



Convention on the Rights of the Child

Distr.: General
13 June 2012
English
Original: French

Committee on the Rights of the Child Fifty-ninth session

Summary record of the 1677th meeting

Held at the Palais Wilson, Geneva, on Friday, 20 January 2012, at 10 a.m.

Chairperson: Mr. Zermatten

Contents

Consideration of reports of States parties (*continued*)

Third and fourth periodic reports of Madagascar on the implementation of the Convention on the Rights of the Child

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.10 a.m.

Consideration of reports of States parties *(continued)*

Third and fourth periodic reports of Madagascar on the implementation of the Convention on the Rights of the Child (CRC/C/MDG/3-4; CRC/C/MDG/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Madagascar took places at the Committee table.*

2. **Mr. Rajemison** (Madagascar) said that the State party's report had been prepared by an interministerial committee coordinated by the Ministry of Justice and the Ministry of Foreign Affairs and composed of representatives from each ministerial department and representatives of civil society. Since the submission of its second periodic report (CRC/C/MDG/2), Madagascar had experienced two serious political upheavals, the last of which had begun in early 2009. The country seemed to be on track to resolve the crisis, however, given that the stakeholders had signed a roadmap; a prime minister had been appointed by consensus; a transitional parliament had been established, and an independent national electoral commission should soon be set up.

3. Recalling the many international human rights instruments to which Madagascar was a party, he said that article 132, paragraph 4, of the Constitution stipulated that, upon their publication, duly ratified treaties and agreements would override laws. With a view to bringing its legislation into line with international instruments, Madagascar had adopted: Act No. 2007-023 of 20 August 2007 on the rights and protection of children in Madagascar, which served as the national normative framework for the implementation of the Convention on the Rights of the Child; Act No. 2005-014 of 7 September 2005 on adoption, which criminalized child trafficking via an international adoption procedure; Act No. 2007-038 of 14 January 2008 amending and supplementing certain provisions of the Criminal Code on the fight against human trafficking and sex tourism, which reiterated the legal obligation to report and denounce ill-treatment as described in Act No. 2007-023 and criminalized the act of failing to report or denounce known cases of trafficking or sex tourism; and Act No. 2007-022 of 20 August 2007 on marriage and matrimonial property, which raised the minimum legal age of marriage to 18 years for both sexes.

4. From 1997 to 2009, the mortality rate for children under 5 years of age had dropped from 96 per thousand to 48 per thousand, while the infant and child mortality rate had dropped from 159 per thousand to 72 per thousand. The mortality rate due to malaria among children under 5 years of age had dropped from 25.91 per cent in 2003 to 8.6 per cent in 2010. From 2006 to 2009, the percentage of the budget allocated to education had increased almost continuously, rising from 15.4 per cent in 2006 to 20 per cent in 2009, and then falling to 18.3 per cent in 2010. From 2007 to 2010, the enrolment rate for children aged 6 to 10 had increased from 86 per cent to 88.3 per cent, and the gross enrolment ratio for grades six to nine had risen from 35.4 per cent to 41 per cent. The National Action Plan to Combat Child Labour (2004–2019), established in partnership with the International Labour Organization (ILO), had already made it possible to reintegrate 20,000 child labourers in the formal education system or enrol them in vocational training or literacy programmes.

5. A human rights and international relations directorate had been established within the Ministry of Justice, and a family and child welfare directorate had been set up within the Ministry of Population and Social Affairs. Children whose rights had been violated could petition the courts. The Supreme Court, the 6 courts of appeal and the 39 courts of first instance all had children's chambers. Judges serving as juvenile judges received regular in-service training, held at the National College of the Judiciary and Court Officers

with the support of the United Nations Children's Fund (UNICEF). Cases of violations of children's rights could also be brought before non-judicial structures such as the National Human Rights Council, the Ombudsman, legal clinics, legal advice and counselling centres and child protection networks, 700 of which were spread across all 22 regions of the country and included state and non-state actors working to protect the rights of the child. Generally speaking, those non-judicial institutions were responsible for preventing ill-treatment, receiving complaints, and directing the complainants to the competent authorities. The legal clinics, or community-level human rights protection centres, had the authority to conduct conciliation proceedings in cases that did not require referral to the courts. Thus, cases involving minors were referred to the police and the courts only as a last resort. A feasibility study was under way on the provision of legal, medical and psychosocial care for women and children who were victims of violence, including sexual violence.

