

RÉPUBLIQUE DE MADAGASCAR



INITIAL REPORT ON THE IMPLEMENTATION OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

REPORT
PRESENTED BY MADAGASCAR

YEAR 2014

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LIST OF ACRONYMS

ACD :	The Reach Every District Approach
ACN :	Community Nutrition Agent
AFID :	Integrated Functional Literacy Development
AGEMAD :	Improvement of Education Management in Madagascar
AGOA :	African Growth Opportunity Act
AID :	Indoor residual spraying
AME :	Exclusive breastfeeding
ANJE :	Infant and Young Child Feeding
APD :	Official Development Assistance
Ar. :	Ariary
ASAMA :	School Extra Action for Malagasy Teenager
ASAMA :	School Extra Action for Malagasy Teenager
Bacc :	Baccalauréat
BEPC :	Junior secondary cycle Certificate
CAID :	Indoor residual spraying campaign
CAM :	Apparatus Centre of Madagascar
CAP :	Certificate of Professional skills
CBM :	Christoffel Blindemission
CCC :	Communication for Behaviour Change
CCL :	Local Competitive Bank
CDE :	Convention relative aux droits de l'enfant
CEG :	General Education College
CENI-T :	Independent National Electoral Court of the Transition
CEPE :	Primary School Elementary Certificate
CERD :	International Convention on the Elimination of All Forms of Racial Discrimination
CES :	Special Electoral Court
CFA :	Apprentice Training Centre
CLTS :	Community Led Total Sanitation
CM :	Primary school level
CNPE :	National Child Protection Committee
CNTEMAD :	National Centre for Distance Education of Madagascar
CONABEX :	National Commission for Foreign Scholarships
CPN :	Pre-Natal Consultation
CRENAS :	Centres for Recovery and Outpatient Nutritional Education
CRENI :	Centres for Recovery and Intensive Nutritional Education
CRINFP :	Regional Centre of the National Institute of Educational Training

CRLTE :	Regional Committee for the fight against child labour
CRM :	Malagasy Council of Reconciliation
CRM :	Malagasy Council of Reconciliation
CRMM :	Motor Rehabilitation Centre of Madagascar
CRRIPDH :	Committee responsible for drafting the initial and periodic reports under international instruments on human rights
CRS :	Catholic Relief Services
CSB :	Basic care Centre
CTD :	Decentralised Local Authority
CTO :	Convention on Transnational Organized Crime
DBC :	Community-based Distribution of Condoms
DDSS :	Directorate for Demography and Social Statistics
DHDPRS :	Directorate for Humanisation of the Detention and Preparation for Social Reintegration
DPE :	Directorate for Educational Planning
DSY :	Directorate of Economic Briefs
DTC3 :	Vaccination against diphtheria, tetanus and pertussis
EAH :	Water, Sanitation and Hygiene
ECPAT :	End Child Prostitution in Asian, African and American Tourism
EDSMD :	Demographic and Health Survey
EF1 :	Basic Education Level 1
EF2 :	Basic Education Level 2
EFA :	Education For All
EKA :	Ezaka Kopia ho an'ny Ankizy
ENAM :	National School of Administration in Madagascar
ENAP :	National School of Penitentiary Administration
ENEMPSI :	National Survey on Employment and Informal Sector
ENMG :	National School of Judges and clerks
ENSOA :	School of Army Junior Officers
ENSOMD :	National Survey on the Monitoring of the Millennium Development Goals
EPM :	Periodic / Permanent Survey of Households
ESDC :	Second Cycle of Secondary Education
ESGN :	Graduate School of the National Gendarmerie
ESPC :	First Cycle of Secondary Education
ESPN :	Graduate School of the National Police
EU :	European Union
FAF :	Fiombonan'Antoka amin'ny Fampanandrosoana ny Sekoly (Partnership for School Development)
FAF :	Iron Folic Acid

FAWE :	Association of Academic Women of Africa
FAWE :	Forum for African Women Education
FDL :	Fund for local development
FE :	Pregnant woman
FFM :	Filankevitra ny fampihavanana malagasy (Council for the Malagasy Reconciliation)
FIKRIFAMA :	Fikambanana Kristiana ho an'ny Fampandrosoana eto Madagasikara
FIMPIMA :	Fikambanan'ny MPIkabary Malagasy (Association of malagasy speakers)
FMM :	Federasionan'ny Marenina eto Madagasikara (Federation of the Deaf of Madagascar)
FOFAJA :	Foibe Fanofanana ny Jamba (Training Centre for blind people)
FRAM :	Fikambanan'ny Ray aman-drenin'ny Mpianatra (Parents Association)
FTP :	Technical and Vocational Training
GIC :	International Contact Group
HCC :	High Constitutional Court
HIP/USAID :	Hygiene Improvement Project / United States Agency for International Development
IAPB :	International Agency for the Prevention of Blindness
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus / Acquired Immunodeficiency Syndrome
ICCO :	Inter Church Commission for Development Coordination
IDH :	Human Development Index
IFPA :	Vocational Training Institute for Lawyers
ILO	International Labour Office
INSTAT :	National Institute of Statistics
IPEC-BIT :	International Programme on the Elimination of Child Labour, International Labour Office
IOM	International Organisation for Migration
Km :	Kilometres
KMS :	Kaominina Mendrika Salama
Mr :	Mister
MAP :	Madagascar Action Plan
MDGs :	Millennium Development Goals
MEN :	Ministry of National Education
MEN :	Ministry of National Education
MENRS :	Ministry of National Education and scientific research
MICS :	Multiple Indicators Cluster Survey
MID :	Durable insecticide treated nets
Min Eau :	Ministry of Water
MPAS :	Ministry of the population and social affairs

ND :	Not available
NdF :	Nutrition of Women
NGO	Non Governmental Organisation
OEMC :	Office of Mass and Civic Education
OGE :	Body in charge of managing the election
OICLD :	Interministerial Commission for Coordination of the Fight against Drugs
OMDA :	Malagasy Office of Copyrights
OMERT :	Malagasy Office for Studies and Telecommunications Regulation
ONN :	National Office for Nutrition
ORTE :	Regional Observatory of Child Labour
PACEM :	Project to support the Electoral Cycle in Madagascar
PACT/USAID :	United States Agency for Development
PCIME :	Integrated Management of Childhood Illness
PEV :	Expanded Program on Immunization
PFA :	Acute Flaccid Paralysis
PMPM :	Vice squad and Minors Protection Police
PNALTE	National Action Plan for the fight against child labour
PNN :	National Nutrition Policy
PNS :	National Health Policy
PNSO :	National Eye Health Program
PPA :	Purchasing power parity
PSDR :	Rural Development Strategic Plan
RNM :	Malagasy National Radio
RPE :	Child Protection Network
RTA :	Radio Télévision Analamanga
SADC :	Southern African Development Corporation
SADC :	Southern African Development Council
SALFA :	Sampan'asa Loterana momba ny Fahasalamana
SAV :	African Vaccination Week
SEMIPI :	SEkoly Mlaramilam-Plrenena (National Military Academy)
SNISE :	National Integrated Monitoring and Evaluation System
SONU :	Obstetric and Neonatal Emergency Care
SP/Fansidar	SulfadoxinePyriméthamine/Fansidar
SSME :	Week of Health of the Mother and Child
STD :	Decentralised Technical Service
TCV :	Vaccine coverage rates
TNN :	Neonatal tetanus
TPI :	Traitement préventif intermittent
TVM :	Malagasy National Television

UAT :	Technical Support Unit
UDHR :	Universal Declaration of Human Rights
UN	United Nations
UNAHM :	National Union of Disabled Associations of Madagascar
UNDP	United Nations Development Programme
UNICEF :	United Nations Children's Fund
UNFPA :	United Nations Population Fund
US\$:	American Dollar
USA :	United States of America
VAR :	Vaccin anti-rougeoleux
VPO 3 :	Oral polio vaccine
WHO	World Health Organization

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Annex 3 : Estimate of the population of Madagascar by age group in 2012

Annex 4 : Act No. 2011-014 of 28 December 2011 on the inclusion of the Road Map in the domestic legal framework;

Estimate of the population of Madagascar in 2012

PART ONE : GENERAL CONTEXT OF THE COUNTRY

1. Geographic situation

1. Madagascar is the largest Island in the Indian Ocean with 587 00 km² in land mass, 1580 km long and 580 km width and more than 5,000 coastline. It is located 400 km from the coast of southern Africa from which it is separated by the Mozambique Channel.

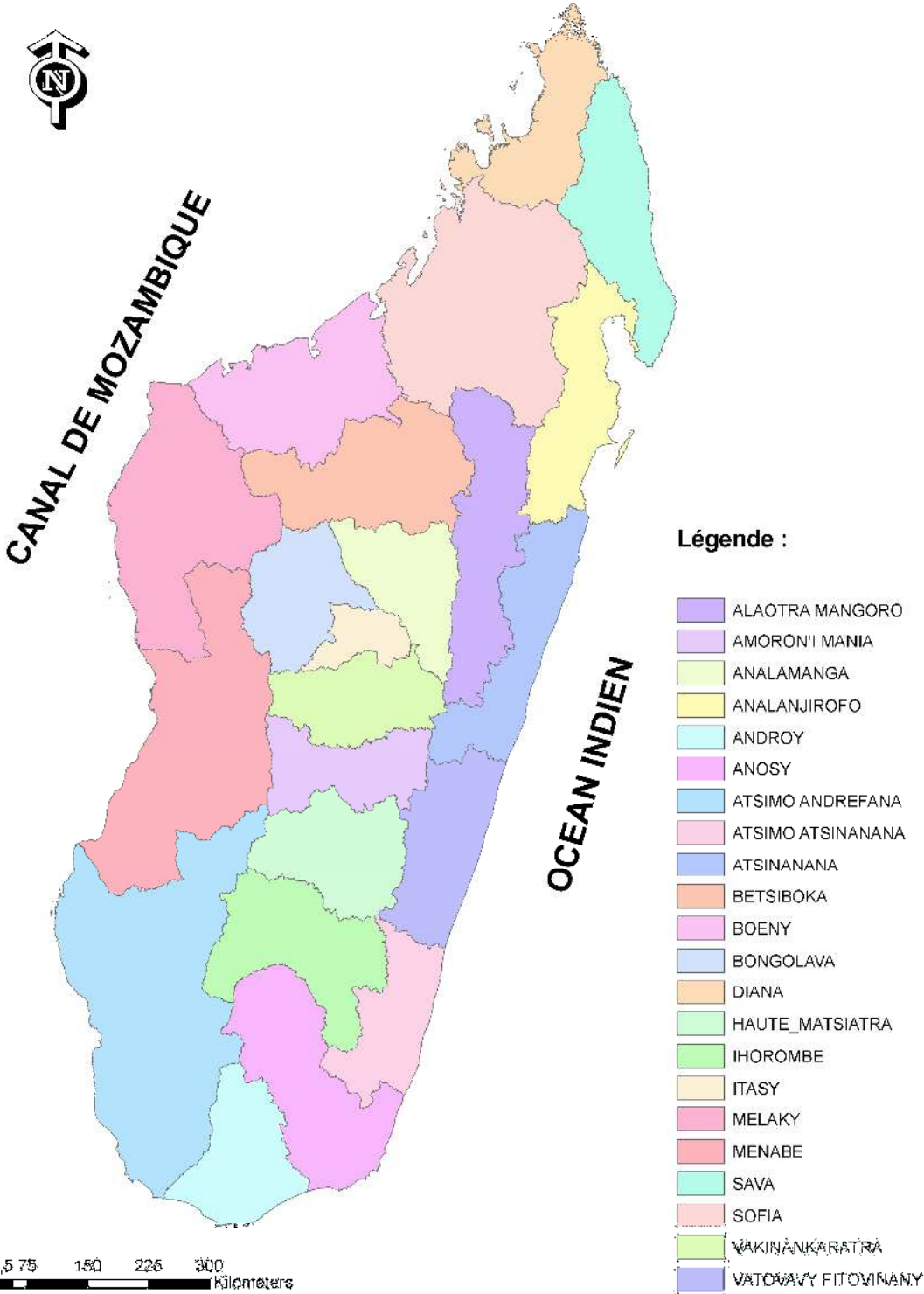
2. Climate and vegetation

2. The country has a large tropical climatic diversity varying between a hot and humid season and a less rainy winter season. Temperatures vary with altitude and season.
3. The former forest has disappeared, to make way for a grass savannah which favored runoff, causing dents and deep scratches on the slopes
4. The West has a dry tropical climate where temperatures remain warm even in winter. The rainfall is very low in the south. The average temperature is 20 ° with an amplitude of 5.5 ° to 10 °.

3. Administrative subdivision

5. Administratively, Madagascar is divided into provinces divided into 22 regions, 119 districts, 1,579 municipalities, and 17,485 areas (Fokontany).

Map 1 : Administrative subdivisions of Madagascar



4. Demographic situation

6. According to the projection of the National Institute of Statistics (INSTAT), the Malagasy population, estimated at 18,555,667 in 2007 rose to 21,842,167 in 2013, of which 83% live in rural areas.
7. In terms of spatial distribution, the Analamanga and Vakinankaratra Regions, both located in the province of Antananarivo, are the most populated, comprising 24.1% of the total population.
8. This population is young since 16.1% are under the age of 5 years, 46.6% are under 15 and 56.3% are below or equal to 19 years. The population under 18 represents approximately 51.6%. The female population represents 50.6% against 49.4% for males.
9. The population is characterized by high fertility. An upward trend was recorded between the periods 2008-2009 and 2012-2013. Indeed, the average number of live births of a woman had increased at the end of their reproductive life or Synthetic Fertility Index from 4.8 in 2008-2009 to 5.0 in 2012-2013.
10. Infant and child mortality has respectively dropped from 48 ‰ and 72 ‰ in 2008-2009 to 42 ‰ and 62 ‰ 2012-2013, thanks to setting the implementation of a series of activities for improving health of the mother and child, particularly in the area of immunization coverage and the prevention and treatment of malaria.
11. In parallel, overall life expectancy at birth has increased steadily rising from 55.7 years in 2007 to 66.9 years in 2012.

5. Economic, social and cultural contexts

a. Economic indicators

12. Madagascar is an agricultural country because agriculture employs about 80% of the total population. Yet it is limited to subsistence farming since the area economically exploited for agriculture is on average 1.4 ha for the whole country. In addition, techniques and tools are rudimentary which explains the low yield. Therefore, the weight of the primary sector in GDP was only 34.8% in 2013 against 13.1% in the secondary sector and 56.1% for the tertiary sector.
13. During the last decade, Madagascar has experienced two major political crises: those of 2002 and 2009. Thus, the change in macroeconomic indicators of the country is mainly conditioned by the political situation which prevailed in the country.

14. From 2005 to 2008, Madagascar entered the acceleration and improvement phase of its economic development coordination process; the average growth rate of that period reached 5.7%.
15. This economic performance has been hampered by the political crisis of 2009, which led to a steep decline in the national economy due to :
- The closure of many export processing enterprises, following the abolition of the African Growth Opportunity Act (AGOA), which caused the loss of hundreds of thousands of jobs;
 - The freezing of budgetary support and external financing;
 - The fall of the state budget revenues;
 - The decrease in the number of international tourists coming into the country;
 - Inadequate aggregate demand due to lower incomes and household purchasing power.
16. The effects of the global economic recession, climatic hazards (cyclones Hubert, Bingiza and Haruna) and the locust invasion from 2010 to 2013 have largely amplified the effects of the political crisis
17. However from 2011, the national economy has recovered slightly without reaching the performance recorded during the period 2005-2008.
18. It is worth mentioning that the political crisis has hampered the réalisation of human rights in general and children's rights in particular.

Table 1 : Gross Domestic Product Change (GDP) in nominal terms and inflation

Year	Nominal GDP (Billion Ar)	Growth (%)	Inflation (%)
2013	23 460	2,4	5,8
2012	21 774	3,0	5,8
2011	20 034	1,5	9,5
2010	18 245	0,3	9,2
2009	16 726	-4,0	9,0
2008	16 081	7,1	9,2
2007	13 760	6,2	10,3

Source : INSTAT/Direction des Synthèses Économiques, juillet 2014

b. Social indicators

19. The National Survey on Monitoring the Millennium Development Goals indicators (ENSOMD) 2012-2013 highlighted the following:

❖ **On extrême poverty and hunger:**

Income poverty:

20. The target set by the MDGs on poverty will not be achieved in 2015 because Madagascar still has a high poverty rate (71.5%) in 2012.

Table 2 Indicators of the Millennium Development Goals (MDGs) 1 on poverty

Name of the indicator	ENSOMD 2012-2013 (%)	Target 2015
Indicator 1.1: Proportion of the population living below the national poverty line (line: 535 603 Ar)	71,5 %	35 %
Indicator 1.1: Extreme poverty, national (seuil : 374 941 Ar)	52,7 %	14 %
Indicator 1.1: Proportion of the population living with less than \$ 2 PPP per day (poverty, international level; US \$ 2 PPP: 976794 Ar)	91,0 %	
Indicator 1.1: Proportion of population living with less than \$ 1.25 PPP per day (extreme poverty, international level; US \$ 1.25 PPP: 610496 Ar)	77,1 %	
Indicator 1.2: Index of poverty gap (average gap compared to poverty line of 535,603 in Ar)	32,8 %	
Indicator 1.3: Share of poorest quintile in national consumption	6,1 %	

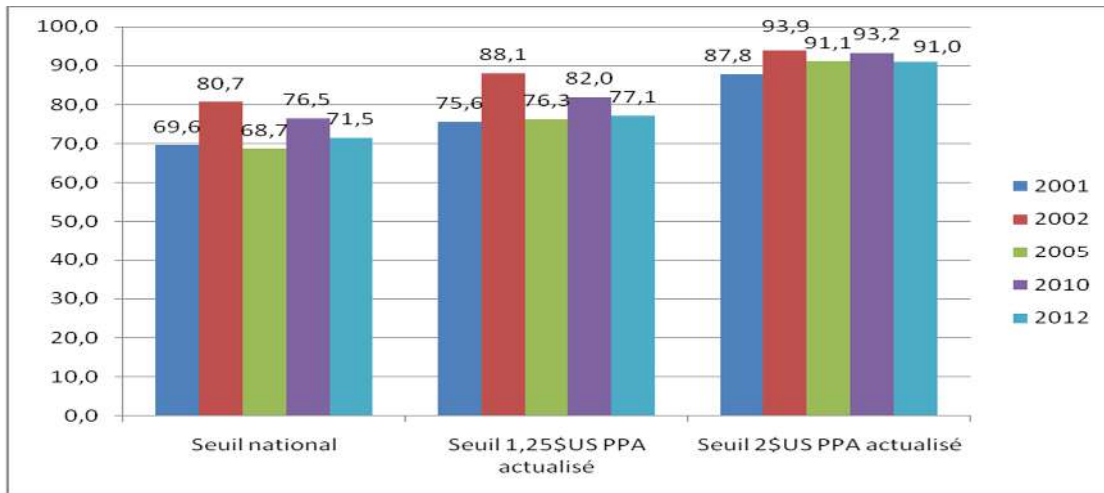
Source : INSTAT/DDSS/ENSOMD 2012-2013

21. In Madagascar, the poverty trend is as follows :

- Sharp increase in the poverty ratio between 2001 and 2002,
- Significant decrease between 2002 and 2005,
- Another sharp increase between 2005 and 2010,
- Slight decline between 2010 and 2012.

