions of the law on literary and artistic property;
- (b) To carry out all appropriate activities and operations for promoting artistic and cultural development, including in relation to literary and artistic property.

657. Considering copyright as the author's wage, OMDA was set up in order to receive a fair remuneration on behalf of the author and distribute it as appropriate.

658. OMDA protects all Malagasy and foreign literary and artistic works in the national territory and in the countries with which it has signed cooperation contracts.

659. OMDA has approximately 4,000 affiliated members. In every provincial capital, OMDA has a regional unit managed by an official responsible for copyright issues. Until it establishes its own services in all 22 Regions, OMDA designates a contractual representative entrusted with receiving on its behalf copyright payments for the artists members of the Office for a fee equal to 10 per cent of receipts.

660. The rights collected from producers and users of artistic works amounted to MGA 180 million in 2002 and to MGA 340 million in 2005.

661. In order to encourage Malagasy artists, OMDA organizes prize award ceremonies. As part of the "OMDA 1995-2004 prize", awards were given for the best show, the best sale, the best poet and the best radio writer.

662. In the framework of copyright protection, OMDA carries out the following activities:

- (a) Provision and dissemination of information on legal matters,
- (b) Awareness-raising among the authors and the population with a view to combating piracy and counterfeiting,
- (c) Monitoring of publishing and production enterprises, restaurants and shows, and sellers and resellers of artistic works,
- (d) Confiscation counterfeit items in cooperation with the police, and initiation of action against those responsible for counterfeiting and piracy.

663. Part of the OMDA staff consists of sworn officials authorized to draw up reports establishing counterfeiting offences.

664. Since 2004, OMDA has brought charges in 18 cases involving piracy and/or counterfeiting of artistic works, and all of the presumed offenders have been found guilty.

Table 83. Number of proceedings initiated by OMDA

<i>Year</i>	<i>Number of complaints lodged</i>	<i>Sentences</i>
2004	04	4 suspended prison sentences and a fine
2005	9	3 prison sentences without remission and a fine 6 suspended prison sentences and a fine
2006	5	1 prison sentence without remission and a fine 4 suspended prison sentences and a fine

Source: OMDA

665. The law provides for the possibility of an out-of-court settlement, through the public prosecutor, between the presumed perpetrators and victims of piracy. If no agreement is reached, the case is sent to the court.

666. In a judgment of 27 May 2005, an Antananarivo court sentenced two persons accused of counterfeiting an artistic work to four months in prison without remission and to payment of damages in the amount of MGA 8 million. That sentence was confirmed on appeal

667. In a 19 September 2005 hearing, the same court condemned three persons accused of literary and artistic counterfeiting to pay a fine of MGA one million each and handing over to OMDA the equipment and pirated products that had been seized. The three presumed offenders have appealed that decision.

(b) Protection of scientific research

668. Decree No. 68-571 guarantees the protection and preservation of the national scientific heritage.

Administrative measures

a. OMAPI

669. Decree No. 92-994 of 2 December 1992 established the Malagasy Office of Industrial Property (OMAPI), which is responsible for the protection of any invention and industrial property. Its role consists in the administration of industrial property in Madagascar and promoting invention initiatives. OMAPI has the following responsibilities:

- (a) Reception, examination, registration, delivery and publication of:
 - (i) Manufacturer's brands, service marks and trademarks;
 - (ii) Trade names;
 - (iii) Any documents related to industrial property rights, licensing contracts and transfers of such rights;

- (b) Implementation of provisions related industrial property, its protection, industrial compensations, designations of origin and indications of provenance;
- (c) Enforcement of international industrial-property treaties to which Madagascar is party;
- (d) Monitoring and recording of technology transfers.

9. International cooperation

670. The State of Madagascar is a member of the World Intellectual Property Organization (WIPO) and TRIPS. (The activities of those international bodies are pursued through OMDA and OMAPI.)

671. OMDA regularly cooperates with international and foreign copyright protection bodies.

672. OMDA is a member of the International Confederation of Authors and Composers Societies (ICACS) and its African committee, and has concluded reciprocal representation agreements with the copyright protection bodies of France (SACEM), South Africa (SAMRO) and Switzerland (SUISA).

673. OMDA represents the interests of foreign authors and composers in Madagascar.

674. As part of its international relations, Madagascar regularly and actively participates in international and regional cultural and scientific seminars, conferences and workshops.

ANNEX

Act on access to land property

Act No. 2003-028 of 27 August 2003,

675. Amending and completing certain provisions of act No. 62-006 of 6 June 1962 establishing the organization and monitoring of immigration, as amended by act No. 95-020 of 27 November 1995

676. Article 1 – "The provisions of article 11 of act No. 62-006 of 6 June 1962 establishing the organization and monitoring of immigration, as amended by act No. 95-020 of 27 November 1995, shall be amended in computed as follows:

677. Article 11 – "Any alien may be authorized to acquire real estate upon presentation of an investment programme.

678. The authorization shall be granted by an organization and/or by the Government Council and/or the Council of Ministers in accordance with terms and procedures determined by decrees adopted by the Government Council.

679. Article 11 *bis* – "Failure by the buyer, under his/her responsibility, to carry out the investment programme in accordance with the conditions and time limits provided for in the authorization shall systematically entail the loss of the property right, which loss shall be pronounced by the authority having issue the authorization.

680. The property right loss decision shall automatically result in the transfer of the real estate to the State.

681. Any dispute regarding the enforcement of the property right laws shall be submitted to the arbitration procedure provided for in the Malagasy civil procedure code."

682. Article 11 *ter* – "The transfer of the property right shall be subject to the same conditions as those stipulated by the authorization."

683. Article 2 – "Any earlier provisions contrary to this act shall be and remain repealed."

684. Article 3 – "This act shall be published in the Official Journal of the Republic.

685. It shall be enforced as law of the State."