6. The Government of Madagascar faced many difficulties, particularly in the areas of administering juvenile justice, combating ill-treatment and trafficking, increasing school enrolment, especially in rural areas, and reducing neonatal mortality. The suspension of budgetary support following the 2009 crisis had hindered implementation of the rights enshrined in the Convention on the Rights of the Child. Despite the political will within the country, owing to a lack of financial means Madagascar did not yet have enough school facilities suited to the needs of children with disabilities. While child marriages were now prohibited, courts could authorize the marriage of a person under the age of 18 if there were serious grounds for doing so, such as a pregnancy. In that case the protection of the rights of the unborn child took precedence, regardless of the age of his or her parents.

7. Madagascar needed assistance from national and international partners to overcome the technical, financial and cultural difficulties it was facing. It had already compiled the recommendations made by treaty bodies, with a view to developing an action plan for the promotion and protection of rights. A legal aid office had been established to cover legal costs for needy persons, including children. The bar association in Madagascar had established a legal support service for women and children victims of violence, including sexual violence.

8. Awareness-raising campaigns were conducted in partnership with UNICEF, the United Nations Development Programme (UNDP), the International Labour Organization (ILO) and the United Nations Population Fund (UNFPA) as part of the efforts to combat ill-treatment, sexual exploitation, child labour and violence against women. An office to monitor access to justice, coordinated by the Ministry of Justice, would be established in 2012 with support from UNDP for the purpose of collecting data on access to justice, including for minors. A similar office would also be established under the Ministry of Population and Social Affairs to collect data on violence against women and children. Lastly, at the request of the Ministry of Justice, the Judicial Academy, the Police Academy, the Gendarmerie Academy, the Military Academy and the School for Lawyers had undertaken to teach human rights to their students and to practising professionals in their field.

9. **Ms. Al-Asmar** (Country Rapporteur) said that a collapse of the State system was apparent in the lack of adequate measures to ensure good governance and respect for the rule of law, the high level of corruption in the judicial and administrative systems, the lack of an independent monitoring system, the lack of coordination among policies and programmes, the lack of a comprehensive national action plan, and the drastic budget cuts in the fields of health and education. Moreover, the number of cases of sexual violence, illegal labour and other forms of exploitation of children was on the rise; the perpetrators of such acts were not prosecuted, and the victims did not receive compensation or benefit from rehabilitation programmes.

10. She wished to know why the project on community care for children that had been planned for the period 2011–2015 had never been funded or implemented, why the National Human Rights Council was still not operational, why Madagascar had reduced its budget for health care and education since 2009, and why no one was aware of the principle of the best interests of the child even though it was recognized in the legal system. She wished to have specific information on the application of the right of children to lodge complaints and to be heard in judicial proceedings concerning them, as well as in alternative care institutions. She would like to understand why corporal punishment was prohibited in schools but was still allowed in the home and in alternative care and correctional institutions, and why no law had been passed to put an end to such practices. Lastly, she wondered what the Government planned to do to prevent children from being institutionalized.

11. **Mr. Gastaud** (Country Rapporteur) said that in his view the report was too theoretical. The information provided was incomplete; the data were not disaggregated and the difficulties encountered when implementing policies had not been explained.

12. There was evidence of an overall improvement in the situation of young people, however, chiefly preceding the outbreak of the political crisis. Life expectancy had increased; vaccination had become more widespread and had reduced the incidence of many diseases; infant and neonatal mortality had decreased, and the school enrolment rate had risen. The recent measures taken to prevent child labour were insufficient, however, given the magnitude of the phenomenon.

13. The political crisis had disrupted public services, weakened the power of the authorities throughout the country, and hindered the balanced distribution of financial resources, while elections had been postponed several times. Many laws were not enforced, and offenders went unpunished. The Committee would appreciate data on several aspects, particularly birth registration and violence against children. He noted the wide disparities between urban and rural areas with regard to health and education, and the inadequacy of the budgets allocated to those sectors given existing needs.

14. Moreover, children were not aware of their rights, and teachers, judges and social workers were not familiar with the Convention. The report mentioned the existence of the National Institute of Statistics, which was responsible for collecting data, but did not specify what methods were used.