22. This result is largely correlated with the evolution of macroeconomic aggregates and highlights the harmful effects of repeated socio-political crises on the living conditions of households.

Figure 1 : Evolution of poverty between 2001 and 2012-2013



Source : INSTAT/DDSS/ENSOMD 2012-2013

Food poverty:

23. Madagascar will not reach the MDG target on reducing to 19% the proportion of underweight children in that 47.4% of children under 5 still suffer from chronic malnutrition against 18.1% for severe malnutrition.

Table 3 Indicator of the Millennium Development Goals (MDG) 1 for underweight in children under 5 years

Indicator	ENSOMD 2012-2013 (%)	Target 2015
Indicator 1.9: Prevalence of underweight in children under 5 years	32,0 %	19 %

Source : INSTAT/DDSS/ENSOMD 2012-2013

❖ On primary education for all

24. Between 2010 and 2012, the primary school enrollment rate showed a significant decline. In 2010, the gross enrollment rate was at 118%, in 2012 it dropped to 108%. Net attendance rate decreased from 73.4% in 2010 to 69.4% in 2012.

Table 4 Indicator of the Millennium Development Goals (MDGs) 2 on Education

Indicator	ENSOMD 2012-2013 (%)	Target 2015
Net enrollment rate in primary education	69,4 %	100 %
Primary completion rate	68,8 %	100 %
Literacy rate of the 15 years old and above	71,6 %	100 %

- *Source* : INSTAT/DDSS/ENSOMD 2012-2013

❖ On promoting gender equality

25. If at the primary level of education the numbers of girls and boys are equal, the numbers of boys in secondary and higher education levels still remain above those of the girls (see table below).

Table 5 Indicator of the Millennium Development Goals (MDGs) 3 on Education

Indicator	ENSOMD 2012-2013 (%)	Target 2015
Indicator 3.1a: Girls / boys ratio in primary education	1,05	1
Indicator 3.1b : Girls / boys ratio in secondary education (junior secondary)	0,93	1
Indicator 3.1c : Girls / boys in secondary school (high school)	0,86	1
Indicator 3.1d: Girls / boys ratio in higher education	0,73	1
Indicator 3.C1: Parity Index on the 15-24 years literacy rate	0,95	1
Indicator 3.C1 : Parity index regarding adult literacy rate (above 24 years)	0,91	1
Indicator 3.2 : Proportion of women employed in the agricultural sector	38 %	50 %

Source : INSTAT/DDSS/ENSOMD 2012-2013

❖ On women empowerment

26. The integration of women in non-agricultural employment is 38% against 62% for

men

27. Women's participation in decision-making within the household is still low. As such, for the following three issues, any decision is taken in conjunction with her husband or partner, this includes: personal health care (56%), large household expenses (65%) and visits to the respondent's parents (76%)
28. In order to facilitate women's access to credit, the Ministry of Finance and Budget through the National Coordination of Microfinance (CNMF), a department attached to the General Directorate of the Treasury has undertaken a number of measures including the promotion of the product "Credit with Education" (CAE), for the most vulnerable women. CAE provides training to associations and / or women's groups in the areas of:
 - Maternal and child health and family planning,... ;
 - Management of household income;
 - Childrearing;
 - And the management of IGA.
29. The table below details the amount of support provided by the CNMF in order to popularise micro finance products targeting women exclusively.
30. These supports were provided from 2006 to 2007 and related partnership agreements came to an end in 2009.
31. Following that period, all relevant MFIs continued to provide the CAE credit to their customers / members with their own funds, at least those that are still in business. It is also worth noting that the microfinance institutions OTIV, ZL and TIAVO provide the CAE credit to their members.
32. Finally, in the case of Volamahasoa, the CAE product is one of their flagship product, but it is not exclusively for women.

Table 6 : Financial support from the CNMF for the popularisation of the CAE product (UNDP funding)

Institutions	Regions	Date	Amount	
			MGA	USD
OTIV Alaotra	Alaotra	June 2006	140 000 000	64 113
		November 2007	24 000 000	13 615
OTIV Antananarivo	Analamanga	June 2006	304 000 000	139 216
OTIV Diana	Diana	June 2006	98 557 000	45 143
Haingonala	Amoron'i Mania	June 2006	202 200 000	92 597
ODDER	Anosy	October 2006	208 420 000	97 885
AECA	Boeny	November 2007	70 000 000	39 712
OTIV SAVA	SAVA	November 2007	40 000 000	22 692
CECAM	Bongolava	November 2007	66 000 000	37 443
TOTAL			1 153 197 000	552 415

Scope	
Number of women receiving loans	25 000
Average amount of credit granted	163 100 Ariary

Source : Ministry of Finance and Budget

33. For the entire sector, see below the change in the percentage of women members and / or clients of microfinance institutions (MFIs) and other categories of credit institution engaged in microfinance activities.

Table 7 : Percentage of women and / or clients of MFIs and credit institutions

	Dec. 2008	Dec. 2009	Dec. 2010	Dec. 2011	Dec. 2012	March 2013	June 2013
Number of service points	638	652	700	739	784	789	803
Household penetration rate	13,9 %	16,1 %	17,5 %	19,5 %	22,69 %	23,13 %	23,69 %
Number of members and/ or customers	529 774	629 302	733 864	844 340	984 683	1 010 537	1 042 421
Number of female members and/or customers	228 120	285 388	340 586	387 636	452 166	465 554	483 579
% of female members and/or customers	43,06 %	45,35 %	46,41 %	45,91 %	45,92 %	46,07 %	46,39 %

Source : www.madamicrofinance.mg (monitoring sheets of MFIs received by the CNMF)

34. It emerged from the table above that there was an increase in the percentage of women affected by microfinance services ranging from 43.06% in 2008 to 46.39% in June 2013.

35. In addition, the current National Strategy for Inclusive Finance (SNFI) 2013-2017 validated in December 2012 by the microfinance sector actors including the Ministry of Finance and Budget, the Ministry of agriculture, Technical and Financial Partners (World Bank, IFAD, AFD, UNCDF / UNDP, EU, ...), the Professional Association of

Microfinance institutions, Professional Association of Banks, the Insurance Committee of Madagascar, the Microfinance institutions, the Microfinance Banking institutions, reiterated the importance of women's access to financial services and microfinance.

36. To do so, in order to implement the planned activities, the microfinance sector actors validated the budgeting of the SNFI on 23 October 2013, and UNCDF / UNDP will allocate funds for the period of 2013 2015.

37. By 2017, the National Strategy for Inclusive Finance (SNFI) aims to reach more than one million women beneficiaries.

❖ On the Under- five mortality

38. The mortality of children under 5 years showed a decline from 2008-2009 to 2012-2013. It went from 72 % in 2008-2009 to 62 % in 2012-2013. Similarly, the mortality of children under one year experienced a decrease between this period ranging from 48 % in 2008-2009 to 42% in 2012-2013. Notwithstanding, the MDG 4 target for 2015 will not be met.

Table 8 Indicator of the Millennium Development Goals (MDG) 4 on reducing the mortality of children under five

Indicator name	ENSOMD 2012-2013 (%)	Target 2015
Indicator 4.1: Mortality rate of children under 5 years (%)	62	53
Indicator 4.2: Mortality rate of children under one year (%)	42	31
Child mortality rate for infant below one month (%)	26	21
Indicator 4.3: Proportion of children aged 12-23 months immunized against measles	61,7 %	100
4.C1 Indicator: Proportion of children aged 12 to 23 months fully immunized	51,1 %	100

Source : INSTAT/DDSS/ENSOMD 2012-2013

❖ On improving maternal health

39. The maternal mortality rate remained nearly stationary for about ten years. It is estimated at 478 maternal deaths per 100,000 live births for the period 2012-2013 against 498 per 100 000 live births for 2008-2009.

Table 9 Indicator of the Millennium Development Goals (MDG) 5 on improving maternal health

Indicator name	ENSOMD 2012-2013 (%)	Target 2015
Indicator 5.1: Maternal mortality ratio per 100 000 live births (EDSMD IV: 498 with IC = [402; 594]) 478122	478	122
Indicator 5.2: Proportion of births attended by qualified health staff	44,3 %	
Indicator 5.3: Rate of contraceptive use (modern for women living in partnership)	33,3 %	
Indicator 5.4: Birth rate among adolescents (specific fertility rates of 15-19 years)	163 %	
Indicator 5.5: Antenatal care coverage (Consultation by trained staff)	82,1 %	
Indicator 5.5a: at least one visit	86,7 %	
Indicator 5.5b: at least four visits	51,1 %	
Indicator 5.6: Unmet needs in terms of family planning	17,8 %	
Fistula awareness (heard about): male & female	13 % & 12 %	
Among the women surveyed, percentage of women aged 15-49 with urinary and/or fecal losses by genital tract	5,3 ‰	

Source : INSTAT/DDSS/ENSOMD 2012-2013

❖ On the fight against HIV/ AIDS, malaria and other diseases

40. For the population aged 15-24, the rate of condom use during the last high-risk sex accounts for only 7.9%. Similarly, 24.2% of the population of this age group only have accurate and comprehensive knowledge of HIV and AIDS

41. Regarding the fight against malaria, nearly two-thirds of households own a Mosquito net Impregnated with Durable Insecticide (MID) (64%) and more than a quarter of households own more than one (34%). 49.7% of children under 5 years of age slept under mosquito nets impregnated with durable insecticide. The proportion of children under age 5 with fever treated with appropriate anti-malarial drugs means represents 12.5%.

42. Finally, 82% of the total population have knowledge of tuberculosis.

Table 10 : Indicator of the Millennium Development Goals (MDG) 6 on the fight against HIV / AIDS, malaria and other diseases

Indicator name	Male	Female	All
Utilisation rate of a condom during last high-risk sex (15-24 years)	7,3 %	8,5 %	7,9 %
Proportion of the population aged 15 to 24 years having accurate and comprehensive knowledge about HIV / AIDS	25,5 %	22,9 %	24,2 %
Indicator 6.7: Proportion of children under 5 sleeping under insecticide-treated nets	48,6 %	50,8 %	49,7 %
Indicator 6.8: Proportion of children under age 5 with fever treated with appropriate anti-malarial drugs means	12,3 %	12,8 %	12,5 %
Indicator 6.9: Knowledge of tuberculosis	84 %	80 %	82 %

Source : INSTAT/DDSS/ENSOMD 2012-2013

❖ On sustainable environment

43. The proportion of the population with access to improved drinking water is 27.7% according to ENSOMD 2012-2013, and 38.9% as defined by the Ministry of Water's. These rates show a slight increase of respectively 8.1% and 6.3% compared to 2010.
44. The proportion of the population using improved sanitation facilities is 7.1% according to ENSOMD 2012-2013, and 50.1% as defined by the Ministry of Water. These figures show an increase of respectively 4.3% and 27.4% compared with 2008.
45. The proportion of the population using main solid fuels reached 99.2%. This rate remained unchanged compared to 2010.
46. The proportion of urban dwellers living in slums is 88.2% according to ENSOMD 2012-2013, and 72.8% when using the definition of the Ministry of Water. These figures relate to inadequate access to improved drinking water and inadequate access to improved facilities, which reflect very poor living conditions in urban areas.

Table 11 : Indicator of the Millennium Development Goals (MDG) 7 on environmental sustainability

Indicator name	ALL		Target
	MDG	Min Water	
Indicator 7.8: Proportion of population using an improved drinking water source	27,7 %	38,9 %	68 %
Indicator 7.9: Proportion of the population using improved sanitation facilities (toilets)	7,10 %	50,1 %	54 %
Indicator 7.9: Proportion of the population using improved sanitation (domestic waste)	10,5 %		
Proportion of population using main solid fuels	99,2 %		
Indicator 7.10: Proportion of urban population living in slums	88,2 %	72,8 %	

Source : INSTAT/DDSS/ENSOMD 2012-2013

❖ On employment

47. Unemployment¹, as defined by the International Labour Office is still low in Madagascar since it only affects 1.3% of the Malagasy workforce². Moreover, unemployment affects women more than men, respectively, 1.5% and 1%, and varies according to the age group. In 2012, six out of ten unemployed were women.
48. For the 15-19 years, the unemployment rate reached 2.1% and was at 3.1% among the 20-24 years. From 25 years the unemployment rate gradually decrease to 0.7% for the 40-44 years, and 0.2% for workers over 50 years. Three-quarters of the unemployed are under 30 (75.3%) and nine in ten under 40 years.

¹ According to the ILO, an unemployed person is defined as any individual:

- Of working age (5 years or more),
- Without a job during the last seven days
- On the active job search,
- Available to work.

² National Survey on Employment and Informal Sector (ENEMPSI) 2012 conducted by INSTAT.

49. The Malagasy economy remains a heavily agricultural and informal economy. Thus in 2012, 9 out of 10 jobs were in the informal sector, 75% in informal agricultural enterprises.

c. Malagasy cultural policy

50. Madagascar has a national cultural policy for socio-economic development according to law No. 2005-006 of 22 August 2005.

51. This policy includes six non-exhaustive components:

- Promoting cultural dialogue;
- Development of a language policy;
- Improving conditions for artistic production;
- Development of cultural industries;
- Cultural and civic education of the Malagasy youth;
- Establishment of structures.

52. Madagascar has Decree No. 2012-1008 of 14 November 2012 on the Malagasy policy book, including the various provisions of the advantages of the actors in the book chain, in order to facilitate the publication of books in Madagascar and whose objectives are to:

- Protect and promote intellectual production;
- Improving the conditions of production Malagasy books;
- protect and provide written heritage of Madagascar;
- Promote real reading habits of the population;
- Support the free circulation of books within the country.

6. Political information

53. From 2009, Madagascar has been facing a long political and institutional crisis which has lasted for nearly five years.

54. A popular protest movement against the regime led by the Mayor of the Urban Community of Antananarivo Mr. Andry Nirina Rajoelina, forced the President of the Republic in office, to transfer full powers to a Military Board by Ordinance No. 2009-001 of 17 March 2009.

55. Ordinance No. 2009-002 of 17 March 2009, the Military Board, in turn, transferred power to Mr Andry Rajoelina Nirina through letter No. 79-HCC / G 18 March 2009.

56. Mr. Andry Nirina Rajoelina, President of the High Authority of Transition, suspended Parliament by Order No. 2009-003 of 17 March 2009.

57. Following the failure of various attempts to end the crisis, a "Road Map" was signed

on 17 September 2011 by 10 most representative political entities in the presence of members of the international mediation represented by SADC.

58. This roadmap has been incorporated into the domestic legal order. For its implementation, legislative and regulatory measures (see Appendix 4) were adopted for the establishment of the transitional institutions and the organization of presidential and legislative elections for the return to constitutional order.

❖ **Transitional institutions**

- The Executive :

59. In accordance with the Road Map, Andry Rajoelina Nirina is the President of the Transition serving as Head of State and Jean Omer Beriziky the consensus Prime Minister of the Government of National Unity.

- The Parliament:

60. The Parliament consists of the Higher Council of Transition acting as Senate. It is composed of 161 members. The Congress of the Transition with its 366 members is replacing the National Assembly.

- The electoral bodies:

61. The Independent National Electoral Commission for the Transition (CENI-T) is the body responsible for the management of elections (OGE) and whose mission is to organize, supervise the electoral process and treat, publish the provisional results of polls for presidential and parliamentary elections. To accomplish its mission, the CENI-T receives technical and financial support of the Government and the international community through the "Project Support to Electoral Cycle in Madagascar" (PACEM) managed by UNDP.

62. The Special Electoral Court (CES) within the High Constitutional Court is responsible for receiving and validating the nominations, the electoral disputes and the announcement of final results of the presidential and legislative elections.

- Other structures of social peace:

- The Special Commission to the Supreme Court responsible for ruling on applications for amnesty.

- The Malagasy Council for Reconciliation (CRM) or Filankevity ny Fampihavanana Malagasy (FFM) in charge of national reconciliation (see Appendix 4).

❖ **Presidential and legislative elections**

63. The return of Madagascar to constitutional rule was marked by the election of the President of the Republic and the establishment of the National Assembly following the organisation of presidential and legislative elections³ of 20 December 2013.

³ Following its judgment of 17 January 2014.

64. Mr. Hery Rajaonarimampianina was elected President of the 4th Republic with 53.49% of the votes against 46.51% for candidate Jean Louis Robinson.

65. The election results announced by the CES led to 147 elected MPs and the cancellation of results in the electoral districts of Marovoay, Holy Mary, Belo Tsiribihina and Ambilobe.

66. In order to achieve the inaugural speech of the President of the Republic on 25 January 2014, the Prime Minister KOLO Roger presented to the National Assembly on 10 May 2014, the outline of the implementation program of the General Policy of the State.

67. Four priorities to be implemented were presented by the executive:

- Improving democratic governance and the rule of law;
- Accelerating inclusive growth;
- The promotion of employment and regional development, improvement of access to basic social services and building human capital;
- Protecting the environment and mitigating the adverse effects of climate change.

❖ **Establishment of the Government and National Assembly**

68. Mr. Roger KOLO supported by the party or majority party group in the National Assembly was appointed Prime Minister by the President of the Republic on April 11, 2014. The Government was formed on April 18, 2014 after the appointment of its members by President of the Republic. The Government has 31 ministries and a Secretary of State with 31 Ministers including 6 women and a Secretary of State.

69. The National Assembly under the leadership of the newly elected permanent bureau on the basis of new rules and procedures, held its first regular session on May 6, 2014.

7. Constitutionnal evolution

70. Following the referendum held on November 17, 2010, Madagascar adopted a new Constitution. The Constitution of 11 December 2010 for the 4th Republic enshrines:

- The principle of equality and non-discrimination based on gender, level of education, wealth, origin, religious belief or opinion
- The right to life;
- The prohibition of torture and other cruel, inhuman or degrading treatment⁴ ;

⁴Article 8 de la Constitution : « No one may be submitted to torture or to cruel, inhuman or degrading penalties or treatments ».

- The exceptional nature of detention.

PART TWO : IMPLEMENTATION OF ARTICLES OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

1. Introduction

a. Obligation of Member States (Article 1)

71. In the Constitution, rights, freedoms and duties are enshrined in Title II.
Article 7. - *"Individual rights and freedoms guaranteed by the Constitution and their enforcement is organized by the law."*

72. The Constitution prohibits arrest and arbitrary detention.
"For no one can be subjected to an arrest or detention except in the context of a legal procedure under the Code of Criminal Procedure or other specific laws, and for qualified crimes or offenses that are punishable of 'imprisonment. ⁵ ».

