

Country session: Madagascar CRC

Date of session: 3rd and 4th February 2022 (89th session)

Context

The State party review has been delayed due to the Covid-19 pandemic, and the State delegation participated remotely in the dialogue with the Committee. The hybrid dialogue lasted four hours (instead of six hours, usually).

Background information

[OHCHR press release](#)

Webcast: [first part](#) and [second part](#)

[Audio file](#)

Reporting

Reporting methodology

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

Common core document	
Initial submission	30 December 2003

CRC	
No. of report	5 th to 6 th
Due date	17 Apr 2018
Submission	24 January 2019

Written replies	
Due date	15 June 2020
Submission	17 November 2021

Public reports from children's rights defenders

Alternative reports and additional information	
NGOs	<ul style="list-style-type: none"> • Amnesty International • Coalition des organisations de la société œuvrant dans le domaine de l'enfance de Madagascar • ECPAT International • Children's report (Plateforme de la Société Civile pour l'Enfance)



State delegation

The [delegation of Madagascar](#) was large and multisectoral. The delegation consisted of representatives of the Ministry of Justice; the Ministry of National Education; the Ministry of Public Security; the Ministry of Population, Social Protection and the Promotion of Women; the Ministry of Public Health; and the Ministry of Labour, Employment, Public Service and Social Laws. A representative of the National Gendarmerie Command and representatives of the Permanent Mission of Madagascar to the United Nations Office at Geneva were also part of the delegation.

The State's opening statement is available [here](#).

Committee's Task Force members

Name & Last Name	Country
Suzanne Aho Assouma (coordinator)	Togo
Hynd Ayoubi-Idrissi	Morocco
Mikiko Otani	Japan
Luis Pedernera	Uruguay

Dialogue description

i. Character of the dialogue

The dialogue was constructive and cooperative. The delegation responded to the Committee's questions in a focused manner. According to the Committee, this dialogue was rich and educational as there were not enough answers provided in the documentation submitted by the State of Madagascar.

ii. General assessment made by the Committee

Despite the recognised efforts of the State of Madagascar, huge challenges remain in the implementation of children's rights. According to the Committee, suitable budgets need to be adopted and systems need to be bolstered. Madagascar needs to focus on countering the effects of climate change as well as to react to epidemics.

iii. Main issues discussed:

General measures of implementation

- **Data collection:** The Committee raised the issue of the lack of data on Malagasy children. The delegation responded that data collection for sexual offenses was in place, with data provided to the Ministry of Justice, but also acknowledged a lack of data on statelessness children, children in street situations and children with disabilities. On the latter, the delegation affirmed that they are planning to conduct a national survey.

Civil Rights and Freedoms

- **Statelessness and right to a nationality:** The Committee deplored the fact that there are flaws in the law on nationality concerning children's rights and particularly with regard to stateless children. The delegation noted that statelessness was a sensitive issue in Madagascar and that an appropriate system was not yet in place, but that following a meeting with the Office of the United Nations High Commissioner for Refugees to address statelessness, a plan had been approved. In addition, Madagascar has assured that all children born to at least one Malagasy parent can have Malagasy nationality; however, it recognized that accessing nationality remains an issue when both parents are stateless.
- **Birth registrations:** While welcoming Madagascar's project with the World Bank to digitize the birth registry, the Committee expressed concern about the decreasing trend in birth registrations and regional disparities, and therefore asked about the remedial measures taken by Madagascar. The delegation responded that the project was designed to establish a unique identifier covering 2 million people, thus allowing for more data to be recorded on birth registration.

Violence against children

- **Corporal punishment:** The Committee deplored that violence against children was widespread in schools and homes in Madagascar and asked the delegation about the concrete measures to prevent such violences. The Committee noted that despite the development of laws and plans, substance was lacking. In response, the State explained that two sets of measures have been adopted: the first is prevention, through information and awareness-raising sessions for pupils, parents and teachers, but also police officers in contact with children; and the second is at the care level with criminal investigation officers and specialised police units being trained to receive and process cases of violence against children. The delegation recognized that the Malagasy

society is patriarchal and traditional, and that violence is a daily reality for children. The delegation explained that awareness-raising efforts lead to more reporting to the police but that a well-founded law to combat corporal punishment is needed. The Committee deplored the fact that there was no law prohibiting this practice, recalling that the Convention imposes a systematic ban on corporal punishment.