15. He wished to know whether the youth municipal councils in Mahajanga and Antsiranana were still operational, whether councils of that type had been established elsewhere, whether there were children's councils in schools, and whether children took part in combating violence.

16. Although the principle of the best interests of the child was recognized in the legal system, the drastic decrease in the resources allocated to education, health and justice, the continuous and multifaceted violence, as well as the growing poverty and multiple inequalities all indicated that in practice that principle was not respected.

17. **Ms. Al-Shehail** said that she wished to know what was being done to combat discrimination against ethnic minority groups and how racial discrimination was defined. She also requested clarification on the nationality of a child born to a Malagasy mother and a foreign father, as well as on the minimum age below which the courts could not authorize the marriage of a child.

18. **Mr. Kotrane** said that he wished to know whether the Convention was an integral part of material law, whether it had primacy over domestic law in the event of a conflict, whether it had ever been directly invoked before the courts and applied by judges, and how the principle of the best interests of the child was implemented in practice. Noting that

article 38 of the Act on the Rights and Protection of the Child, which established that children could be consulted during any proceedings relating to their placement under guardianship, fell well short of the requirements set out in the Convention, he asked whether a decision issued by a court that had not heard the child concerned could be annulled by the Court of Cassation. He also wished to know whether the State party intended to withdraw its reservation to article 13, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights regarding primary education.

19. The delegation might wish to indicate whether the State party was taking practical measures to combat discrimination against descendants of slaves or against children born on a day that was considered “ill-fated”. Referring to paragraph 114 of the report, he said that the dialogue initiated with local state and non-state actors, including traditional authorities, to end discrimination against twins from Mananjary and young girls from the Tsimihety region was insufficient, and he urged the State party to take further-reaching measures, including administrative ones.

20. **Ms. Aidoo** based on her impression that the views of the child were not always heard or respected in the private sphere, asked to what extent children could participate in decisions concerning their schooling, their eventual withdrawal from the educational system, or even labour. Did children have a say in the administration and management of the school they attended, and did the law allow them to express themselves before the courts?

21. She reminded the State party that several treaty bodies — including the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, and the Committee on the Elimination of Discrimination against Women — had found that the Nationality Code discriminated against Malagasy mothers who were married to a foreigner, insofar as, unlike Malagasy fathers married to a foreigner, they could not transmit their nationality to their children. The State party must therefore revise that legislation, which had led to many cases of statelessness, since children born to a Malagasy mother and a foreign father had to wait until the age of 18 to acquire nationality following a laborious naturalization procedure.

22. The State party had indeed made progress in the area of birth registration (33 per cent of children had not been reported to the civil registry in 2000, compared with 20 per cent currently), but it still needed to even out inequalities in that regard between urban areas, where 86 per cent of children were registered, and rural areas, where only 60 per cent were registered.

23. **Mr. Koompraphant** asked how the Act on the Rights and Protection of the Child of 20 August 2007, which allowed children to report ill-treatment to the juvenile court or the representative of the public prosecutor’s office, was applied in practice, and what institutions had been set up to receive complaints.

24. **Mr. Pollar** asked whether the State party guaranteed children the right to freedom of thought, as set out in articles 12 and 13 of the Convention, and whether it required parents to provide direction to their children in the exercise of their right to freedom of thought, conscience and religion, pursuant to article 14.

25. With regard to freedom of religion, it would be interesting to know whether parents were opposed on religious grounds to certain types of care being provided for their children, whether the history of religion and morality was taught in a neutral and objective manner in state schools, whether the State only covered teaching costs for some religions, and whether children were free to wear religious symbols of their choosing and to dress in keeping with their own religion if they so desired.

26. Lastly, he asked whether the State party planned to revise Ordinance No. 60-133 of 30 October 1960, which was still in force and which did not allow individuals to found associations before they had reached the age of majority.

27. **Ms. Maurás Pérez** asked what the State party intended to do to restore freedom of expression and freedom of the press — heavily repressed since the events of 2009, which had been marked by the persecution of journalists and the closure of radio stations and other media — and to allow children and young people to have access to information and to express themselves freely.