73. The new Constitution recognizes the exceptional nature of preventive detention ⁶.

74. Freedom of opinion and expression, communication, press, association, assembly, movement, conscience and religion are guaranteed to all and may be restricted only by respect for the rights and freedoms for others, and the need to safeguard public order, national dignity and security of the State. ⁷.

75. In exercising the rights and freedoms recognized by this Constitution, all individuals are obliged to respect the Constitution, institutions, laws and regulations of the Republic ⁸.

76. For better protection of children, the Malagasy legislation against domestic exploitation considered as worst form of labor domestic employment of people aged below 18 years. Which is more favorable provisions for the implementation of the Charter.

77. Madagascar has made efforts to combat traditional or cultural practices which are incompatible with the rights, duties or obligations covered by the Charter as set out in Article 21, paragraphs 435 and 438 of this report.

⁵ Articles 9 and 13 of the Constitution : Article 9 : « All persons have the right to liberty and may not be subject to arrest or arbitrary detention ».

⁶ Article 13 : « *Preventive detention is an exception* ».

⁷ Article 10 of the Constitution.

⁸ Art 16 of the Constitution.

78. Madagascar has ratified the African Charter on the Rights and Welfare of the Child on 17 January 2005.

79. Regarding the applicability of the Charter, the Constitution in Article 137 paragraph 4 thereof provides that all treaties or agreements duly ratified or approved shall, upon publication, have higher authority than laws.

80. This initial report of Madagascar on the implementation of the African Charter on the Rights and Welfare of the Child could not be submitted because Madagascar has been suspended by the African Union since the political crisis of 2009.

81. It was developed in pursuance of Article 43 paragraph 1 of the Charter, which requires States parties to submit to "the Committee reports on the measures they have adopted which give effect to the provisions of the Charter and on the progress made in the exercise of these rights. "

b. Report preparation process

82. This report was prepared by the Committee in charge of Drafting initial and periodic reports under Human Rights International Instruments (CRRIPDH), which was created by inter-ministerial order No. 18600 of 30 October 2003 on the initiative of the Ministries of Justice and of Foreign Affairs.

83. The CRRIPDH is composed of:

- State Representatives from the Ministries of Justice, Foreign Affairs, Economy and Planning, National Education, Homeland Security, Public Health, Population, Social Protection and promotion of Women, Youth and Sports, Public Service, Labour and Social Laws, Interior and Decentralization, National Defence;
- And representatives of Civil Society Organisations working in the field of Human Rights.

84. The CRRIPDH has the following functions:

- Collect data required for the preparation of initial and periodic reports;
- Write initial and periodic reports to be submitted to the Treaty Bodies and UN committees and regional institutions in accordance with treaty obligations.

85. The third and fourth periodic reports of Madagascar on the implementation of the Convention on the Rights of the Child were examined in Geneva in January 2012. The initial reports on the implementation of the two Protocols to the Convention on Children's Rights were drafted and sent to the Committee on the Rights of the Child and pending consideration. Madagascar has benefited from financial and technical assistance from UNICEF in the development of these reports.

86. In accordance with paragraph 24 of the Guidelines, the Drafting Committee was inspired by reports of elements on the implementation of the CRC in the development of this initial report.

87. Many elements of this report are derived from reports on various international legal instruments on human rights to which Madagascar is a party such as the CRC, CEDAW, ICESCR, ICCPR, CAT,...

88. The preparation of the report initially required data collection followed by a sharing session before the final draft.

2. General measures of implementation

c. The Constitution

89. The Constitution endorsed:

- The International Charter of Human Rights,
- The Conventions on the Rights of Women and Children,....

90. In accordance with Article 137 paragraph 4 of the Constitution of 11 December 2010, duly ratified treaties take precedence over the laws in these terms: "*Treaties or agreements duly ratified or approved shall, upon publication, have higher authority of that of the laws (...).*"

91. The rights protected by the African Charter on Rights and Welfare of the Child are litigants before the courts and tribunals regardless of whether there is a legislation that is incompatible with the treaties' provisions.

92. It follows that any individual who filed a lawsuit has the right to exercise remedies opposition, appeal or cassation.

93. Furthermore, any person whose rights have been violated and who has suffered harm can seek redress before the competent court.

d. Discourage cultural practices which are incompatible with the Charter

94. The answers regarding cultural practices incompatible with the Charter will be detailed in the section on special protection measures, e) children victims of harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child.

e. National mechanisms for the respect of children's rights

❖ Independent National Commission on Human Rights (CNIDH)

95. Act No. 2014-007 of 19 June 2014 establishing the CNIDH was adopted by the National Assembly.

96. Following an assessment of the conformity of the former Act of 2008 with the Paris Principles, the new law has taken into account the following criteria in accordance with those principles:

- Independence vis-à-vis the executive in particular through the name change that is "Independent National Commission on Human Rights"
- The appointment procedure is assigned to each entity represented in the Commission and not to the executive,
- Administrative and financial autonomy
- Extension of the mandate to better promote and protect human rights,
- Representativeness and pluralism,
- Regular operation and permanent exercise of its mandate.

❖ Judicial authorities

97. Les cours et tribunaux ont compétence pour connaître des violations des droits de l'homme.

98. Madagascar has 48 Courts of First Instance, 6 Courts of Appeal, 6 administrative and financial courts and a Supreme Court including the State Council, the Supreme Court and Court of Auditors.

❖ Administrative authorities

99. The administrative authorities responsible for law enforcement have an obligation to monitor and enforce human rights through law enforcement agencies (force de l'ordre) carrying out their missions.

100. Section 114 of the Malagasy Penal Code provides that *"When a public officer, agent or servant of the Government has caused or committed any arbitrary or*

infringing act to the individual freedom or civil rights of one or more citizens, or to the Constitution, he shall be sentenced to civic degradation. "

f. Popularisation of international instruments

101. The translation in the national language of the various International Instruments was conducted to raise awareness of the goals of the conventions and treaties relating to human rights so that people can enforce their rights and file a lawsuit to claim redress.

102. The Convention on the Rights of the Child was translated and distributed in Malagasy.

103. Following consideration of the fourth periodic report of Madagascar on the implementation of the Convention on the Rights by the Committee on the Rights of the Child in January 2012, the Committee for drafting human rights reports, with the support of UNICEF undertook the review of the concluding observations of the CRC Committee for senior institutional managers, and technical and financial partners involved in the promotion and protection of children's rights.

104. Following this feedback session, a plan for the implementation of the recommendations was developed with the support of partners including UNICEF. This plan was considered in the development of the work plan 2014.

3. Definition of the Child

105. The definition of the child in the national legislation is consistent with the Convention on the Rights of the Child and corresponds to that of the Charter which refers to: "*Every human being below the age of 18 years*".

106. It is important to note that Act No. 2003-044 of 28 July 2004 on the Labour Code provides for raising the legal minimum age for employment at 15 years instead of 14 years and provides that this minimum age should not be below the age of completion of compulsory education (art. 100).⁹

1. The Labour Code was the subject of the decree No. 2007-563 of 03 July 2007 on child labor and which bans domestic work for children under 18 years of age and their employment in hazardous and unhealthy work, harmful to their health (art. 16).

107. Children may not be employed, even as apprentices, before the age of 15 without the authorization of the Labour Inspector and provided that the work is not harmful to their health or their intellectual development (art. 102).

⁹ Article 100 of Act No. 2003-044 of 28 July 2004 on the Labour Code.

108. Night work and overtime are prohibited until the age of 18.

4. General principles

a. Non-discrimination

109. Article 6 of the Constitution enshrines equality of all in law and the enjoyment of the same fundamental freedoms protected by the law without discrimination based on sex, level of education, wealth, origin, belief religious or opinion.

110. The use of "*all persons are equal before the law and enjoy the same freedoms ...*" means that all children without discrimination based on sex, age, race, birth, level of education, wealth, religion or opinion enjoy guarantees of non-discrimination as included in the article above.

❖ Non-discrimination in family law

111. In order to address discrimination based on age and sex of the former law which set marital age at 14 years for girls and 17 for boys, the new Act No. 2007-022 of 20 August 2007 relating to marriage and matrimonial regimes in its Article 3 sets the minimum age for marriage at 18 for both sexes. The law also aims to ban child marriage.

112. For serious reasons, the President of the First Instance Court may authorise the marriage, upon the request of, the father and the mother or the person exercising authority over the child and with the express consent and of the child.

113. Pregnancy is considered as a serious cause by the case law in order not to deprive the unborn child of a family and related rights.

114. Article 3 of Acts No. 2005-014 of 7 September 2007 on the adoption and No. 2007-023 of 20 August 2007 on the rights and child protection stipulates: "*Every child has the same rights without distinction, irrespective of any consideration based on race, color, sex, language, religion, political or other opinion of the child or his parents or legal representatives, national origin, ethnic or social, disability, property status, birth or other status* »

115. Finally, Decree No. 2001-162 on the implementation of Act No. 97-044 on the Rights of Persons with Disabilities aims to eradicate all forms of discrimination in terms of social rights.

❖ Non-discrimination in access to education

116. Following Decree No. 2009-1147 of 1 September 2009 laying down the general

policy of inclusive education, in access to education, no child may be denied admission to a primary school without a legitimate reason.

117. Similarly, children with disabilities are educated in mainstream schools.

❖ **Non-discrimination in access to health care**

118. Health care is provided to all people, across the country, without any form of discrimination.

119. Act No. 2011-003 of 1 August 2011 concerning hospital reform states in Article 4 that *"The public hospital service guarantees equitable access to care for all. It is required to accommodate any person, day or night, in emergency if the patient or injured person's condition demands it. The public health service shall not make any discrimination between patients regarding care. "*

120. According to Article 2 of Decree No. 2012-0632 of 13 June 2012 on Code of Medical Ethics: *"The vocation of the doctor is to defend the physical and mental health of the human person and to relieve pain in the respect of the life and dignity of the human person without discrimination of age, sex, race, religion, nationality, class or political ideology, in time of peace or in time of war. "*

121. According to the Decree No. 2004-780 of 3 August 2004 concerning the Nurses' Code of Ethics, Article 7 states that *"The Nurse must treat with the same consciousness all his/her patients, regardless of their conditions, their nationality or ethnicity, religion, reputation or the feelings they inspire him/her "*

122. Article 4 of Decree No. 2013-035 of 22 January 2013 relating to the Code of Conduct of Midwives states that *"They should rigorously apply the principles of equity, justice and human dignity in the exercise of their functions and adopt a neutral course of ensuring equal treatment, access to health care without any discrimination based on origin, sex, age, membership or not to ethnicity, to a nation or a particular religion, morals, family situation, illness or disability and client's reputation. "*

123.They must ensure that the physical and medical resources are allocated equally according to the social situation of patients in order to promote access to quality care to the so-called vulnerable groups

b. Best interests of the child (Article 4)

124.Act No. 2007-023 of 20 August 2007 on the rights and child protection and Act 2005-014 of 7 September 2005 on the adoption explicitly provide for the best interests of the child successively in articles 4¹⁰ and 5.

125.The recognition of this principle is included in inter country adoption which should be a last resort and after exhausting the various possible alternatives for the child's country of origin, namely the maintenance to its original family, kinship family or domestic adoption. It must, in all cases, be decided taking into account the best interests of the child.

126.At the level of the courts in both civil and criminal matters taking into account the best interests of the child is the rule especially regarding custody, placement or prosecution against a minor.

c. The right to life (Article 5)

127.The Malagasy Constitution in Article 8 provides for the protection of the right to life of every individual including the child by providing that: "the right of everyone to life shall be protected by law. No one shall be arbitrarily deprived of his/her life. "

128.The protection of this right is also included for the simply conceived child through Article 19 which states that *"the State recognizes and organizes for every individual the right to the protection of health from conception, by provision of free public care, since the free care results from the ability to provide national solidarity. "*

129.Moreover infanticide was erected as a criminal offense punishable under the Penal Code.

130.Article 300 of the Penal Code states that "infanticide is murder or assassination of a new born child." The penalty is that provided for in article 302, which provides that "any person found guilty of murder shall be sentenced to death ..."

131.However, the mother as main perpetrator or accomplice in the murder of her new born child, shall be punished with hard labor, while this provision shall not apply to her co-perpetrators or accomplices.

132.On 24 September 2012, Madagascar signed the Second Optional Protocol to the

¹⁰ – Article 4 : « *In all decisions concerning the child, the child's best interests must be paramount* »

– Article 5 : « *In all actions concerning the child, his/her best interests shall be a primary consideration and determining* »

International Covenant on Civil and Political Rights to abolish death penalty.

133.As part of the logical result of the signing of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, Madagascar has subscribed to the Cotonou Declaration on the Abolition Death penalty of 4 July 2014.

134.Article 46 of the Ordinance 62-038 of 19 September 1962 on Child Protection provides that *"In any case, death penalty shall not be pronounced against an eighteen-year-old minor"*.

135.In any case, Madagascar is among the abolitionist states in practice for, since its independence it has not carried out the execution of death penalty for prisoners sentenced to death.

136.Currently, Madagascar embarked on a reform procedure of its legislation with a bill to abolish death penalty. This bill is being considered in cabinet meeting and in the Council of Ministers before its adoption by the National Assembly.

5. Civil rights and freedoms

a. Name and nationality

137.Every child has the right to a name at birth and to be registered at the registry office within 12 days after his birth, pending criminal penalty, in accordance with Article 9 of Act No. 61- 025 of 9 October 1961 relating to acts of civil status.

138.According to the MICS 2000 (Multiple Indicator Cluster Survey), it was noted that 2.5 million Malagasy children under 18 years had not been registered at the registry office. There are significant disparities between the regions. In the capital, 95% of births are reported. This percentage drops to 86% in urban areas and 72 % rural areas. The lowest rate is in the Boeny region (60%).

139.As part of the 2012-2013 ENSOMD survey, it was found that birth registration of children is not yet comprehensive, although there have been improvements over previous years: 83% of children under five years against 75% according to the DHS 2003-2004, and 80% according to the DHS 2008-2009, and 88.1% of children aged 5 to 17 were reported to the civil registrar.

140.Cultural difficulties impede the effective implementation of the provisions of Article 6 of the Charter in some regions including the South East region, where members of the community believe that the early naming at birth carries a curse against the child. This belief contributes among others to the existence of unregistered children thus deprived of birth certificate.

141.Other challenges revolve around:

- The remoteness from civil registration centres,
- Parents' lack of interest
- Ignorance of the law,
- Dysfunction of civil registration services,

142. In response to this situation, and in accordance with Articles 7 and 8 of the CRC, the Malagasy Government has set up a national birth registration rehabilitation program, *Ezaka Kopia ho an'ny Ankizy (EKA)*, through the Decree No. 2004-495 of 26 April 2004. The program was created in partnership with UNICEF and the EU.

143. The program includes systematic birth registration and court orders.

144. The table below shows the activities carried out within the framework of the implementation of the EKA Program.

Table 12 : Activities carried out under the program EKA

	2004-2007	2008	2009	2011	TOTAL
No. of children identified	594 592	2 718 885	894 503		4 207 980
No. of children identified without birth certificate	234 785	856 028	393 542	88 321	1 572 676
No. of records made	168 601	716 490	314 057	71 749	1 270 897
No. of court orders issued	140 314	621 588	259 138	65 334	1 086 374
No. of court orders transcribed	113 923	461 176	215 010	64 659	854 768
No. of 1st copies issued	95 593	341 545	152 468	64 013	653 619

Source : Ministry of Interior /EKA Data ERN 2012

145. In 2012, children aged 0 to 5 years who are excluded or at risk of exclusion, are registered and have a birth certificate in priority areas such as: Atsimo Andrefana: 49.3%; Androy: 40.5%; Anosy: 31.6%; Atsimo Atsinanana: 37.3%. The number of children aged 0 to 17 years of age registered at the registry office following a court order in the Androy and Anosy regions amounted respectively to: 12 118 and 33 659¹¹

¹¹ United Nations Interim programme in Madagascar 2012-2013

146. Three regions conducted a Census Birth: Anosy, Androy and Analamanga. The Anosy Region recorded the highest number of children without birth certificates at a rate of 44,041 against 2,259 for Analamanga. 33,659 court orders for birth certificates were issued in Anosy and 840 Analamanga.

147. Ordinance No. 60-064 of 22 July 1960 on the code of Malagasy nationality determines the conditions under which the Malagasy nationality is assigned or may be acquired.

148. The legitimate child born to a Malagasy father is considered Malagasy.

149. The child born to a Malagasy mother and a father of a foreign nationality, shall use at his/her majority, a naturalisation procedure if he/she wishes to acquire Malagasy nationality.

150. A bill amending and supplementing certain provisions of Ordinance No. 60-064 of 22 July 1960 on the Malagasy Nationality Code is being developed in order to follow the recommendation of the CERD Committee, which asked Madagascar to revise its law on nationality and ensure Malagasy nationality to children of mixed marriages, as well as children born to a father of Malagasy nationality and a mother of foreign nationality.

151. This bill in its Article 9 provides that::

"Is Malagasy:

1 – The child whose parentage is established with regard to a father and a mother of Malagasy nationality regardless of domicile or residence.

2 – The child whose parentage is established with regard to one parent of Malagasy nationality".

152. This article of the bill is consistent with the principle of non-discrimination in the sense that the Malagasy nationality of one parent is sufficient for the child to automatically access the Malagasy nationality.

153. The newborn child found in Madagascar is presumed to be born there, until proven otherwise in accordance with Article 11 of Ordinance No. 60-064 of 22 July 1960 on the code of Malagasy nationality. The person who finds the child gives him/her a name via a birth court order.

b. Freedom of expression

154. Article 10 of the Constitution states that *"freedom of opinion and expression, (...) are guaranteed to all and can only be limited by respect for the freedoms and rights of others and the imperative to safeguard public order. "*

155. In its article 7, Act No. 2007-023 on the rights and protection of children enshrines the recognition of the child's views in these terms: *"Every child capable of*

discernment has the right to express his/her opinion on any matters affecting him/her, due consideration will be given to the opinion based on the age and maturity of the child. "

156. The child's opinion will be taken into account in any administrative, criminal, civil procedure, including the adoption and custody granting process.

c. Freedom of association

157. Freedom of association and peaceful assembly is guaranteed by the successive Constitutions. Ordinance No. 60-133 of 30 October 1960 requires civil majority for the creation of an association.

158. In practice, a children's association is registered based on declaration made by an adult and children can join freely. Such are the cases of children scouts, youth peer educators association in some regions and clubs for children in environmental matters.

159. 163 youth associations nationwide and local 228 including 214 secular and 10 faith-based are registered with the Ministry of the Interior

160. Since 2007 the Ministry of Posts and Telecommunications with the support of UNICEF has set up youth reporters clubs for youth aged 13 to 18 years, which aims to entertain, disseminate information, initiate discussions, feed into reflections around themes that concern young people.

161. For this purpose 400 youth from six regions were trained on child rights and on radio programmes production techniques in 21 regions except Betsiboka.

162. Any public event including peaceful assembly is subject to a system of prior authorization issued by the Commissioner of Police. The authorization may be refused in case of threat to public order. In practice, youth gathering systematically obtain the authorization. As examples there are the celebration of the World Youth Day which is annually organized by the Catholic denomination or other religious event initiated by other denominations.

d. Freedom of thought, conscience and religion

163. Freedom of religion is enshrined in the Constitution. In practice, children in Madagascar adopt the religion of their parents.

164. In Madagascar, religious diversity is the rule and tolerance between different faiths is a reality. Each denomination refrains from uttering hate speech to avoid inter religion conflicting tensions.

e. Protection of privacy

165. Article 13 of the Constitution states that *"Everyone is guaranteed the inviolability of his person, his home and the secrecy of correspondence. No search may take place unless under the law and by written order of the competent judicial authority, except in cases of flagrante delicto. No one may be punished except by virtue of a law promulgated and gazetted prior to the commission of the criminal act. "*

166. The implementation of Article 10 of the Charter is facilitated by the Malagasy culture, which accepts that parents can exercise reasonable control over the conduct of their children including the control of their movements, friendship and private correspondence.

f. Protecting children against abuse and mistreatment

❖ Neglect, abuse and sexual abuse

167. Act No. 2007-023 of 20 August 2007 on the rights and protection of children defines abuse and sets out measures to protect children in moral danger or victims of abuse, including the provisions related to reporting.

168. Article 67 of the Act defines abuse as all forms of violence, injury or physical or moral abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual violence perpetrated on a child by his parents, legal guardians or any other person.

169. This article also includes the different types of sanctions taken against children in the context within the family context, in schools, in the community when they violate children's physical or moral integrity.

170. Any person who has perpetrated sexual abuse on minors incurs aggravated penalties.

❖ Reporting

171. Article 69 provides for the obligation to report for parents, family members, neighbours, friends, local authorities, teachers, religious leaders, social workers, medical staff, judicial police, to the competent administrative or judicial authorities subject to the penalties provided for in Article 62 para 1 of the Penal Code.

172. In any case, the child himself/herself may report abuse he/she has suffered.

173. Furthermore, with regard to trafficking, sex tourism and incest, the lack of reporting is considered as a special act of complicity in accordance with Article 7.3 of Act 2007 No. 2007-038 of 14 January 2008 amending and supplementing certain provisions of the Penal Code on the fight against human trafficking and sex tourism

❖ Administrative measures

174. Madagascar has developed a National Action Plan on ending Violence against Children, it has set up Child Protection Networks, a National Committee for the Protection of the child or CNPE by Decree No. 2012-858 of 28 December 2012, and a data bank centre on child protection.

175. Supported by UNICEF, the National Action Plan on ending Violence against Children covering the period 2008-2011 has been developed on the initiative of the Ministry of Justice with the participation of the relevant government departments and with the involvement of civil society members. This plan was approved in Cabinet meeting.

176. The national action plan includes nine strategic objectives::

- Public awareness on children's rights;
- Ensure compatibility of national legislation with ratified international legal instruments and popularisation;
- Capacity building of stakeholders involved in the protection of children;
- Coverage throughout the territory of child protection services;
- Visibility of child protection services;
- Establishment of a mechanism for national coordination of child protection activities;
- Includes a budget line for ending violence against children;
- Establishment of a mechanism for collecting and processing data and information;
- Monitoring and inter and multi-sectoral assessment of the implementation of the Plan.

177. The Child Protection Networks have been operational since 2004 with the support of UNICEF.

178. A Child Protection Network is a system of collaboration and coordination of local actors' actions and whose mandates are different for a common goal which is to promote and protect the rights of children, particularly to end all forms of violence against children.

179. The networks are based on:

- A community basis at community level in charge of the identification, prevention, protection, referral, reporting or management of cases;
- An institutional basis at the District level which coordinates services and conduct activities for the creation of lacking services, the relationship with the community, strengthening and capacity mobilisation.

180. The protection networks currently cover 765 municipalities, that is a national coverage of 48.5% in 100 Districts. The table below shows the evolution of the number of networks put in place since 2004.

Table 13 : Evolution of the number of networks set up since 2004

Year	Number of Communities	Number of Districts
2004-2005	14	14
2005-2008	65	38
2009-2010	765	100

Source : Ministry of Population / Directorate for the Protection of the Family and Children

181. In 2010, 450 networks were operational out of the 765 set up.

Table 14 : *Number of actors in child protection networks trained between 2008 and 2013*

Year	Central trainers	RPE member at district levels	RPE member at community levels	Social trainers at community levels
2008	18	70	337	50
2009	60	70	2 100	0
2010	0	289	2 500	0
2011	80	39	400	-
2012	0	113	376	210
2013	0	102	95	0
TOTAL	158	683	5 808	260

Source : Ministry of Population / Directorate for the Protection of the Family and Children

❖ Design, multiplication et dissémination of animation tools (2008-2013)

Table 15 : Number of tools mass produced and disseminated at the RPE levels between 2008 and 2013

Year	Advice cards	Reporting form	District report	Community report	Flyers	Flag	Book DE	Poster RPE	Cap + T- shirt	Manu la RPE	Badg e RPE
2008	-	-	-	-	-	-	-	-	-	-	-
2009	-	-	-	-	-	-	-	-	-	-	-
2010	5 000	-	-	-	-	-	970	-	2 500	-	-
2011	-	3 500	100	400	-	-	-	-	-	-	-
2012	-	1 220	40	1 350	50 000	3 230	-	10 000	4 541	2 600	8 500
2013	-	3 390	90	500	-	-	-	-	-	-	-
TOTAL	5 000	8 690	230	2 250	50 000	3 230	970	10 000	7041	2 600	8 500

Source : Ministry of Population / Directorate for the Protection of the Family and Children

182. The intersectoral and multisectoral nature of child protection activities requires the establishment of a coordination mechanism and effective consultation, which facilitates decision-making monitoring and evaluation. The creation of the Child Protection National Committee ensures the effective coordination and monitoring of child protection actions.

183. The CNPE's mission is to ensure :

- Direction of the policy and national programs on child protection;
- Coordination of actions related to child protection;
- Setting collaboration of all stakeholders working in the field of child protection.

184. The Ministry of Population and Social Affairs (MPAS) has a national database on child protection, fed through the reporting forms established at the districts level. Data from Child Protection Networks from January to August 2012 indicated that 1,043 children were victims of abuse, including 3.16% which appeared to be related to sexual exploitation. The most affected age group is that of 15-17 years (51%), followed by 6-14 years (35%). According to statistics gathered by the MPAS, intra-family sexual violence remains the most widespread.

185. In order to have data on the situation of child protection, Data Banks on child protection have been established since 2010 in the Department of Population and Social Affairs. The Department has chosen the Regional Directorates of DIANA and Boeny as data collection pilot regions.

186. The targets set in the implementation of these data banks are:
- To facilitate the information circuit from the community level to the central level;
 - To develop a sustainable and operational database management system.

6. Family environment and alternative care

a. Parental responsibility (articles 20 and 20.1)

187. In terms of education, the Constitution in paragraph a of Article 23 states that: "*Every child has the right to instruction and to education under the responsibility of the parents within respect for their freedom of choice.* »

❖ Taking into account the best interests of the child

188. Act No. 2007-023 of 20 August 2007 on the Rights and Protection of the Child stipulates in its Article 13 that "*the responsibility of the child's healthy development is primarily placed in parents*", the application of this provision must prioritize the best interests of the child regarding the choice of school and its orientation.

❖ Domestic discipline

189. The Malagasy custom accepts the imposition of reasonable corporal punishment to educate Malagasy children following the adage: "*zanaka tiana tsy hitsitsiana rotsankazo*" meaning that for the good of the child one should not refrain from caning with tree branch provided that it does not exceed the expected goal. The effectiveness of this custom is appreciated based on the child's respectful behaviour towards discipline, his/her respect for parents, seniors, elderly, his/her respect for the rights of others, and finally for the law.

190. The implementation of this custom is not incompatible with humane treatment and respect for human dignity.

191. In case of excess, the courts may impose sanctions against parents perpetrators.

❖ Assistance to parents (art 20. 2)

✓ Assistance and support programme to parents

192. When parents are experiencing major difficulties in fulfilling their obligations in terms of education, Article 48 of Act No. 2007-023 of 20 August 2007 states that "*when the safety, physical or moral integrity, health or education of a child are compromised, the Juvenile Judge intervenes with the help of social workers, to help and assist the family in its role of natural educator of the child, either by taking appropriate educational assistance and monitoring them.* »

193. These measures can be taken at the joint request of the father and mother or any one of them, by the person or service caring for the child, or the child's guardian, the child himself or even the Prosecution. The juvenile judge may also use a self referral process.

194. The extended family intervenes in the case where the biological parents are facing serious difficulties. Traditional authorities, Tangalamena, Sojabe, ampanjaka, Raiamandreny play an important role in parental guidance. The leaders of fokontany, and the various members of local communities are invested with the obligation and duty to assist families in need and refer them to appropriate services.

195. When the safety, the physical or moral integrity, health or education or education of the child are compromised, Article 50 of Act No. 2007-023 empowers juvenile judges to decide on the placement in another family, an accredited institution or trustworthy person.

196. In such situation, there will be a periodic assessment of the child's placement and the review of the decision will be considered, if necessary, in the best interests of the child. Indeed Act No. 2007-023 in Article 51 states that *"when the measure of educational assistance decided by the juvenile judge consists of the child's placement in another family or institution, the duration is three months renewable, the educational assistance measure may be replaced or renewed by a reasoned decision based on the evolution of the situation of the child. In no case, the duration of the measure may exceed two years."*

✓ **Day care service**

197. In urban areas some public or private day care services cater for children from families or from two working parents.

b. Separation from parents (articles 19.2 and 3 and 25)

198. Act No. 2007-022 of 20 August 2007 relating to marriage and matrimonial regimes gives to women, as for the men, the right to choose by agreement the common residence. Parents exercise parental authority together. Children live with their parents in the chosen residence.

199. Children are not separated from their parents against their will except by judicial decision. This may happen, in the case of child placement in a rehabilitation centre for minors or in penal insitutions.

200. Similarly in case of guardianship, this may happen only when parents have died or are unable to exercise their responsibilities towards their children according to Article 25 of Act No. 2007-023 of 20 August 2007 on the Rights and Protection of the child.

201. In case of separation between the child and one parent or both, the child has the

right to maintain personal relations and direct and regular contact with his/her parents. This may happen in case of divorce or if simple adoption.

❖ **Assistance to care centres**

202. In Madagascar there are public or private care centres in charge of hosting children in danger due to the failure of their parents to fulfill their duties vis-à-vis their children. In most cases, these centres receive the support of the state, of national or international NGOs working on child rights or technical and financial partners from the United Nations System.

❖ **Separation resulting from the action of the State party (art 19.3 and 19.4)**

203. Madagascar is not yet confronted to the problems related to the cases referred to in Article 19.3. In any case, Madagascar will take appropriate action if such cases occur in Madagascar by providing information concerning the residences of the member(s) of the absent family.

204. It is the same for the implementation of article 19.4 in the case of a child's arrest, Madagascar will ensure that the parents or guardian of the arrested child are informed as soon as possible.

c. Family reunification and children deprived of family environment (Art 25.2. a)

205. A child temporarily or permanently deprived of his/her family environment enjoys protection and assistance measures provided by the Decree 2006-885 of 5 December 2006 when a child has been placed with a foster family on the decision of a juvenile judge. The foster family has the right to be granted an allowance paid by the budget of the relevant ministry for each child placed by the juvenile judge. The foster family provides maintenance, education, child protection against all forms of exploitation and abuse, as well as harmonious development of his/her personality.

❖ **Placement in an institution (Art 25.2)**

206. Act No. 2007-023 of 20 August 2007 on the rights and protection of the child reinforces the child's right to life in the family and brings more safety for children separated from their parents. A child can be separated from parents by judicial decision based on his/her best interests when his/her safety, health, education are compromised. The judge considers the option of maintaining or not the contact between the child and his/her parents. The judge may decide the child's placement in a public or private care institution. The judge must ensure that the placement is subject to periodic review to ensure better protection of children's rights within the institution.

207. Art 25.3. Art 25.3. As part of monitoring the well-being of the child in a foster or

adoptive structure, and taking into account the best interests of the child, it may be considered to suggest to the alternative care centre or the adopting family to ensure continuity in education without losing sight of the ethnic, religious and linguistic heritage.

d. Protection of the child (Art 18.3)

208.: The Malagasy Constitution complies with the provisions of Article 18 of the Charter by stating in its Articles 20 and 21 that: "*The family, natural and fundamental unit of society, is protected by the State. Everyone has the right to raise a family and to bequeath his personal belongings.*

The State ensures the protection of the family for its free development and that of the mother and child through legislation and appropriate social institutions. »

209. Article 15 of Act No. 2007-023 of 20 August 2007 on the rights and protection of the child provides that parental authority belongs to the father and mother in order to protect the child's safety, physical or moral integrity and his/her education.

210. From this provision, it implies that parents vis-à-vis their children, have a legal duty to protect and educate during them within the marriage and even after its dissolution.

211. Regardless of the marital status of his/her parents, the child has the right to be raised in the same way as legitimate children born to legally married parents. This is the case of children of cohabiting couples and children born out of wedlock.

e. Adoption and periodic review of the child's placement (Art 24)

❖ Best interests of the child

212. Act No. 2005-014 of 7 September 2005 on the adoption enshrines the consideration of the best interests of the child by stating in its article 4 that "*in all actions concerning the child, the best interests of the child shall be a primary consideration.*"

213. In Madagascar, national and inter country adoption are regulated by Act No. 2005-014 of 07 September 2005. This Act organizes the procedure and determine the requirements and relevant institutions in charge of matters relating to adoption.

❖ Inter country adoption as a last resort

214. Inter country adoption should be a last resort and should occur only after having exhausted the different possible alternatives for the child to be kept in his home country, preferably within the biological family or extended family or alternatively, use a national adoption.

❖ Periodic assessment of the child's placement

215. In case of inter-country adoption and in order to monitor the living conditions of the adopted child, the adopting parents are required to send a progress report every six months during the first year, and annually thereafter in accordance with Article 71. This monitoring process is conducted by a state body called the Central Authority which has the power to contact the central authority of the host country which is required to write a report on the integration of the child in his/her new family and social environment and sent to the Malagasy Central Authority within the same time frame as that provided by the same article.

❖ Protection of the child against child trafficking in the context of adoption

216. Previously, adoption was governed by Act No. 63-022 of 20 November 1963 on parental lineage, adoption, rejection and guardianship. The provisions of this Act relating to the parental lineage and consent of the biological parents favored risks of child trafficking.

217. In response, the new Act No. 2005-014 of 7 September 2005 on the adoption provides in its Article 15 a sentence to hard labor for any material and / or financial gains or other benefit or unfair advantage during the adoption process.

218. Moreover, the institution of the Central Authority under Articles 51 to 78 of the new Act ensures the consistency and integrity of parental lineage.

❖ Internationale cooperation for the protection and monitoring of the welfare of the adopted child

219. Since 12 May 2004, Madagascar is a state party to the Convention on the Protection of Children and Cooperation in Respect of Inter country Adoption; this facilitates the monitoring of the welfare of the adopted child through the Malagasy Central Authority cooperating with the central authority of the host country.

f. Abuse, neglect, child exploitation including physical and psychological rehabilitation and social integration of the child (Art 27)

❖ Incitement, coercion or encouragement of a child to engage in sexual activity

220. Madagascar is State party to the Convention on the Rights of the Child and the Protocol to the CRC on the sale of children, child prostitution and child pornography.

221. Act No. 2007-038 of 14 January 2008 on trafficking, sale and sex tourism criminalizes and punishes sexual activity of children within the scope of trafficking, prostitution and sex tourism.

222. This law punishes the inducement, coercion or encouragement of a child to engage

in sexual activities by stating in Article 334-335 bis that "*Whoever violates morals by inciting, promoting or facilitating, in order to satisfy the passions of another person, debauchery, corruption or prostitution of a child of any sex is punishable by hard labour.*"

❖ **Child prostitution**

223.The same Act includes provisions for the prevention of child prostitution.

224.Exploitation child prostitution is a criminal offense under the Penal Code which reads as follows: "*The sexual exploitation of a child of any sex for commercial purposes is understood as the act by which an adult gets the services of a child for sex in return for remuneration, reward, or compensation in kind or in cash paid to the child or a third person or persons provided by Articles 334 to 335 bis of the Penal Code, with or without the consent of the child.*"

225.Article 334 sets out the definition of a pimp and the relevant sentence while article 335 bis defines the sentences accompanied by aggravating circumstances if the offense was committed by an organized gang or using torture or acts of barbarity.

226.For a better prevention and protection of children, Act No. 2007-038 of 14 January 2008 on trafficking and sexual tourism provides for specific measures:

- The criminalisation and repression of failure to report, by enacting that will be considered as an accomplice a person who knows the existence of pimping, sexual exploitation and sex tourism involving minors, and has not reported the matter to the appropriate authorities..
- An exemption concerning the starting point of the elapsing period for public prosecution, which begins to run only from the majority of children 18 years.
- Exclusion of the benefit of suspended sentences for offenses relating to trafficking, sexual exploitation, sex tourism and incest committed against a child.
- The inapplicability of the bail process while prosecuting offenses related to trafficking, sexual exploitation, sex tourism and incest committed against a child.

227.In 2011-2012, the study conducted by the NGO " Groupe Développement " on child prostitution in the cities of Antananarivo, Mahajanga and Nosy Be, showed that children's entry age group into prostitution in these three areas is 13 to 17 years.

228.The survey results have identified that 56% of the cases mentioned financial reasons for engaging in prostitution, and 85% of respondents said they wanted to get out of prostitution. In the case of Antananarivo, child prostitution was mostly linked to reasons of survival (57% of survival sex, 56% of these girls live in the slums of the capital).

229.According to the Vice squad and Minors Protection Police (PMPM) of Antananarivo,

in 2011, among the 1,048 juveniles arrested, 526 were involved in prostitution, including 471 girls and 55 boys. In 2012, among the 1,061 juveniles arrested, 566 were involved in prostitution, including 500 girls and 66 boys.

230. The survey conducted by the ILO on child victims of sexual exploitation in the cities of Antsiranana, Toliara and Antananarivo emphasized the scale of the problem and said that the average age of onset of the prostitution would be around 13 years for girls and 12 for boys. The PMPM Antananarivo confirmed that children victims of sexual exploitation are becoming younger and their number keeps on increasing.

231. Une enquête menée par le Kiosque de jeunes Tamaga¹² à Toamasina a dénombré 1 000 enfants victimes d'exploitation sexuelle depuis l'année 2011, dont 70 % sont des enfants déscolarisés.