28. She asked what measures the State party was taking to curb the intense exploitation of its natural resources, particularly its forests, and to regulate the activities of both private and public, domestic and foreign companies that impacted the quality of life of the population in general and especially of children, insofar as they adversely affected the latter's health or their access to drinking water or housing.

29. According to reports, employees — and even executives — of some foreign companies operating in the State party were guilty of sexually assaulting and sexually exploiting children in Madagascar. She requested further information on the various cases of that type brought before the courts.

30. **Ms. Sandberg**, noting that the principle of respect for the views of the child was rarely observed during judicial proceedings, said she wished to know what was being done to train judges on the rights of the child.

31. **Mr. Guráň** asked why the National Human Rights Council established in 2008 was still not operational, and what the State party intended to do so that it would soon begin operating. He would also like the delegation to indicate who would sit on the Council, how its members would be appointed, whether there were any plans to set up a department to deal specifically with the rights of the child, and whether the Council would cooperate with international mechanisms operating in the region, such as the Indian Ocean Child Rights Observatory.

32. **Ms. Wijemanne** asked when the findings of the study conducted to speed up the process of birth registration and of the National Institute of Statistics' study on child labour would be made public.

33. **Ms. Varmah** asked whether the State party had done anything to bring the new law setting the minimum age for marriage at 18 for both boys and girls to the attention of local authorities, whether it intended to establish an age of sexual consent and raise the age of criminal responsibility to 18, and lastly, under the bill on criminal responsibility currently under review, what provisions would apply to children 13 to 15 years of age.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

34. **Mr. Rajemison** (Madagascar) said that the National Human Rights Council would include members of parliament, and that the Council would therefore not be able to meet until parliament had been formed.

35. **The Chairperson** asked why the National Human Rights Council could not operate without the presence of members of parliament, and whether there were plans for it to include a special section on the rights of the child.

36. **Mr. Rakotoniana** (Madagascar) said that the Council, which was authorized to receive complaints of violations of the rights of the child, could not function until all its members, including members of parliament, had been appointed.

37. **The Chairperson** asked whether children could file complaints with the Ombudsman of the Republic.

38. **Mr. Rakotoniaina** (Madagascar) said that the Office of the Ombudsman of the Republic dealt mainly with disputes between the public and the administration; it could, in theory, receive complaints from children, though in practice that rarely occurred.

39. **The Chairperson** pointed out that children were also members of the public who, like adults, were entitled to public services and must be allowed to exercise their rights in that regard.

40. **Mr. Rakotoniaina** (Madagascar) said that some foreigners accused of sexual exploitation of minors had already been sentenced under the Act to Combat Human Trafficking and Sexual Tourism. The sexual exploitation case involving the director of a large foreign multinational company was in the preliminary investigation stage, and it was still too early to report on its likely outcome. In any event, the legislation on the sexual exploitation of minors applied to everyone regardless of social status or nationality.

41. It was true that there were not many court cases where the Convention had been applied, despite the training provided by UNICEF for judges and magistrates. The Government planned to establish a mechanism to monitor the impact of training on international instruments and to step up its efforts to raise awareness among the general public, and among children in particular.

42. **The Chairperson** said that all professionals who dealt with children, especially social workers, lawyers, police officers and prosecutors, should be familiar with the provisions of the Convention.

43. **Ms. Al-Asmar** (Country Rapporteur) added that one of the reasons why victims were reluctant to file complaints was that they did not feel safe.

44. **Mr. Rakotoniaina** (Madagascar) said that there was no age of sexual consent under the criminal law. That being said, in cases of rape, the fact that the victim was under 15 years of age constituted an aggravating circumstance.

45. There were not many descendants of slaves in Madagascar, and they did not suffer from discrimination on that account. No attack or discrimination against members of the Indian community had been reported during the period covered by the report.

46. **Ms. Nores de García** asked if it was true that children born out of wedlock, children of mixed race, twins and children with disabilities were sometimes victims of discrimination.

47. **Mr. Rakotoniaina** (Madagascar) said that twins were still sometimes discriminated against, but that overall the situation had improved significantly. Discussions had been held within the communities with a view to changing attitudes and encouraging traditional leaders to accept the idea that parents could keep their twin children, which had previously been strictly forbidden according to the customs of the Antambahoaka ethnic group. UNICEF was closely monitoring developments in that respect, and it was to be hoped that, thanks to awareness-raising efforts, twins would soon cease to be taboo.