232. Implemented since 2011, the Project ILO / IPEC TACKLE-funded by the European Union, led to the development of a Code of Conduct signed by sixty hoteliers in Nosy-Be on July 19, 2013. It aims to fight against the sexual exploitation of children for commercial purposes (ESEC) and sex tourism involving children (TSIE), through training and sensitisation of hotel establishments.

233. From 06 October 2011 to 30 June 2012, the project entitled LCTE / AMAV 10 was set up in the régions of Analamanga, Amoron'i Mania and Vakinankaratra, in order to contribute to the fight against child domestic labor. These regions were chosen because they are reportedly purveyors and recipients areas of child domestic workers.

234. The objective of this project is to strengthen the capacity of constituents on the fight against child labor in Madagascar and contribute to the elimination of child domestic labor in the regions of Analamanga, Amoron'i Mania and Vakinankaratra.

235. For the implementation of this project, the ILO of Antananarivo relied on a partnership with SOS Children's Villages Associations, SAROBIDY and the the Little Eden School which are usual partners of IPEC / Madagascar and some of them have gone through training on child domestic labor provided by the CIF10 in Turin, in 2010.

❖ **Child pornography**

236. Article 6.6 of Act No. 2007-038 defines child pornography as follows: "*Child pornography means any representation, by any means whatsoever, of a child engaged in explicit sexual activities, real or simulated or any presentation of the sexual organs of a child for primarily sexual purposes*". It complies with the Protocol to the CRC on the sale of children, child prostitution and child pornography.

237. Article 334 of the same Act punishes child pornography with imprisonment ranging

¹² Youth Club peer educators under the Ministry of Youth and Recreation

from 2 to 5 years and a fine of one to ten million Ariary.

238. The PMPM identified a single case of child pornography in 2011. A French 60 year old had abused a girl of 13 years in Toamasina, this act was filmed and released. An investigation was opened, three individuals were placed in custody, and the main perpetrator was arrested in France in June 2013.

7. Basic health and welfare

a. Survival and development of the child (Article 5.2)

239. Regarding the development of the child, Madagascar has made efforts for the provision of basic social services in terms of health and education as well as the establishment of the National Child Protection Committee (CNPE). Detailed information on these points is discussed in the sections dealing with health, education and child protection against abuse in paragraphs 239 and 333 of this report.

b. Disabled children (Article 13)

❖ Normative framework

240. On 25 September 2007, Madagascar signed the International Convention on the rights of persons with disabilities of 2006. This Convention, which was translated into Malagasy with the support of Handicap International and the commitment of the Platform of the Federations Disabled Persons of Madagascar, was popularized among decision makers for a better understanding of the need to improve the conditions of children living with disabilities.

241. Act No. 97-044 of 2 February 1998 on Disability, completed in February 2001 by Decree No. 2001-162 and six ministerial orders in 2005, provides for measures in favour of disabled children, including in the area of education.

242. According to the definition of the aforementioned Act, the term "disabled person" refers to *"any person who has a congenital or acquired deficiency in his physical, mental, sensory capacities, and that prevents him/her personally to provide all or part of the necessities of a normal individual or social life."*

243. In the context of the African Decade of Disabled Persons (1999-2009), Madagascar chose the period 2003-2013. In this regard, an action plan was adopted by a multisectoral committee under the Ministry in charge of the population in 2007. The aim is to strengthen social mobilization for disabled persons.

244. The associations working to promote the rights of persons with disabilities have gained momentum in recent years. Currently, one hundred associations of disabled people are divided in seven collective and / or federations such as the former

UNAHM (National Union of Associations of the Disabled of Madagascar). Some of them are supported by Handicap International.

❖ **Statistics on disabled persons**

245. Two national surveys were conducted by the Ministry of Health in 2003 and 2004/2005. Based on these surveys, the overall prevalence of disability is estimated at 7.5%, i.e. a disabled population estimated at 1,347,150 in 2007.

Table 16 : Estimated distribution of the disabled population according to age groups

Age group	Percentage
Under 12 months	0,3 %
From 1 to 5 years	16,1 %
From 6 to 18 years	21,1 %
From 19 to 49 years	24,4 %
From 50 and over	38,1 %

Source : Survey report « Coordination of care for people with disabilities », 2003

246. The distribution by age, shows that 37.5% of people with disabilities are aged below 18 years. In 2007, there were an estimated 505,181 children living with disabilities.

247. The prevalences by type of disability on the total population are:

- Visual disability: 3,1 %,
- Physical disability: 2,8 %,
- Hearing impairment: 1,8 %,
- Intellectual disability: 1,5 %,
- Psychic disability: 0,18 %

248. This information is confirmed by data available in 2006 for 4 regions, where the number of new cases of children with disabilities was around 40% of all people screened.

❖ **Access to health care and réhabilitation services**

249. At the Ministry of Public Health, an equity fund for the care of vulnerable people including people with disabilities has been set up.

250. The budget allocated by the State to the promotion of the rights of persons with disabilities was \$ 150 million Ariary in 2007. This was reduced to 50 million Ariary in 2008.

251. Access to care for children with disabilities remains limited due to financial and geographical obstacles.

252. Human resources providing support for disabled children both medically and

socially are still unsatisfactory in quantity and quality.

253. In general, public and professionals sensitisation is a major aspect for the promotion of the rights of children with disabilities. Efforts have been made by NGOs and associations of disabled people.

❖ **Prevention and care for children with physical disabilities**

254. Since 1999, the Ministry of Public Health has a prevention policy and care for disabled persons focusing on physical disabilities.

255. The Motor Rehabilitation Centre of Madagascar (CRMM) and the Madagascar Equipment Centre (CAM) are public rehabilitation facilities offering rehabilitation care and readaptation in residency. The target population is mainly for infants. The CRMM is the only centre currently performing orthopedic surgery for children: 79 interventions in 2003 and 179 in 2006, most surgical cases are referred to the centre at an advanced stage.

256. The total number of cases monitored as part of the partnership between NGOs and the CRMM has increased from 2,068 in 2003 to 2,979 in 2006.

257. The Paramedic Training Institute of Antananarivo has provided training for physiotherapists and orthopedic technicians. In 2007, access to these two sectors was interrupted. Efforts are being made to provide training to the rehabilitation services staff.

258. With regard to the prevention of polio, Madagascar is currently on track to be certified "polio-free" thanks to progress of the Expanded Program on Immunization (EPI), the Reaching Every District approach (ACD), the rate of Polio 3 coverage rose from 77.8% in 2001 to 94.2% in 2006.¹³

259. A favorable situation is observed in rehabilitation structures whereby if the effects of polio have taken centre stage for years, now they are relegated to the seventh or even the tenth place among the leading causes of morbidity which are supported in these services.

260. The prevention and detection of impairments of children aged 0 to 5 years led to the development of a manual for health care providers. Routine screening of birth defects was initiated at some health facilities. Because of lack of resources, the multiplication of the guide is fraught with difficulties, and the extension of screening to other health facilities is limited.

261. In 2004, Madagascar joined the global initiative for the elimination of avoidable blindness by the year 2020 or Project "VISION 2020" "Right to Sight", which is a partnership between the WHO and the IAPB (International Agency for the Prevention of Blindness).

262. For its part, the goal of the National Eye Health Programme is being implemented to strengthen the fight against blindness and visual impairment.

263. The data available permits to estimate more than 25 000 children between 0-15

¹³ Source : Analysis of the situation of children in Madagascar 0 draft, 2008

years of age with refractive errors (visual impairment) that would justify prescribing corrective lenses, and nearly 1,400 the number of children affected with blindness.¹⁴

264. The main causes of preventable blindness in children are vitamin A deficiency, complications of measles and neonatal infection. The EDSMD 2008-2009 estimated that 72% of children aged 6 months to under 5 years had received a dose of Vitamin A in the 6 months preceding the survey.

265. Since 1998, the fight against vitamin A deficiency is focused on the distribution of this vitamin for children from 6 months to under 5 years periodically. Biannual campaigns are organized to raise awareness, resulting in a significant reduction in childhood blindness by vitamin A deficiency from 13.7% to 0.34%.

266. The specific objectives of the National Sight Health Programme until the end of 2009 were :

- Strengthening the prevention of childhood blindness in 50% of health facilities,
- Ensuring the management of cases of refractive error in children aged between 10 to 15 years in 14% of primary schools in collaboration with Lion's Sight First Madagascar and Sampan'Asa Loterana Momba ny Fahasalamana (SALFA).

267. Training of refractionists began in 2008 with the support of Christoffel Blindemission (CBM).

268. The prevention of deafness, vaccines against meningitis, mumps and rubella are not yet integrated into immunization programs. They are therefore supported by families.

269. SALFA was engaged in a deafness prevention program for ten years, in partnership with the CBM. This limited program is rolled out within their centres. A collaboration with the Ministry for Health is currently underway to expand the program to public health facilities.

270. Down's Syndrome, problems during pregnancy, perinatal accidents, various deficiency states, illnesses and accidents occurring during childhood, epilepsy are among the sources of mental retardation of children.

¹⁴ Source : Eye Health Programme

271.The prevention measure for mental retardation, are :

- Fighting against Disorders due to Iodine Deficiency (TDCI) ;
- The fight against fetal alcohol syndrome through a public private multidisciplinary cluster in collaboration with the peer entity of the Reunion Island since 2007.

272.Furthermore, programs have been implemented for the prevention of mental retardation through the Safe Motherhood, the Integrated Management of Childhood Illness (IMCI), the Nutrition Program and strengthening the management of epilepsies.

273.At the health system level, mentally disabled persons are supported in rehabilitation centres and services. Public services are still concentrated in big cities and do not offer the complete technical platform suitable for the care of mentally impaired children.

274.The long-stay facilities that can accommodate children with multiple disabilities are rare. The required long treatments are an obstacle to the provision of support because there is no third-party payment system to help families cope with the direct and indirect costs, apart from cases managed by associations and NGOs.

❖ Access to education

275.In the strategic plan for the development of the education sector is, among other things, the will of the Malagasy State to develop a care policy for "persons with disabilities".

276.Decree No. 2009/1147 of 1st September 2009 on education policy advocates that children and adolescents with disabilities are given priority to normal education in mainstream schools, according to the principles of inclusive education.

277.Despite these provisions, 10% of children with all forms of disabilities attend the above-mentioned schools.

Education of children with physical disabilities

278.Efforts remain to be made in order to facilitate access for physically disabled children in regular schools: Cost of equipment and lack of architectural accessibility adapted to their situation.

279.The CRMM has integrated within its premises a school providing primary and secondary education for the children receiving a treatment at the centre.

Education of children with mental disabilities

280. In partnership with Handicap International, a project to create inclusive classes for the mentally disabled is currently underway. Teachers receive special training. In 2007, there were 44 inclusive classes and schools spread in several cities.

281. There are twenty agencies spread across the country providing education, training or socio-educational support. In addition, some preschools accept children with mental disabilities..

Education of children with visual impairment

282. Facilities providing support to the blind are still scarce. The reference centre is FOFAJA (Foibe Fanabeazana ny Jamba) created by the Lutheran Church in Antsirabe. The children are doing an internship at the primary level in accordance with the official curricula. Parents contribute towards tuition fees. In 2006, 72 blind children were in primary school and 27 were pursuing a vocational training. In 2013, there were 7 support centres for blind children was six regions, namely:

- SEJAFITO : Toliary, Atsimo Andrefana,
- SEJAFJA : Farafangana, Atsimo Atsinanana,
- SEJATO : Atsinanana, DIANA,
- FOFAJA : Antsirabe, Vakinankaratra,
- EPHATA : Fianarantsoa, Haute Matsiatra,
- AAM : Itaosy, Analamanga.

283. The majority of children completing primary school drop out of school because of the challenges in getting Braille equipment.

Education of children with hearing impairment

284. The Lutheran Church has a centre specializing in education for people with hearing impairment. Eight institutes for deaf people with boarding facilities currently exist in major cities in the capital and provinces. Parents contribute to tuition fees.

285. The aim is to integrate mainstream education after passing O Level (BEPC), with the assistance of an interpreter.

286. Moreover, some children with hearing impairment are gradually inserted into mainstream classes.

287. The FMM (Federasionan'ny Marenina eto Madagasikara), in partnership with Norway, has been involved in the training of interpreters in Malagasy sign language. Currently 14 people have been trained as interpreters in sign language. To overcome the lack of interpreters, the MMF has invested in the development of a sign language dictionary, which will be disseminated.

❖ In the cultural and sport domains

288. The associations and specialised centres are striving to promote sport for disabled children, organising sports events and competitions to enhance children with disabilities and encourage the public to have a positive outlook on disabled persons.

289. The Sports Federation called "Para" encompasses many disciplines including Basketball on chair, athletics for the blind or visually impaired, bowls and football. On the occasion of the Games of the Indian Ocean Islands, which took place in Madagascar in 2007, Malagasy disabled persons who participated won several medals.

290. Access to publicly organised leisure remains limited and is concentrated in urban areas.

c. Health and health services (Article 14)

291. Article 19 of the Constitution of 11 December 2010, states that: "*The State recognises and organises for every individual the right to the protection of health starting from conception.*" The realisation of this right includes the prevention and treatment of diseases provided by health services to cover the needs for specific and general care of children especially in case of illness.

292. Act No. 2011-002 of 15 July 2011 on the Health Code sets out the general principles of the organisation and functioning of the health sector. Its implementation results in giving to health professionals and to the Department of Population, a legal instrument up to date and accessible to all.

❖ Reduction of fetal and infant mortality

293. L'Etat The State has a roadmap for reducing maternal and neonatal mortality for the period 2005-2015 and a National Health Community Policy since 2008, and the major strategic thrusts are:

- The community empowerment on social and health development activities in the community;
- Optimal use of priority health services and social protection at the community level;
- Harmonisation of social and health interventions in the community.

294. Health programs, including the promotion of the survival of the mother and newborn, have been strengthened by the involvement of the community at all levels in the planning process.

295. And according to the Inter-Ministerial Order No. 8014/2009 of 02 September 2009 setting up the creation, organisation, operation and functions of the Health Committee at the Fokontany and Community levels, a structure responsible for the development of community health called "Health Committee" was created at

Commune and Fokontany levels. It is the main interface between the health system and the community. It is under the technical supervision of the Ministerial Department for Health.

296. In 2012, a Guidance Policy in Reproductive Health was adopted. The overall objective was to improve the quality of the life of individuals, couples, families, communities for everything related to reproductive health in all its dimensions.

297. In order to achieve the above mentioned goal, the focus will be on the following policy guidelines:

- Ownership, participation and community empowerment for Reproductive Health;
- Development of solidarity mechanisms and cost sharing;
- Access for all to quality care in reproductive health;
- An integrated approach to the health of the woman and the newborn;
- The development of human resources for health;
- A culture of performance ;
- Institutional support at central, regional and district levels;
- Strengthening the partnership, collaboration within and between sectors
- Advocacy for resource mobilization;
- Decentralisation in the management of human and financial resources and reproductive health input supply chain
- Optimizing the use of Information and Communication Technologies in RH ;
- Strengthening operational research in RH.

298. The health of the mother and the child is one of the Malagasy government priorities. From 1992 to 2009, through the implementation of a package of activities to improve the health of the mother and the child, a net decrease in mortality levels of children under 5 was obtained with a drop of 45 points for infant deaths and 91 points for the infant and child deaths. However, the level of neonatal death shows a slow evolution with a decrease of 18 points which is half of infant mortality.

Table 17 : Trend in neonatal, infant and child mortality

	Demographic and Health Surveys of Madagascar				ENSOMD	2015 Objectives
	1992	1997	2003-2004	2008-2009	2012-2013	
Neonatal mortality per 1 000 living births	42	41	34	24	26	17
Infant mortality (<1 year) per 1 000 living births	93	96	58	48	42	34
Infant - child mortality (<5 years) for 1000 living births	163	159	94	72	62	56

Sources : Demographic and Health Surveys in Madagascar in 1992, 1997, 2003-2004, 2008-2009, ENSOMD 2012-2013

❖ Medical assistance and primary health care of the child

299.A multisectoral approach involving the community has been adopted in the implementation of actions for the survival of the mother and the child. A provision of a local service was prioritised through outreach and mobile strategies.

300.The biennial national campaign for vitamin A is programmed since 2006 during the Week of the Health of the Mother and Child (SSME). This strategy aims to strengthen the supply and use of basic health services through an integrated package of services including immunisation, malaria prevention, pre-natal consultation and family planning. The SSME priority targets are mothers and children, the least accessible and least served by routine services and aims to reach at least 90% of the population. This strategy has helped to strengthen and integrate effective strategies to meet the targets in the most remote areas representing 40% of the population. It offers free services whether in fixed strategy, advanced or mobile.

❖ Prevention of vaccine-preventable diseases

301.Vaccination is one of the pillars of the reduction of infant mortality. On the whole, the vaccine-related indicators show a positive trend from one year to another.

302.Since 2009, vaccination has become a priority of the State.

303.The Bill on vaccination has been validated during the Council of Government and Ministers before transmission to the National Assembly for adoption. This Bill aims to:

- The legal framework for the management of the prevention of diseases preventable by vaccination;
- The planning, organisation, implementation and monitoring of actions to ensure the compulsory and free aspect of the prevention of vaccine-preventable diseases;

- Allocation of permanent and necessary resources for the implementation of actions.

304.Des efforts ont été fournis pour l'augmentation du Taux de Couverture Vaccinale (TCV) à travers :

- The biennial organisation of the SSME campaign institutionalized since 2006, consolidated in April 2011 with the African Vaccination Week (SAV);;
- The implementation of the "Reaching Every District" approach or ACD in high-risk districts, in Communities or even in remote and / or land-locked Fokontany,
- The strengthening of the monitoring of target diseases for the eradication of polio, measles control and neonatal tetanus;;
- The effective participation of the State in the co-funding of vaccines.

305.In 2012, Madagascar was awarded the regional vaccination coverage Trophy for 2011.

306.For children under 5, prevention of common diseases has been strengthened through the introduction of new vaccines in:

- 2006 against Hepatitis B,
- 2008 against meningitis and pneumonia influenzae;
- 2012 the pneumococcal vaccine to fight pneumonia, meningitis and ear infections;
- 2013 introduction of the vaccine against the Human Virus Pappilloma for girls aged 9-10 to prevent cervical cancer;
- 2014 introduction of rotavirus vaccine to combat diarrheal diseases.

307.From 2007 to 2012, a slight decrease in immunisation coverage OPV 3 DPT3 and measles was recorded, while the dropout rate increased slightly. Moreover, monitoring of non-polio AFP rate showed a steady increase.

Table 18 : Evolution of the Expanded Programme on Immunisation indicators

Indicators/ Year	2006	2007	2008	2009	2010	2011	2012
TCV OPV 3	92,03 %	94,9 %	87,9 %	88,4 %	85 %	88 %	86 %
DTC TCV 3	93,4 %	94,9 %	87,9 %	88,7 %	85 %	89 %	86 %
TCV VAR	84 %	96,87 %	90,9 %	84,7 %	88 %	85 %	85 %
Dropout rate	6,28 %	9,10 %	13,24 %	10,32 %	11 %	7 %	11 %
Monitoring rate for PFA non Polio	2,1	2	2,1	1,9	2,15	2,90	3,16

Sources : JRF 2011, JRF 2012 of the Ministry of Public Health

❖ Integrated Management of childhood illness (IMCI)

308. In 2007, the three leading causes of hospital mortality of children under 5 years were pneumonia (21%), malaria (20%) and diarrhea (17%). In 2012, a reduction of deaths of children under 5 by diarrhea (7.8%) and pneumonia (5.8%) was recorded, while deaths due to malaria has increased to 21.6%.¹⁵

309. Since 2012, the updating of the Integrated Management of Childhood Illness (IMCI) began.

310. 98 524 health workers were trained in clinical IMCI and the targets set for the development of community IMCI sites were reached at 100% of which 35.51% are operational.

Table 19 : Trend in the operationalisation of community IMCI sites

	2007	2008	2009	2010	2011	2012	Total 2007 - 2012	Rate of implementation until 2012
Numbers of districts involved	6	13	5	1	59	48	107	95.53 %
Sites of numbers with trained CW	162	316	357	4	8 045	9 561	17 606	100 %
CW of numbers trained in IMCI	316	584	498	8	16 090	19 123	35 213	100 %

Source : Ministry of Public Health / Department of Health of the Child of the Mother and Reproduction.

311. The involvement of community workers trained in IMCI and dispatched at community level has contributed to the increase in the number of children with access to health care for common illnesses affecting children under 5 years, including acute respiratory infections, diarrhea and malaria. The number of children who received care from community workers has increased since 2007.

Table 20 : Trend in the number of sick children in care at the community level

Year	2007	2008	2009	2010	2011	2012
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¹⁵ Source : Health Sector Statistical Yearbook

Number of sick children in care at the community level	38 880	114 720	200 400	210 360	1 204 383	2 476 213
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Source : Ministry of Public Health / Department of Health of the Child of the Mother and Reproduction.

❖ **Fight against disease and malnutrition**

312. Based on the National Health Policy (PNS) and the National Nutrition Policy (PNN), the management of cases of acute malnutrition is free at the nutritional rehabilitation centres and community nutrition sites:

- Cases of acute malnutrition with complications are cared for at the level of Recovery and Intensive Nutritional Education Centres (CRENI), which are structures within District or Regional hospitals;
- Cases of severe acute malnutrition are cared for at the level of Recovery and Outpatient Nutritional Education Centres (CRENAS), which are structures attached to basic health centres;
- Cases of moderate acute malnutrition are cared for at the level of Recovery and Outpatient Nutritional Education (CRENAM) Centres, which are structures attached to basic health centers..
- Emergency activities are put in place for victims of disaster and catastrophe, especially to take charge and prevent malnutrition of vulnerable groups

Table 21 : Trend of the situation at care centres for cases of acute malnutrition

	2008	2009	2010	2011	2012
Centres for Recovery and Intensive Nutritional Education (CRENI)					
Number of functioning CRENI	44	45	48	49	49
Number of children in care	3 379	2 214	3 379	2616	1765
Cure rate	66,67 %	60,4 %	53,1 %	79 %	41.5 %
Case fatality rate	8,3 %	7,4 %	8,1 %	11 %	11 %
Centres for Recovery and Outpatient Nutritional Education (CRENAS),					
Number of functioning CRENAS	221	441	579	532	541
Number of children in care	987	8 387	13 065	12 321	5000
Cure rate	65,06 %	68,55 %	57,50 %	59,76 %	68,3 %
Case fatality rate	2,75 %	1,12 %	1 %	0,72 %	1 %
Centres for Recovery and Outpatient Nutritional Education (CRENAM),					
Number of functioning CRENAM	39	39	11	12	8
Number of children in care		6452	1673	4 381	10 744
Cure rate		95,43 %	99,55 %	95,28 %	89.7 %
Case fatality rate		0,24 %	0,06 %	0,35 %	0.1 %

Source : Ministry of Public Health / Department of Health of the Child and the Mother and Reproduction.

313. In 2010, as part of the nutrition improvement of vulnerable groups and to ensure the survival and optimal development of each child, a manual used as a reference for physicians and paramedics entitled "Infant feeding and young children and women's nutrition "(ANJE and NdF) was developed.

314. This manual highlights best practices through effective interventions aimed at promoting and protecting the infant and young child, especially breastfeeding and complementary feeding and nutrition of women.

315. In addition, 224 health workers at the Basic Health Centres (CSB) and 2,854 community workers have been trained in ANJE and NdF. The involvement of trained community workers and dispatched at the community level has helped to increase the number of children with access to care and nutrition promotion program.

316. In terms of prevention of malnutrition, the biennial organisation of the Week of Health of the Mother and Child (SSME), helped strengthen and integrate effective strategies to achieve the targets in the most remote areas. Since April 2007, the dissemination of messages of different themes into 21 local dialects has achieved a coverage rate of over 80% in terms of Vitamin A and mebendazole deworming for children aged 6 to 59 months.

317. The results of a study on the diagnosis of the nutritional status of children

conducted in 100% of areas declared vulnerable in 8 Districts and 5 large vulnerable cities justify the establishment of nutritional surveillance of 15 sites in five cities, in order to monitor the trends in socio-economic indicators.

318. En In addition since 2008, a supplementation program in Plumpy doz, ready made fortified complementary foods for children aged from 6 months to 36 months has been implemented in order to prevent acute malnutrition in regions at risk, such as Haute Matsiatra, Atsimo Atsinanana and Androy.

319. The strategies in the fight against malnutrition are reinforced at the community level through nutritional surveillance, communication sessions for behaviour change (CCC) and micronutrient supplementation. Trained community workers implement these strategies across 5,550 community nutrition sites Kaomina Mendrika Salama (KMS) or Social Development Commission, in collaboration with community leaders, NGOs and partners.

d. Social security and services and facilities for child development et (Article 20.2 (a-c))

320. Article 149 of the Social Welfare Code¹⁶ provides for family allowance for the benefit of each living child, from the first day of the month following the birth until the age of fourteen years of age.

321. Family allowances are paid for every child regardless of his rank, up to the age of 14 or 21 years if he is studying or is affected by a disability or incurable illness preventing any activity.

322. A worker who is already an allowance beneficiary and who changes employer or resumes a paid work after a period of interruption is entitled to child benefit from hiring. He/she must send a time attendance certificate established by his/her employer to the CNaPS, as well as annual certificates for his children (medical certificate, school certificate, certificate of life).

323. Since 2003, the benefit amounted to 2000 Ariary¹⁷ per month per child

324. Currently, 203,226 children are beneficiaries of these allocations.

e. Care for orphans (article 26)

325. Compared to international and regional statistics, Madagascar has a low percentage of orphaned children. Maternal orphans are estimated at 2% while the

¹⁶ Decree No. 69-145 of 8 April 1969 establishing the social welfare code.

¹⁷ 2000 MGA equivalent to 0.82 US dollar (\$ 1 = 421.12 Ariary 2, July 16, 2014)

paternal orphans are 4% and 1% for double orphans¹⁸.

326. In Madagascar in 2012-2013, the percentage of orphaned children under 18 or living without parents reached 22.8%.

327. Data on street children are even more precarious. However, according to information coming from some centres grouped in the Civil Society Platform for Children in Antananarivo, the number of hosted street children was estimated at 4,500 in 2013.

328. Madagascar does not have a specific centre for orphans apart from the orphanage centre of the National Police.

329. The other centres are mixed centres where orphans are placed, as well as street children and children not living with their parents.

330. For the year 2013, 132 centres and 29 other alternative care settings were listed at 30 Districts in 14 regions.

¹⁸ Strategic Document on Abandon Prevention, deinstitutionalisation and community support for children in Madagascar 2011 - 2015, June 2010

Table 22 : Number of children accommodated in centres, situation in the month of July 2013

Type of accredited centres		Number of children accommodated						
A Social Interest	For Adoption	A Social Interest				For Adoption		TOTAL
		Day		Day and night		Day and night		
		F	G	F	G	F	G	
26	13	224	254	741	747	367	144	2477
1	1	0	0	59	3	6	4	72
1	0	0	0	33	0	0	0	33
4	0	0	0	204	245	0	0	449
13	1	532	464	442	390	25	30	1883
3	0	218	176	0	0	0	0	394
3	0	0	0	10	23	0	0	33
1	0	9	13	0	0	0	0	22
1	0	0	0	1	3	0	0	4
1	0	70	57	0	0	0	0	127
5	1	213	189	73	159	0	0	634
1	0	0	0	17	8	0	0	25
1	0	0	0	1	4	0	0	5
10	3	17	0	334	333	87	83	854
4	2	113	152	150	96	30	30	571
75	21	1396	1305	2065	2011	515	291	7583

Source : MPAS/DPFE

331. With technical and financial support from UNICEF, a document including a Management strategy and definition of minimum packages of services for the Orphans and Vulnerable Children (OVC), including OVC affected and / or infected by HIV / AIDS was developed in 2009 by the Ministry for population in collaboration with the Executive Secretariat of the National Committee for the Fight against AIDS.

332. Currently, this document serves as a reference for stakeholders until its validation.

8. Education, leisure and cultural activities

a. Education, including vocational training and guidance (article 11)

333. In its Articles 23, 24 and 25, the Constitution stipulates: *"Every child has the right to learning and education under the responsibility of the parents in compliance with their freedom of choice*

The State is committed to developing vocational training "

"The State organises public education, free and accessible to all. Primary education is compulsory for all. "

"The State recognizes the right to private education and guarantees the freedom of education under conditions of equivalence, of teaching conditions in terms of hygiene, morality and training level set by law.

These private schools are subject to a tax system under the conditions established by

law ”.

334. Madagascar is striving to achieve the requirements referred to in Article 11 of the Charter.

❖ **Preschool education**

335. According to Act 2004-004, infant school includes:

- Nurseries that support babies from 0 to 2 years;
- Kindergartens involved in the care of children 2 to 3 years;
- Nursery schools providing education for children from 3 to 5 years. (art. 28).

336. The preschool education sector is underdeveloped. Aware of this gap, and convinced that early childhood education is a success factor for primary and secondary education, the Malagasy government introduced the development of preschool education and parental education in Commitment 3 of the MAP, which aims "to ensure access of all children to development opportunities before their true education."

Table 23 : Number of preschools by sector, from 2001 to 2012 (in thousands of children)

Education sector	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Preschool	45	93	113	133	146	148	164	180	191	207	240
- Public				9	8	9	10	16	22	38	59
- Private				124	138	139	154	164	169	169	181
Partly Private				93,5 %	94,3 %	94,1 %	93,7 %	91,3 %	88,3 %	81,8 %	75,1 %

Source : MEN, Planning Directorate

❖ **Access to free and compulsory primary education**

337. In 2008, Madagascar undertook to reform its education system in order to achieve the goals of Education for All (EFA) and the MDGs, including access to education for all Malagasy children.

338. Thus, Act No. 2008-011 of 17 July 2008 on the general orientation of the teaching system, training and education in Madagascar was adopted providing free and compulsory primary education for all children from the age of 6 years..

339. The socio-political crisis of 2009 led to the suspension of international aid to the implementation of the EFA plan and reform. Therefore, the lack of available resources and the economic difficulties experienced by the population have led to a decline in the enrollment rate from 96.8% in 2006 to 69.4% in 2012..

340. Because of the crisis, from 2008 to 2013, there were 160,000 new student enrollment instead of a million expected. During the same period, it is estimated that more than 500,000 students dropped out of school, bringing the number of children out of school 1.5 million children in 2013.

Table 24 : Evolution of primary enrollments from 2008 to 2013

School years	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Total number	4 323 981	4 329 576	4 305 069	4 402 722	4 485 889
Including public	3 546 113	3 552 237	3 552 237	3 605 268	3 627 380

Source : MEN/DPE

341. In response, the MEN supported by the Technical and Financial Partners has developed a three-year plan called Interim Plan for Education (PIE) focused on increasing the rate of access to education, increasing the fundamental cycle capacity and the construction and / or rehabilitation of classrooms.

342. Since 2014, the Ministry with the support of UNICEF, began a school integration and reintegration campaign to absorb the 1.5 million children out of school or who have dropped out due to the crisis, and the retention of at least 3.6 million students for this school year 2014-2015.

❖ Vocational education and training (FTP)

343. According to the provisions of Article 23 paragraph 2 of the Constitution, "the State is committed to develop vocational training."

344. The Malagasy State organises technical education and public vocational training which provide technical and vocational training in vocational training centers and professional technical schools.

345. The programs taught in these schools are designed to provide students with knowledge and technical skills to help them find work at the end of their studies.

346. Les établissements Technical and public and private vocational training institutions under the supervision of METFP are 216 of which 69 are public and 147 private¹⁹, excluding those under the supervision of other ministries notably those managed by the ministries in charge of agriculture, livestock, health, mining, military, labour and public service.

¹⁹ Statistical Yearbook 2011-2012 of the Ministry in charge of technical education and vocational training

Table 25 : Number of technical and vocational training schools

	LTP	CFP	Technical college	Career school	Institute	Other	Total
Public	38	29	-	-	-	2	69
Private	36	73	3	5	25	5	147
	74	102	3	5	25	7	216

Source : METFP/DSI/ Statistical Yearbook 2011-212

347. Currently, the Ministry for Employment, Technical Education and Vocational Training has fixed as priority focus the upgrading of this sector through the empowerment of regions, decentralisation through the creation of technical schools in districts and regions who do not have them yet, and standards compliance through a review of the curricula so that young people leaving this sector can meet the labour market and the local economy requirements.

b. Loisirs, les activités récréatives et culturelles (article 12)

❖ Leisure and cultural activities

348. The Ministry of Education sets the school holiday periods for the pupils and students to rest.

349. Each school has a library, recreation rooms and sports fields for the exercise of cultural, artistic or sports activities.

350. Various structures for youth have been set up since 2009 by the Ministry of Youth and Recreation including:

- The structuring of youth associations;
- The Youth Council;
- Sports facilities;
- Youth Centres²⁰ ;
- Information kiosks for youth and adolescents²¹.

2. A free internet centre was set up in 20 youth centres in collaboration with "Orange Madagascar.

351. Several recreational activities for children in schools are organized by the Ministry of Youth and Recreation in cooperation with the Ministry of Education, including:

- Schools Days in February of each school year devoted to recreation through sporting events inter institutions and cultural events;

²⁰ Support of UNICEF and UNFPA since 2010

²¹ Support of UNICEF since 2011

- The month of childhood celebrated throughout the month of June to raise awareness on child rights through the organization of quizz around children's rights together with recreational activities for children;
- The Tokotanibe Cultural Festival which aims to educate children and youth the Malagasy cultural values.

352. Competitions and sports activities are organized by the Ministry of Education for children and youth, including:

- Sports competitions "junior special" called President's Cup;
- The school championship at institutions, municipalities, regions and national levels.

353. In addition, Madagascar has participated in the Games of the Youth and Sports Commission of the Indian Ocean for youth aged 14 to 17 years in 2010 and 2012.

9. Special protection measures

a. Children in emergency situation

❖ Children refugees, returnees or displaced (articles 23 and 25)

354. Being an island with no common borders with other states, Madagascar has not seen cases of children asylum seekers or who can be considered as refugees under international law, whether they are accompanied or not by their parents, guardian or close relative..

355. If such a case arises, Madagascar will provide the necessary assistance in partnership with the High Commissioner for Human Rights. The protection and assistance of the refugee child will be considered including, necessary efforts to find the parents' whereabouts for the return of the child to his/her family.

356. In case the parents are not found out, under the principle of non-discrimination, the refugee child will benefit from protective measures granted to a child temporarily or permanently deprived of his/her family environment.

357. The assistance and protection measures are applicable to children displaced within the country because of a natural disaster, internal conflict, civil disorder, or any other cause.

358. Madagascar is not confronted with problems linked to cases of internally displaced children for the reasons above mentioned.

❖ Children in armed conflicts, including specific measures taken for the protection and supervision of children (article 22)

359. In September 2004, Madagascar ratified the Optional Protocol to the Convention on

the Rights of the Child on the involvement of children in armed conflict and submitted its initial report of its application to the CRC Committee in 2012.

360.As State Party to this Protocol, Madagascar is obliged to respect the rules of international humanitarian law applicable in armed conflict which may particularly affect children.

361.During its history, Madagascar has not had cases of involvement of children in internal armed conflict. So there was no child conscription into the army. The minimum age of recruitment is set by law at 18 years.

362.Military schools admit only students from 17 years of age.

b. Children in conflict with the law

i. Administration of juvenile justice (article 17)

363.In Madagascar, in criminal cases, minors are tried before the juvenile court for the prosecution of offenses and before the juvenile Criminal Court for crimes.

364.Because of their status as children, Ordinance No. 62038 of 19 September 1962 on child protection provides a number of measures for a different treatment of minors compared with the procedures applicable to adults.

365.Thus, the summary information procedure is excluded for the prosecution of minors. This procedure is considered to be expeditious and as such does not allow a procedure compatible to that recommended by the CRC and the ACRWC.

366.Furthermore, Article 13 (7) of the Constitution provides that "*Any arrested or accused person has the right to be presumed innocent until proven guilty by a final court decision* ».

367.Pursuant to this provision, it is forbidden to openly publish in newspapers photos of children in conflict with the law.

368.To preserve the best interests of the child, the closed session is the rule. Thus, publicity and the attendance of the media are prohibited during the trial.

369.This prohibition is respected by all media.

370.The child offender has the right to be informed of the grounds of the charges made against him during his/her first appearance before the juvenile court or the judge in cases of crime.

371.According to Article 15 of the Order, he/she may be represented by a counsel or request the appointment of a court-appointed lawyer.

372. In any event, the child offender benefits from the presence of his/her parents or guardians at all hearings under article 10 of the Ordinance 62 038.

373. Children are not forced to give testimony or to confess under criminal proceedings. In practice their testimonies are collected for information.

374. Decisions handed down at first instance may be appealed. The related judgments of the Court of Appeal may be subject to further appeal as well as those rendered by the criminal courts.

375. The criminal responsibility of a minor is set at 13 years, below this age, the child is considered unable of discernment, which justifies his/her irresponsibility.

376. Due to his/her special status, the child benefits from mitigating circumstance attached to his/her minority. The penalty is reduced in accordance with Articles 44, 45 and 46 of Ordinance No. 62-038 of 19 September 1962 on the protection of children.

377. Thus, according to Article 35 of Ordinance No. 62-038, if a minor under 13 years is convicted, the juvenile court may simply take an educational measure against him/her: returned to the parents, guardian, to the person who had custody or a trustworthy person.