48. **Ms. Aidoo**, pointing out that during the last universal periodic review it had been recommended that Madagascar should take measures to put an end to racial discrimination and should make the declaration provided for in the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the competence of the Committee on the Elimination of Racial Discrimination, said that she would like to know more about the precise nature of racial discrimination in the country.

49. **Mr. Rakotoniaina** (Madagascar) said that his Government had developed a plan to implement approved recommendations, which should lead to the elimination of racial discrimination.

50. **The Chairperson** asked what was being done to combat discrimination against children born out of wedlock and children with disabilities.

51. **Mr. Rakotoniaina** (Madagascar) said that his Government was working to eliminate discrimination against children born out of wedlock by raising awareness of the problem among the general public. Although Madagascar had not yet ratified the Convention on the Rights of Persons with Disabilities, Act No. 97-044 on persons with disabilities did prohibit discrimination in the fields of education and health and in public life. The Council of State was currently hearing a complaint brought against the administration, which had refused to hire a teacher with a motor disability. The proceedings were under way, and if the court found in favour of the injured party then the case could constitute the first precedent in that domain.

52. **Mr. Madi** requested clarification on the right to nationality of a child born out of wedlock to a Malagasy father.

53. **Mr. Cardona Llorens** asked whether discrimination was prohibited and punishable under criminal law.

54. **Mr. Rakotoniaina** (Madagascar) said that a discriminatory decision could be annulled before the administrative courts, but that the criminal law did not expressly criminalize discrimination.

55. Children born out of wedlock enjoyed the same fundamental rights as so-called “legitimate” children — namely, the rights to life, health and education — but they did not enjoy the same inheritance rights.

56. **The Chairperson** asked if the law would be amended to redress that inequality.

57. **Mr. Rakotoniaina** (Madagascar) said that the law would be amended in line with the Convention so that illegitimate children could enjoy the same rights as other children.

58. **Mr. Kotrane** pointed out that the simple fact of characterizing those children as “illegitimate” in the law tended to aggravate their stigmatization, as the term itself was somewhat discriminatory.

59. **Mr. Rakotoniaina** (Madagascar), while recognizing that the term was discriminatory, said that the law should be viewed in its historical context, as it dated from a time when discrimination was not yet considered an issue.

60. **Ms. Lalaharinivo** (Madagascar) said that mixed training on the Convention, organized in partnership with UNICEF, was provided at the Gendarmerie Academy, the Police Academy, the National College of the Judiciary and Court Officers and the National School for Lawyers. That training, in which doctors, representatives of non-governmental organizations (NGOs) and social workers participated, emphasized the direct application of the Convention in the decisions professionals had to make in the course of their work. Decentralized training sessions were also organized for all professionals who dealt directly with children, with a view to increasing awareness of Act No. 2007-023 on the Rights and Protection of Children.

61. The Convention had been translated into Malagasy and disseminated to all authorities. Training courses had been organized for mayors and local leaders to raise their awareness of the Convention and of the Act on the Rights and Protection of Children.

62. Traditional marriages were allowed by law, but must be formalized and registered by a civil registry officer. The age of marriage had been raised to 18 years, but it was true that no minimum age had been set in the case of marriages entered into before the age of 18 under exceptional authorization from the courts.

63. **The Chairperson** asked about the situation with regard to customary marriages.

64. **Mr. Kotrane** requested additional information on the figures provided in the State party's replies to the list of issues indicating that in 2010 the court of first instance in Antananarivo had authorized 142 marriages in which at least 1 of the spouses was a minor, and 422 such marriages in 2011.

65. **Mr. Gastaud** (Country Rapporteur) said that he welcomed the fact that the Convention had been translated into Malagasy, but he wondered whether that language was understood by everyone in the country. He also wished to know what was meant by "mixed training".

66. **Ms. Lalaharinivo** said that local authorities who attended customary marriages were required to enforce the legal provisions on the minimum age of marriage. Specific guidelines had been prepared in that respect. When a customary marriage was performed, a file containing all the relevant information on the bride and groom was sent to the competent civil registry officers, who then recorded the information in the civil registry.