378. Similarly, according to article 36: "If a conviction is established in respect of a minor from 13 to 16 years, the juvenile court will deliberate on the issue of criminal responsibility:

- If the criminal responsibility is agreed upon, the extenuating circumstances will be enforceable, the sentence pronounced against the minor shall not rise above half of that to which he/she would have been convicted if he had been an adult at the time of the offense

If on the contrary, the criminal irresponsibility is decided, the juvenile court will order on one of the educational measures mentioned in the preceding section, or will order the placement of the minor in a rehabilitation centre for a fixed period which shall not exceed the time which the person reaches the age of 21 years. »

379. Finally, according to article 37 of the same order, if a minor 16 to 18 is convicted, the provisions of Article 36 shall apply. However, the juvenile court shall have the power to rule by special reasoned decision of the extenuating circumstances..

- ii. **Children deprived of freedom, including all forms of detention, imprisonment or placement in a custody centre and compliance with the provision of Article 5 (3) of the Charter prohibiting the imposition of the death penalty on children (Article 17 2 (a))**

380. Article 13 of the Constitution in fine enshrines the exceptional character of preventive detention.

381. Under Article 13 of Ordinance No. 62-038 it is stipulated that preventive detention can only be a measure of last resort and its duration should be as short as possible.

382. The Malagasy legislation is in line with Article 17 of the ACRWC which advocates for the separation of places of detention.

383. Thus, in its Article 29 Ordinance No. 62-038 of 19 September 1962 on the protection of children states that: *"In all institutions, juveniles shall be separated from adults unless they are members of their families or if they participate with carefully selected adults, in a special program of treatment that have certain advantages for them."*

384. Similarly, under Article 7 of Act No. 2008-008 against torture and ill-treatment: *"Every person belonging to a vulnerable group, including minors and women must be held separately and in suitable premises."*

385. This separation is effective in the 42 central prisons located in major cities and where there are trial courts. The separation is not yet effective in safety houses in regions where there are no courts of first instance.

386. Efforts will be made to address this gap.

387. The inapplicability of the death penalty for juvenile offenders was covered under the general principles section of this report, paragraph 134.

iii. Reformation, reintegration familiale and social rehabilitation (article 17.3)

388. Answers thereto were treated in the section dealing with the administration of juvenile justice in this report.

c. Children of imprisoned mothers

i. Special treatment for pregnant mothers and mothers of infants and young children who have been convicted by the law (article 30)

389. Under the current lack of resources Madagascar does not yet have institutions with special treatment for mothers in detention. In fact, a mother is imprisoned with her child so that the child can benefit from breastfeeding and affection until the age of three years.

390. At the age of three, the child may be accommodated by family members or in a care centre.

391. In the central establishment Antanimora in Antananarivo, mothers accompanied by children have two bedrooms separated from other inmates.

392. In the central penal institution of Toamasina, religious associations have set up a nursery for children of female prisoners.

393. In addition, facilities are provided in penal institutions of Arivonimamo in order to assist detained mothers and their children.

394. According to Article 27 of the Penal Code, when a woman is sentenced to death, and if it is verified that she is pregnant, the penalty will only be applicable after she delivers.

395. In addition, Madagascar is among the de facto abolitionist states for not having executed death sentences after they are pronounced. Death penalty is commuted to hard labour for life.

ii. Prohibition of imprisoning a mother with her child (article 30 (d))

The answers thereto have been described in the above sections.

iii. Reformation, integration of the mother in the family and social rehabilitation (article 30 (f))

396. The preparation for social, family and professional rehabilitation of prisoners is organised by Decree No. 2006-901 of 19 December 2006.

397. Madagascar has a Directorate for Humanisation of Detention and Preparation for Social Reintegration (DHDPRS) within the Ministry of Justice that works with NGOs as part of the reformation, reintegration of prisoners within their family and social rehabilitation including that of imprisoned mothers.

398. Such is the case with the Group Tsara Manasoa, located in the suburbs of Antananarivo which organises training and remedial education, vocational training in design, sewing and craft training for convicted women.

d. Les enfants en situation d'exploitation et d'abus

i. Economic exploitation including child labour (article 15)

399. Madagascar has ratified the ILO Convention No. 138 of 1973 the minimum age in 2000 and the ILO Convention 182 on the elimination of the worst forms of child labour in 2001.

400. As part of the compliance of national legislation with the provisions of these conventions, Madagascar has adopted Act No. 2003-044 of 28 July 2004 on the new Labour Code to repeal the Act n ° 94-029 of 25 August 1995. The new Code provides in Articles 100, 101, 102 and 103 for the new provisions on child labour.

401. Article 100 sets 15 years as the minimum age for access to employment which corresponds to the primary school age termination.

402. Article 101 regulates child labor in these terms: "*The minor and apprentices aged under 18 and of one of the other sex may not be employed at an effective employment exceeding 8 hours a day and 40 hours per week, night work and overtime are prohibited for children, and a daily rest period of 12 consecutive hours is required for working children* "

403. Decree No. 2007-563 of 3rd July 2007 relating to child labour sets the rules for the application of the Labour Code. It prohibits the employment of children aged under 18 in the worst forms of child labour such as immoral work, work exceeding their strength and forced labour, dangerous or unhealthy work, the employment of children of one and of the other sex after 18:00 o'clock and the employment of children as domestic servants or maids.

404. The National Committee against Child Labour was established by Decree No. 2004-985 of 12 October 2004. The Committee is responsible for:

- Ensuring the implementation and the monitoring of the National Action Plan against child labor (PNALTE)
- Align and follow the International Programme on the Elimination of Child Labour of the International Labour Office (ILO / IPEC)
- Give an opinion on the legislations and regulations regarding the fight against child labour;

- Support and follow the CSO programs of action on these issues.

405. The Regional Observatory of Child Labour (ORTE) along with the Regional Committee for the fight against child labor (CRLTE) have also been created following the Ministerial Decree 13520/2007 of 17 August 2007.

406. In 2008, as part of the fight against child labour, the following results were obtained:

- 29 action programs implemented within the framework of ILO-IPEC program;
- 1792 children²² removed from the worst forms of child labour and benefited from school rehabilitation and vocational training;
- 120 children receiving remedial education and reintegration into public primary schools in the proposed framework "Manjary Soa »;
- 90% of 130 children professionally trained in the clothing sector have been placed;
- 60 children from the three centres of Antananarivo, Toamasina and Toliara reintegrated in schools and 20 children trained in the vocational training centre of Antananarivo.

407. The 2009-2013 period is being evaluated.

ii. Drug abuse (article 28)

408. Madagascar is a State Party to the Convention on Transnational Organized Crime (CTO).

409. Act No. 97-039 of 4 November 1997 regulates the control of narcotics, psychotropic substances and precursors in Madagascar.

410. In order to protect children against the illicit use of drugs, production and trafficking of psychotropic substances, the Act provides for the strengthening of the applicable penalties in case of child participation in the commission of these offenses, or if the victim is a minor.

411. The provision of inhaling toxic chemicals to a minor is also prohibited and punishable by law.

412. With regard to the possession, purchase and illicit cultivation for personal use, the law provides, however, a penalty exemption for non-recidivist minors.

413. This law prohibits and punishes the illicit use of narcotic and psychotropic substances mentioned in the relevant international treaties.

414. It also criminalizes and punishes the planting, storage, marketing and consumption of cannabis.

²² Independent midterm Evaluation, November 2007

415. Madagascar ensures that children are not involved in the production and drugs trafficking.
416. The fight against drugs is managed by the Interministerial Coordination Commission for the Fight against Drugs (OICLD).
417. The Central Service for the fight against drugs centralizes all information that could facilitate research and prevention of illicit drug trafficking and coordinates both nationally and internationally levels, all operations for the repression of trafficking. It carries out this mission in collaboration with the Narcotics Service of the National Gendarmerie.
418. Decree No. 2003-164 of 25 February 2003 introduces the policy and strategies in the fight against drugs and the National Master Plan for the fight against drugs and related criminal activities.
419. Article 14 of Decree No. 2007-563 of 03 July 2007 on child labour states: "*The recruitment, use, supply and use of children of one or the other sex in the production and trafficking of drugs is prohibited.* "
420. It defines "drug trafficking", as any offer, sale, distribution, brokerage, sale, delivery on any terms whatsoever, dispatch, shipping, transportation, purchase, possession or use of drugs.
421. The activities carried out by the Office for Mass and Civic Education (OEMC) of the MENRS include youth awareness about the dangers related to drug use.
422. Various measures have been adopted and implemented including the organisation of:
- Awareness campaign in schools and educational institutions by drug central services;
 - Training of Sefo Fokontany in the fight against drugs during the leadership training in 2007 and population awareness in their constituencies on the detection of cases of use, cultivation, production or drug trafficking and reporting to the relevant authorities.
423. Detoxification is provided by the Rehabilitation Centre of Anjanamasina where addicts receive care and psychological support as well as measures to support reintegration.
424. In terms of international cooperation, various agreements were signed by Madagascar to fight against drug use:
- Administrative and Operational Arrangement in the fight against illicit drug trafficking between Madagascar and the Islamic Republic of the Comoros;
 - Cooperation agreement on mutual legal assistance between Madagascar and France, in particular regarding the extradition of drug traffickers;

- Convention on Mutual Administrative Assistance in Customs Matters between Madagascar and France.

iii. Abuse and torture (article 16)

425. Madagascar is a State Party to the Convention against Torture since it ratified it in 2005. The review of its initial report to the Committee against Torture took place in November 2011.

426. The prohibition of torture and inhuman and degrading treatment is constitutionalised in Article 8 paragraph 2 thereof.

427. Act No. 2008-008 against torture and ill-treatment was adopted on 25 June 2008. It has provided for an autonomous criminal offense torture and ill-treatment.

428. This law, in Article 11, paragraph A, sub article 1 states: "The penalty is 5 to 10 years imprisonment if:

1° « If the act of torture has been committed against a minor under 18 years of age or a pregnant woman in a state of apparent pregnancy or known to the perpetrator; »

And sub article 2 : " If the act of torture has been committed using equipment especially designed for torture".

429. Moreover, confessions obtained under torture or ill-treatment are not admissible as evidence in criminal court under Article 6 of Act No. 2008-008 against torture and ill-treatment..

iv. Sexual exploitation and abuse (article 27)

430. The answers concerning the sexual exploitation and child sexual abuse is discussed under the abuse, neglect, child exploitation, including physical and psychological rehabilitation and social integration of children in paragraph 220.

v. Other forms of abuse and exploitation such as begging, early pregnancy, etc. (Article 29 (b)), sale, child trafficking and abduction that children (article 29)

431. Following the review of its national report by the Council of Human Rights in the context of the Universal Periodic Review in 2010, Madagascar has accepted the permanent visit of Special Rapporteurs.

432. From 15 to 26 July 2013, the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid made an official visit to Madagascar.

433. At the end of her visit, she portrayed the situation as follows:

- The complexity of the national law making it difficult to effectively combat the sale of children, child prostitution and child pornography of children;
- The scarcity of prosecutions and impunity;
- The social tolerance as well as poverty evoked to justify that tolerance.

434. Taking into account the recommendations of the Special Rapporteur, the Ministry of Justice supported by UNICEF and the IOM organised a workshop to develop an inclusive Bill affecting all forms of exploitation including national and transnational trafficking, sexual exploitation including children, domestic trafficking, exploitation of other people's begging including children, forced marriages and organ trafficking.

e. Children victims of harmful, social and cultural practices affecting the welfare, dignity, normal growth and development of the child

i. The betrothal of girls and boys (article 21.2), early and forced marriage (article 21.2)

435. With regard to social and cultural practices as stipulated in Article 21 of the Charter, one should mention the persistence of discriminatory practices against girls who are subjected to the practice of "moletry"

436. The "moletry" practiced in some North West localities, is a conditional marriage based on the donation or donation pledge (moletry) made by the groom to the bride's family, consisting of some amount of money and cattle, according to what is agreed during the negotiations: the value of the donation is often determined by social status, age and the beauty of the bride to be.

437. Practiced against a girl under the age of 18, the moletry is considered a case of child marriage.

438. The donation, specifically zebu, become part of the wife's family asset after a year of union (volambita), if the wife is not involved in any misconduct or act of dishonesty.

439. Parents are the beneficiaries of the dowry offered in the context of the moletry. In case of any wrong doing attributed to the woman subjected to moletry, the dowry is not due.

440. In 2008, in order to combat the moletry, the Ministry of Justice, supported by UNDP, commissioned a study through Miamamita firm aiming to:

- Determine the magnitude of the phenomenon especially concerning girls;
- Develop a roadmap for the elimination of child marriage through the moletry

441. Following the results of the study, the Ministry of Justice organised a workshop involving all stakeholders including justice, police, health, education, as well as local, traditional and religious authorities to combat the moletry practice against girls under the age of 18. It also aims to obtain their commitments followed by an action plan to eradicate the moletry.

442. At the end of the workshop, the roadmap was signed and a draft of the action plan was developed.

443. Traditional leaders have pledged not to give their blessing if molestry was practiced against girls under 18 years.

444. Religious leaders from all Christian and Muslim faiths, have promised to sensitise their followers to eradicate the molestry performed on children.

445. The administrative, judicial and police authorities committed themselves in the same direction.

446. It was planned to assess the impacts of the actions taken in 2009. Because of the crisis, this assessment has not been conducted.

ii. Any form of génital mutilation (article 21.1(a))

447. Madagascar does not practice génital mutilation against girls.

iii. All forms of harmful social and cultural practices (article 21.1(b))

448. In the districts of Mananjary and Nosy Varika, the birth of twins is considered by all members of the community as a curse from leading to the absolute prohibition of keeping them within the biological family. This prohibition also affects the ability to reside in the locality of Mananjary.

449. In response, the Ministry of Justice, supported by UNDP has commissioned studies to understand the underlying reasons for this practice, its scope and the ways and means of implementation to eradicate discrimination against twins.

450. A workshop was held in Mananjary in 2008. The workshop recorded the involvement of all judicial, police, administrative, religious, traditional authorities in the region. The objective was to sensitize participants on the evils of discrimination against the rights of twins in violation of the Convention on the rights of the child and the charter. It also aimed to obtain their commitment to fight this scourge.

451. At the end of the workshop, a roadmap was signed. It recorded the commitment of all stakeholders to take concrete action to eradicate this discrimination. Traditional chiefs owners and guardians of custom stopped opposing the fact that twins could live with their biological family in Manajary. However, these Ampanjaka had reservations and did not give their blessing meaning that parents are not immune to curses for violating custom.

452. There was a small step in that several parents decided to reside in Manajary with their twins. Moreover, an association of parents of twins was established to defend the rights of their children. This association can participate in events such as the commemoration of the day of child rights or a human rights.

f. Children from a minority group (article 26)

453. Madagascar has not seen cases of children living under the apartheid regime; However, if such cases happen, it will pay special attention to adopt measures tailored to the special needs of children victims of the apartheid regime.

454. For information, Madagascar is a state party to the International Convention against Apartheid, since May 16, 1986 and the International Convention on the Suppression and Punishment of the Crime of Apartheid since May 16, 1967.

455. Adherence to these agreements demonstrates the willingness of Madagascar to engage in the struggle for the elimination of all forms of discrimination and apartheid in Africa.

g. Children in need of special protection from being under conditions and situations of risk and vulnerability, such as street children and HIV / AIDS orphans (article 26)

456. Act No. 2005-040 of 20 February 2006 on the Protection of the Rights of People Living with HIV-AIDS, in its Articles 28 and 36 specifically provides for the prohibition of discrimination.

Art. 28.- "People living with HIV / AIDS have full legal capacity and enjoy all the rights granted to all citizens by the Constitution and international instruments.

Discrimination and stigmatization are prohibited against people living with HIV / AIDS, their partners and members of their immediate families in the exercise of their rights. "

Art. 36.- "Children infected or affected by HIV / AIDS, including orphans, enjoy all the rights of children in the Constitution and special instruments of protection, including against abuse and exploitation, as well as measures specific to inheritance rights, land and property in general, will be adopted whenever necessary.

In the exercise of his/her rights, the child can not be subjected to any discrimination or stigmatization because of his/her actual or presumed status, or that of his/her partners, his or her parents or his/her caregiver and his/her immediate family. »

457. This law, in Article 37 provides: *"Notwithstanding the provisions of Title III, Chapter III on education, no child shall be denied access or be excluded, discriminated, stigmatized in the exercise of his/her right to education or any program and any institution for children due to its proven or suspected HIV status or because of the actual or presumed status of his or her partner (s), one or his/her parents, that of those responsible for him/her or a member of his/her immediate family, under penalty of civil claim compensation. "*

10. *Responsibility of the Child*

a. The parents, the family and the community (article 31)

458. Malagasy culture and wisdom shall ensure that Malagasy children act towards the cohesion of the family, for respect to parents, persons in authority over them as well as seniors, in all circumstances. If necessary, children can assist or help them, based on to their ability.

459. In rural areas, children participate in community work such as cleaning services in their village or fokontany.

460. Following the cyclone or the invasion of locusts, as a way of solidarity, children together with adults were involved in the work of cleaning or fighting against locusts.

461. From their young age, children are taught to respect ancestral wisdom called "Fihavanana". Fihavanana is based on the principle of tolerance, the rule of preserving harmonious relationship; and in case of conflict, use reconciliation through dialogue or the intervention of a third party mediator who is usually chosen among the village dignitaries.

b. The State and the continent (article 31)

462. Madagascar is a founding member of the Organisation of African Unity (OAU) now African Union (AU).

463. The Malagasy State participates in all meetings and conferences organised by the AU.

464. In addition, Madagascar is a member of African sub-regional organisations such as SADC, COMESA and IOC.

465. Through the civic education program taught in primary and secondary schools. The Malagasy government is working to educate children on the essential principles of national independence and patriotism as well as the knowledge of the continent to which they belong.

466. The regular participation of youth in African sports competitions is a factor favouring the African cohesion and unity.

467. On a regular basis, Madagascar participates in sports activities organised in the context of African championships in several disciplines.

ANNEXES

Annex 1

Title II of the Malagasy Constitution

TITLE II: OF THE FREEDOMS, THE RIGHTS AND THE DUTIES OF THE CITIZENS

SUB-TITLE I: OF THE CIVIL AND POLITICAL RIGHTS AND DUTIES

Article 7 - The individual rights and the fundamental freedoms are guaranteed by the Constitution and their exercise is organized by the law.

Article 8- The right of all persons to life is protected by the Law. No one may be arbitrarily deprived of life. Death is not considered as inflicted in violation of this Article in the cases where it would result from recourse to the force rendered absolutely necessary, in view of assuring the defense of all persons against illegal violence.

No one may be submitted to torture or to cruel, inhuman or degrading penalties or treatments.

In particular, it is prohibited to submit a person without their free consent to a medical or scientific experiment.

Article 9- All persons have the right to liberty and may not be subject to arrest or arbitrary detention.

No one may be prosecuted, arrested or detained except in cases determined by the law and accordingly to the forms prescribed by it.

Any individual made a victim of illegal arrest or detention has the right to reparation.

Article 10- The freedoms of opinion and of expression, of communication, of the press, of association, of assembly, of circulation, of conscience and of religion are guaranteed to all and may only be limited by the respect for the freedoms and rights of others, and by the imperative of safeguarding the public order, the national dignity and the security of the State.

Article 11 - Any individual has the right to information.

Information under all its forms is not submitted to any prior constraint, except that which infringes the public order and the morality.

The freedom of information, whatever the medium, is a right. The exercise of this right includes duties and responsibilities, and is submitted to certain formalities, conditions, or sanctions specified by the law, which are the measures necessary in a democratic society.

All forms of censorship are prohibited. The law organizes the exercise of the profession of journalist.

Article 12- Any resident Malagasy has the right to leave the national territory and to return to it within the conditions established by the law.

All individuals have the right to circulate and to establish themselves freely on all the territory of the Republic within respect for the rights of others and the prescriptions of the law.

Article 13- Any individual is assured of the inviolability of their person, their domicile and of the secrecy of their correspondence.

No search may take place except by virtue of the law and on written order of the competent judicial authority, except in the case of flagrante delicto.

No one may be punished except by virtue of a law promulgated and published prior to the commission of the punishable act.

No one may be punished twice for the same act.

The law assures to all the right that justice will be rendered, and that insufficiency of resources will not be an obstacle.

The State guarantees the plenitude and the inviolability of the rights to defense before all the jurisdictions and at all the stages of the procedure, including that of the preliminary investigation, and at the level of the judicial police or of prosecution.

All moral pressure and/or all physical brutality to apprehend a person or to keep them in detention is prohibited.

All defendants or accused have the right to the presumption of innocence until their guilt has been established by a decision of justice becoming definitive.

Preventive detention is an exception.

Article 14- Any person has the right to freely constitute associations, under reserve of conforming themselves to the law.

This same right is recognized for the creation of political parties. The conditions of their creation are determined by a law on political parties and their financing.

The associations and the political parties that jeopardize the unity of the Nation and the republican principles, and that advocate totalitarianism or segregation of ethnic, tribal or religious character, are prohibited.

The parties and political organizations participate in the expression of the suffrage.

The Constitution guarantees the right of democratic opposition.

After each legislative election, the political groups of the opposition appoint a head of the opposition. In default of agreement, the head of the political group of the opposition having obtained the greatest number of the suffrage expressed at the moment of the vote is considered as the official head of the opposition.

The status of the opposition and of the parties of the opposition, recognized by this Constitution and giving them notably an institutional framework to express themselves, is determined by the law.

Article 15- Any citizen has the right to be a candidate to the elections specified by this Constitution, under reserve of the conditions established by the law.

Article 16- In the exercise of the rights and freedoms recognized by this Constitution, all individuals are held to the duty of respect for the Constitution, the institutions, the laws

and the regulations of the Republic.

SUB-TITLE II: OF THE ECONOMICAL, SOCIAL AND CULTURAL RIGHTS AND DUTIES

Article 17- The State protects and guarantees the exercise of the rights that assure the individual the integrity and the dignity of their person, and their full physical, intellectual and moral development.

Article 18- The National Legal Service is a duty of honor. Its accomplishment does not infringe the position of work of the citizen or the exercise of the political rights of the citizen.

Article 19- The State recognizes and organizes for all individuals the right to the protection of health from their conception through the organization of free public health care, which gratuitousness results from the capacity of the national solidarity.

Article 20- The family, natural and fundamental element of the society, is protected by the State. All individuals have the right to found a family and to transmit by inheritance their personal assets.

Article 21- The State assures the protection of the family for its free development as well as that of the mother and the child through a legislation and the appropriate social institutions.

Article 22- The State engages itself to take the necessary measures in view to assure the intellectual development of every individual, without other limitation than the aptitudes of each one.

Article 23- Every child has the right to instruction and to education under the responsibility of the parents within respect for their freedom of choice. The State engages itself to develop professional training.

Article 24- The State organizes a public education, gratuitous and accessible to all. Primary education is obligatory for all.

Article 25- The State recognizes the right to private education and guarantees this freedom of education under reserve of the equivalence of the conditions of education in the matters of hygiene, of morality and of the level of training established by the law. These establishments of private education are submitted to a fiscal regime within the conditions established by the law.

Article 26- All individuals have the right to participate in the cultural life of the community, in scientific progress and in the well-being resulting from them. The State, assures, with the participation of the Decentralized Territorial Collectivities, the promotion and the protection of the national cultural patrimony as well as of scientific, literary and artistic production.

The State, with the participation of the Decentralized Territorial Collectivities, guarantees the right of intellectual property.

Article 27- Work and professional training are, for all citizens, a right and a duty. Access to the public functions is open to all citizens without other conditions than those of capacity and aptitude.

Nevertheless, the recruitment in the public function may be accompanied by contingencies per circumscription for a time period for which the duration and the modalities will be determined by the law.

Article 28- No one may be prejudiced in their work or in their employment for reason of gender, of age, of religion, of opinions, of origins, of belonging to a trade-union or of political convictions.

Article 29- Every citizen has the right to a fair remuneration for their work assuring them, as well as their family, an existence in conformity with human dignity.

Article 30- The State makes an effort to overcome the needs of every citizen who, for reason of their age or their physical or mental incompetence, find themselves in an incapacity to work, notably through the intervention of institutions or organs with a social character.

Article 31- The State recognizes the right of every worker to defend their interests through syndical action and in particular through the freedom to form a trade-union. The affiliation to a trade-union is free.

Article 32- Every worker has the right to participate, notably by the intermediary of their delegates, to the determination of the rules and of the conditions of work.

Article 33- The right to strike is recognized, without it being possible to infringe the continuity of the public service or the fundamental interests of the Nation. The other conditions for exercising this right are established by the law.

Article 34- The State guarantees the right to individual property. No one may be deprived of it except by way of expropriation for cause of public utility and subject to a fair and prior indemnification.

The State assures the facility of access to land property through the appropriate juridical and institutional provisions and a transparent administration of the information concerning land.

Article 35- The State facilitates the access of the citizens to housing through appropriate financing mechanisms.

Article 36- The participation of each citizen in the public expenditures must be progressive and calculated as a function of their contributive capacity.

Article 37- The State guarantees the freedom of enterprise within the limit of the respect for the general interest, the public order, morality and the environment.

Article 38- The State guarantees the security of capital and of investments.

Article 39 - The State guarantees the political neutrality of the Administration, of the Armed Forces, of Justice, of the Police, of Teaching and of Education.

It organizes the Administration to the end of avoiding any act of waste and of diversion of the public funds to personal or political ends.

Annex 2

Extract from Act No. 2007-022 of 20 August 2007 on the marriage and matrimonial regimes which repealed Ordinance No. 62-089 of 1 October 1962 on marriage and Act No. 67-030 of 18 December 1967 on matrimonial regimes.

Chapter II

THE REQUIREMENTS FOR CONTRACTING A MARRIAGE

Article 3 - *The marital age is 18 years,*

However, before that age, for serious reasons and without prejudice to the prosecution of offenses against morals, the President of the Court of First Instance may authorize the marriage, at the request of the father and the mother or the person exercising the authority over the child and with their express consent, and that of the President of the child.

The consent must be given before the President of the Court of First Instance and recorded in the court order authorizing the marriage.

Annex 3

Table 26 : Estimate of the Madagascar population in 2012

Region	District	Total Population	Population aged below 18 years	Population aged 18-64 years	Population aged 65 years and above
Alaotra Mangoro	Ambatondrazaka	316 009	165 680	143 439	6 891
Alaotra Mangoro	Amparafaravola	260 531	137 729	117 121	5 681
Alaotra Mangoro	Andilamena	68 658	34 818	32 344	1 497
Alaotra Mangoro	Anosibe An'ala	86 841	46 696	38 251	1 894
Alaotra Mangoro	Moramanga	267 856	139 491	122 524	5 841
Alaotra Mangoro		999 894	524 413	453 679	21 802
Amoron'i Mania	Ambatofinandrahana	151 350	82 143	66 491	2 715
Amoron'i Mania	Ambositra	255 401	136 246	114 573	4 582
Amoron'i Mania	Fandriana	196 269	105 649	87 099	3 521
Amoron'i Mania	Manandriana	93 061	51 739	39 652	1 670
Amoron'i Mania		696 080	375 777	307 815	12 489
Analamanga	Ambohidratrimo	388 463	188 986	188 250	11 228
Analamanga	Andramasina	165 616	90 321	70 508	4 787
Analamanga	Anjozorobe	172 440	92 696	74 760	4 984
Analamanga	Ankazobe	147 528	79 400	63 864	4 264
Analamanga	Antananarivo Atsimondrano	569 678	268 789	284 424	16 465
Analamanga	Antananarivo Avaradrano	352 933	170 079	172 653	10 201
Analamanga	Antananarivo Renivohitra	1 264 658	539 431	688 675	36 552
Analamanga	Manjakandriana	198 743	101 810	91 189	5 744
Analamanga		3 260 060	1 531 512	1 634 323	94 225
Analanjirofo	Fenerive Est	300 223	148 613	144 674	6 936
Analanjirofo	Mananara-Avaratra	165 439	88 833	72 784	3 822
Analanjirofo	Maroantsetra	215 117	115 943	94 204	4 970
Analanjirofo	Sainte Marie	25 843	12 384	12 862	597
Analanjirofo	Soanierana Ivongo	132 449	71 232	58 157	3 060
Analanjirofo	Vavatenina	168 632	92 781	71 955	3 896
Analanjirofo		1 007 703	529 787	454 635	23 282
Androy	Ambovombe-Androy	340 409	178 873	153 742	7 794
Androy	Bekily	160 385	82 778	73 935	3 672
Androy	Beloha	106 463	53 318	50 708	2 438
Androy	Tsihombe	107 228	54 856	49 917	2 455
Androy		714 486	369 825	328 302	16 359
Anosy	Amboasary-Atsimo	203 550	104 573	93 930	5 047
Anosy	Betroka	185 779	93 728	87 445	4 606
Anosy	Taolagnaro	264 674	140 000	118 111	6 563
ANOSY		654 004	338 301	299 486	16 216

Region	District	Total Population	Population aged below 18 years	Population aged 18-64 years	Population aged 65 years and above
Atsimo Andrefana	Ampanihy Ouest	301 954	160 084	136 135	5 735
Atsimo Andrefana	Ankazoabo	63 823	31 048	31 563	1 212
Atsimo Andrefana	Benenitra	37 691	18 561	18 414	716
Atsimo Andrefana	Beroroha	44 497	21 714	21 939	845
Atsimo Andrefana	Betioky Atsimo	199 891	104 428	91 666	3 797
Atsimo Andrefana	Morombe	114 070	58 568	53 336	2 167
Atsimo Andrefana	Sakaraha	110 084	51 404	56 589	2 091
Atsimo Andrefana	Toliary-I	152 557	76 368	73 292	2 898
Atsimo Andrefana	Toliary-II	257 297	138 717	113 693	4 887
Atsimo Andrefana		1 281 865	660 891	596 626	24 348
Atsimo Atsinanana	Befotaka	52 040	28 791	22 305	944
Atsimo Atsinanana	Farafangana	332 785	172 206	154 545	6 034
Atsimo Atsinanana	Midongy-Atsimo	44 603	23 689	20 105	809
Atsimo Atsinanana	Vangaindrano	320 863	174 099	140 945	5 818
Atsimo Atsinanana	Vondrozo	124 598	66 718	55 621	2 259
Atsimo Atsinanana		874 888	465 503	393 522	15 864
Atsinanana	Antanambao Manampontsy	47 376	25 572	20 565	1 238
Atsinanana	Brickaville	183 070	94 683	83 602	4 785
Atsinanana	Mahanoro	232 148	129 165	96 916	6 068
Atsinanana	Marolambo	145 593	78 644	63 144	3 805
Atsinanana	Toamasina I	267 389	120 519	139 881	6 989
Atsinanana	Toamasina II	225 236	115 187	104 163	5 887
Atsinanana	Vatomandry	136 199	71 804	60 835	3 560
Atsinanana		1 237 010	635 574	569 106	32 331
Betsiboka	Kandreho	20 142	10 589	9 294	259
Betsiboka	Maevatanana	147 000	76 428	68 681	1 890
Betsiboka	Tsaratanana	118 603	63 748	53 330	1 525
Betsiboka		285 744	150 765	131 305	3 674
Boeny	Ambato Boeni	205 608	102 961	97 219	5 428
Boeny	Mahajanga I	214 783	99 385	109 728	5 670
Boeny	Mahajanga II	75 470	37 759	35 719	1 992
Boeny	Marovoay	177 899	88 805	84 398	4 696
Boeny	Mitsinjo	58 000	29 014	27 455	1 531
Boeny	Soalala	46 725	23 037	22 455	1 233
Boeny		778 485	380 960	376 975	20 550
Bongolava	Fenoarivo Be	126 987	67 519	56 431	3 037
Bongolava	Tsiroanomandidy	318 262	169 452	141 198	7 612
Bongolava		445 249	236 970	197 629	10 650

Region	District	Total Population	Population aged below 18 years	Population aged 18-64 years	Population aged 65 years and above
Diana	Ambanja	185 389	91 399	87 221	6 770
Diana	Ambilobe	210 418	106 544	96 190	7 683
Diana	Antsiranana I	111 967	50 893	56 985	4 089
Diana	Antsiranana II	102 623	51 910	46 965	3 747
Diana	Nosy-Be	71 075	33 112	35 368	2 595
Diana		681 472	333 859	322 729	24 884
Haute Matsiatra	Ambalavao	203 867	108 852	90 399	4 617
Haute Matsiatra	Ambohimahasoa	209 014	114 344	89 938	4 733
Haute Matsiatra	Fianarantsoa I	185 275	90 260	90 820	4 196
Haute Matsiatra	Ikalamavony	87 006	42 838	42 197	1 970
Haute Matsiatra	Isandra	126 030	67 948	55 228	2 854
Haute Matsiatra	Lalangina	165 075	88 498	72 839	3 738
Haute Matsiatra	Vohibato	191 140	102 453	84 359	4 328
Haute Matsiatra		1 167 408	615 193	525 779	26 436
Ihorombe	Iakora	49 073	25 739	22 333	1 001
Ihorombe	Ihosy	197 984	102 186	91 761	4 037
Ihorombe	Ivohibe	56 974	29 676	26 137	1 162
Ihorombe		304 032	157 601	140 231	6 200
Itasy	Arivonimamo	296 851	161 874	130 063	4 914
Itasy	Miarinarivo	234 309	126 269	104 161	3 879
Itasy	Soavinandriana	182 256	101 321	77 918	3 017
Itasy		713 416	389 464	312 142	11 809
Melaky	Ambatomainty	28 640	15 197	12 942	502
Melaky	Antsalova	56 795	28 456	27 343	995
Melaky	Besalampy	69 308	32 714	35 380	1 215
Melaky	Maintirano	103 779	52 624	49 336	1 819
Melaky	Morafenobe	23 398	11 672	11 316	410
Melaky		281 921	140 662	136 317	4 941
Menabe	Belo sur Tsiribihina	120 847	61 190	57 480	2 177
Menabe	Mahabo	137 787	67 660	67 645	2 483
Menabe	Manja	73 183	36 782	35 083	1 319
Menabe	Miandrivazo	127 324	64 990	60 040	2 294
Menabe	Morondava	117 281	58 410	56 758	2 113
Menabe		576 423	289 032	277 006	10 386
SAVA	Andapa	184 850	95 979	83 725	5 147
SAVA	Antalaha	225 345	118 990	100 081	6 274
SAVA	Sambava	296 301	154 984	133 068	8 250
SAVA	Vohemar	248 321	130 680	110 727	6 914

Region	District	Total Population	Population aged below 18 years	Population aged 18-64 years	Population aged 65 years and above
SAVA		954 818	500 632	427 601	26 585
Sofia	Analalava	144 729	75 517	65 197	4 014
Sofia	Antsohihy	133 791	72 555	57 526	3 711
Sofia	Bealanana	139 216	76 415	58 939	3 861
Sofia	Befandriana Nord	234 694	126 932	101 253	6 510
Sofia	Mampikony	130 221	66 360	60 249	3 612
Sofia	Mandritsara	247 255	135 385	105 012	6 858
Sofia	Port-Bergé (Boriziny-Vaovao)	184 087	96 043	82 937	5 106
Sofia		1 213 994	649 207	531 114	33 673
Vakinankaratra	Ambatolampy	249 376	138 917	104 380	6 079
Vakinankaratra	Antanifotsy	299 784	170 495	121 981	7 308
Vakinankaratra	Antsirabe I	232 159	113 662	112 838	5 660
Vakinankaratra	Antsirabe II	395 586	217 644	168 298	9 644
Vakinankaratra	Betafo	247 986	135 243	106 697	6 046
Vakinankaratra	Faratsiho	188 179	107 022	76 570	4 588
Vakinankaratra	Mandoto	142 455	77 163	61 819	3 473
Vakinankaratra		1 755 524	960 145	752 582	42 797
Vatovavy Fitovinany	Ifanadiana	150 184	80 278	66 572	3 333
Vatovavy Fitovinany	Ikongo	181 125	100 425	76 680	4 020
Vatovavy Fitovinany	Manakara Atsimo	355 744	185 025	162 823	7 896
Vatovavy Fitovinany	Mananjary	308 532	163 435	138 249	6 848
Vatovavy Fitovinany	Nosy-Varika	235 040	132 110	97 713	5 217
Vatovavy Fitovinany	Vohipeno	148 301	73 460	71 549	3 292
Vatovavy Fitovinany		1 378 926	734 734	613 587	30 606
Madagascar		21 263 403	10 970 807	9 782 490	510 106

Annex 4

Act No. 2011-014 of 28 December 2011 on the inclusion of the Road Map in the domestic legal framework; Act No. 2012-004 of 1 February 2012 establishing the CENI-T Act No. 2012-014 on the Special Electoral Court (CES); Organic Law n ° 2012-015 of August 1, 2012 for the election of the first President of the Fourth Republic; Organic Law n ° 2012-016 of 1 August 2012 on the first legislative elections of the Fourth Republic; Act No. 2012-010 of 9 May 2012 on the establishment, mission, mandate, composition and procedures of the Filankevitry ny Fampihavanana Malagasy (FFM) and Malagasy Council for Reconciliation (CRM); Act No. 2012-007 of 3 May 2012 granting amnesty for national reconciliation; Act No. 2012 - 006 of 30 July 2012 concerning the code of ethics and good political behaviour of political actors during the transition; Act No. 2011-012 of 18 August 2011 relating to political parties; Organic Law n ° 2012-005 of 22 March 2012 on the Electoral Code.

The mission of Malagasy Council for Reconciliation is to:

- Set the modalities of compensation for all victims of political events between 2002 and the date of signature of the Road Map;
- The eradication and prevention of cyclical political crises;
- Establish sound foundations for the future and economic development of the nation.

Alternative sentencing

3. Currently, the Ministry of Justice initiated the law reform process for the adoption of alternative sanctions. The adoption of this Bill will allow the application of Article 40 of the Charter for mothers involved in a criminal trial.