67. **The Chairperson**, noting that to a certain extent the State party had institutionalized customary marriage by imposing a minimum age, asked which authority issued authorizations for customary marriages involving minors.

68. **Ms. Lalaharinivo** (Madagascar) said that such decisions must be issued by a court. In the absence of an authorization, no wedding certificate could be drawn up for a customary marriage involving a child. Local authorities who attended the celebration of a customary marriage could not issue a wedding certificate; that was the role of the competent civil registry officer.

69. **The Chairperson** said that customary marriages were generally arranged, or even forced, which was considered a harmful traditional practice. He asked whether, in the context of the institutionalization of customary marriage, the State authorities also monitored whether young people who married had given their consent.

70. **Ms. Lalaharinivo** (Madagascar) said that activities were carried out to raise awareness among the general public of the harmful consequences of child marriages. It was up to the courts to assess whether the grounds for requesting the marriage of a child were truly substantial. The increase in the number of authorizations for marriages of minors issued by the court of Antananarivo was due in part to the size of the court. The Ministry of Justice had in fact decided to establish another court of first instance in order to relieve the Antananarivo court. It did sometimes happen that such cases were given to judges who had not been properly trained. Training courses were therefore organized each year to help judges improve their awareness of the issue of child marriages and gain a better understanding of the applicants' motives, including both parents and children.

71. The law on children in conflict with the law dated from 1962, and a new bill was currently in preparation. In the light of the studies carried out with the support of UNICEF and the consultations held with NGOs, the general public and social workers, it had been decided to maintain the age of criminal responsibility at 13 years.

72. "Mixed" training referred to both the topics discussed, which could be on various themes relating to children, and the participants, who could come from different backgrounds. Thus, some training sessions were organized at the National College of the Judiciary and were attended by both police officers and doctors.

73. The reform of the Nationality Code had taken quite a long time, and the bill must now be submitted to the Government Council and the Council of Ministers before its adoption by parliament.

74. Although dialects were spoken, the Malagasy language was understood by all citizens of the country.

75. **The Chairperson** asked whether the obstacles preventing children with one foreign parent from obtaining Malagasy nationality would be removed with the new bill.
76. **Ms. Lalaharinivo** (Madagascar) said that was indeed one of the objectives of the reform, which aimed to ensure that Malagasy nationality was automatically transferred to the child, regardless of whether the parents were married or not.
77. **Ms. Al-Asmar** (Country Rapporteur) noting that, despite the policy of integrating children with disabilities into regular education, only 4 per cent of those children were enrolled in school, asked what obstacles were preventing their integration in society.
78. The delegation might also provide information on forced marriages and the harmful traditional practice known as “Jiro mena”, a celebration which often ended with children being raped.
79. **Mr. Gastaud** (Country Rapporteur) said that, although primary education was free and compulsory, the material resources available — such as school buildings, transportation and school supplies — were inadequate. The school failure and dropout rates in secondary education were very high, and there seemed to be substantial discrimination against girls. The Committee needed to know how the Government intended to combat those problems.
80. The minimum employment age was set at 15 years. Many children began working before that age, however, and, owing to an insufficient number of inspectors, there was a disparity between the number of inspections required by law and the number actually performed. While current legislation imposed heavier financial penalties and prison sentences, the report did not mention any sentences actually handed down.
81. While criminal responsibility remained set at 13 years, if an offender was aged between 13 and 16 he was entitled to “mitigating circumstances”. Clarification on that provision would be useful.
82. It seemed that the investigation of criminal cases involving children was conducted by judges who also heard cases involving adults, mainly due to the insufficient number of juvenile judges. In such conditions, the best interests of the child were often disregarded. In his opening statement, the head of the delegation had mentioned children’s chambers, but it would be interesting to know whether that term referred to juvenile judges or juvenile prosecutors.
83. **Ms. Lee**, noting that the report contained very analytical and straightforward information concerning the sexual exploitation of girls, said that she was alarmed by the many reported cases of prostitution among girls between the ages of 12 and 18. She asked whether the child protection system had sufficient human and financial resources at the community level to allow the problem of sexual exploitation of children to be tackled effectively, and what the State party’s authorities were doing to address the root causes of the problem, which were income-related.
84. She also enquired whether the actions taken in follow-up to the study conducted in collaboration with the United Nations Development Programme (UNDP) on forced marriages had led to any change in behavioural patterns.
85. Lastly, she asked about the current status of the State party’s initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
86. **Ms. Sandberg** asked how the courts handled cases of sexual exploitation. There had been known cases of sexual exploitation or sexual assault of Malagasy children by employees of private foreign companies. It seemed that the perpetrators of such acts could escape prosecution by paying a sum of money, and the Committee needed to know what the State party intended to do to put an end to that practice.

87. **Mr. Pollar** said that, according to reports, 72 per cent of children lived in makeshift shelters or on the street, and he asked whether any studies had been made to assess the magnitude and root causes of that problem, and what the State party planned to do to remedy it.

88. He wished to know whether child victims of kidnapping for the purpose of trafficking were often found again and, if so, whether they were allowed access to rehabilitation services. He also asked whether the kidnapping and sale of children were classified as criminal offences.

89. **Mr. Cardona Llorens** asked whether the Government intended before long to ratify the Convention on the Rights of Persons with Disabilities, which it had signed in 2007. The Persons with Disabilities Act did not establish any specific obligation regarding educational integration or access to health care for persons with disabilities and did not provide for penalties in the event of discrimination against them. He wished to know whether the State party intended to improve and supplement that law and whether it planned to take steps to ensure that children with disabilities living in rural areas had access to education. The campaign carried out with the support of UNICEF to break down the cultural barriers that prevented children with disabilities from enjoying their rights did not seem to have produced results, since such children were still often kept hidden out of a sense of shame. He asked whether the State party had made any effort to assess the results of that campaign.

90. The Malagasy authorities had held several meetings since 2007 to review and try to improve the juvenile justice system. And yet, no legislative changes had been adopted thus far, apart from one on pretrial detention for minors. Such detention had been limited to 30 months, which was still very long. The delegation might say whether it was planned to reduce the maximum period of pretrial detention for minors. He also noted that, although the age of criminal responsibility was set at 13 years, children under the age of 13 could be placed in provisional detention.

91. In paragraphs 659 and following of its report, the State party indicated that it was working to gradually separate minors from adults in prisons, except in the case of girls, who were still detained with adult women owing to a lack of resources. However, the goal of placing all minors, both girls and boys, in detention facilities that were separate from those for adults should be given priority and should be carried out without delay. In addition, proper training should be provided for the staff of such correctional facilities.

92. **Mr. Koompraphant** asked how child victims were protected from their attackers once the assault had been reported, and what legislative, administrative, social and educational measures were in place to protect children from sexual violence. He also wished to know whether persons working with children knew how to detect signs of ill-treatment and neglect, whether there were mandatory anger management programmes and other educational courses for violent parents, and to what extent parents were held responsible for their children's alcohol or drug use. He asked whether an action plan had been implemented to combat drug use among children, whether prevention measures were planned, and whether drug counselling services were available to children.

93. **Mr. Madi** asked what was preventing the State party from submitting its initial report on the implementation of the Optional Protocol on the involvement of children in armed conflict, which had been due in 2006. Noting that there was no compulsory military service in Madagascar and that the minimum age for voluntary recruitment was set at 18 years, he asked whether persons who wished to enlist were required to show a birth certificate or identity card. If so, he wondered how the State party planned to enforce that obligation, given that many children did not even possess a birth certificate.

94. **Ms. Nores de García**, highlighting the fact that there were 5 million child labourers in Madagascar, asked what specific plans and programmes had been developed to remedy that problem.

95. **Ms. Aidoo** said that, according to reports, in order to survive some impoverished families sold their daughters into forced marriage, including at cattle markets. The delegation might wish to provide additional information on that issue. She wished to know what the State party was doing to combat that practice and to protect teenage girls.

96. The number of marriages of underage girls and teenage pregnancies seemed to be on the rise. Many girls under the age of 15 were sexually active, and less than 8 per cent of sexually active teenage girls used contraception. She wished to know what the authorities were doing to protect those girls and their children. She asked whether the authorities considered their reproductive health education and awareness programme to be suitable and effective, whether adolescent girls had access to confidential information and assistance services, and whether there was a comprehensive policy in place regarding adolescent health.

The meeting rose at 1 p.m.