- **Child marriages:** The Committee raised the issue of harmful traditional practices, with a focus on child marriages, noting that the State party has put in place a national strategy and campaign to reduce the rate of child marriage in Madagascar from 41.2% to 21% from 2018 to 2024. The Committee asked how this goal would be achieved concretely. The Committee also requested information on whether courts can authorize early child marriages if requested by parents on "serious grounds" and what this means. The delegation responded that their national strategy aimed at ensuring that local action plans in communities end the practice. A centralized coordination department was established, with six regional structures being set up across Madagascar to initiate local plans to combat child marriage. The delegation stated that "serious grounds" for early marriage refer to a situation where the minor is pregnant, noting that the child's consent was always required as well as a medical certificate for proof of pregnancy. Finally, the delegation assured that there were no forced marriages in Madagascar.

Family Environment and Alternative Care

- **Children deprived of a family environment:** The Committee asked the delegation about the challenges to avoid the separation of children from their families in Madagascar and to reduce the placement of those children in residential care. The delegation responded on foster families and informed that a technical validation process was in place. The delegation also stated that guideline manuals had been drafted to provide clarification on the processes in the foster family system.

Basic Health and Welfare

- **Children with disabilities:** Noting the national action plan for persons with disabilities, the Committee asked Madagascar for more information on obstacles relating to children with disabilities, including inclusive access to schools and stigmatization, as well as access to health care. The delegation of Madagascar justified that realistic and achievable goals could not be set due to the lack of data on persons with disabilities. The delegation also responded that 35,000 schools would need to be upgraded with inclusion standards, representing a huge project. Currently, there are around 1,000 inclusive schools in 12 regions of Madagascar. In addition, a national platform for inclusive education created in 2015 allows for stakeholders to meet periodically, in addition to projects to integrate primary-aged children with disabilities into mainstream schools. Eventually, the delegation reported that a national policy is being developed on the inclusion and empowerment of persons with disabilities, with a plan to provide increased support in different regions.
- **Malnutrition:** The Committee was seriously concerned that Madagascar has the highest rate of malnutrition in the world, with 40% of children under five years of age suffering from chronic malnutrition, despite the establishment of special services to address this issue. The Committee noted the lack of financial means and inquired on the response of the State party to remedy this situation. The delegation replied that Madagascar had taken significant steps to end this scourge, indicating that there had been a 7.3% reduction in malnutrition over the last decade,

with an increased number of centres for acute malnutrition and medical support across the country.

Special Protection measures

- **Economic exploitation, including child labour:** Noting that 47% of children aged 5 to 17 in Madagascar work in various settings, the Committee asked the delegation for information on measures taken to address child labour. The delegation replied that a plan was being launched to significantly reduce the rate of child labour. Inspections have also been conducted by administrative and judicial authorities in private homes to combat the issue of domestic labour. The increasing capacity and number of labour inspectors were noted as a positive development by the Committee, which nevertheless questioned the competency of the inspectors.
- **Sale, trafficking and abduction:** The Committee deplored the fact that children with albinism are often abducted in Madagascar. The delegation responded that radical measures had been taken by the Ministry of Justice to eradicate this scourge. Madagascar had adopted a criminal policy involving severe penalties for such abductions, which had resulted in a drop in the phenomenon in the last quarter of 2021.
- **Sexual exploitation:** The Committee wanted to hear about the Malagasy government's measures to ensure a mind shift of society on sexual exploitation, a widespread scourge that is "socially acceptable" in Madagascar, which the delegation denied. The Committee wanted to know what measures are being taken to rehabilitate sexually exploited children, especially with regard to access to justice. The delegation reported that a criminal policy in this area was in place, specifically for parents who did not report the offence. The delegation noted integrated care centers for children who had suffered from violence and sexual abuse and hotlines which children could call for police assistance. In addition, Madagascar is working with the United Nations Children's Fund (UNICEF) to protect children from online sexual exploitation. Eventually, the Committee urged the State to combat sexual exploitation.
- **Children in street situations:** Children living and working on the street is very concerning for the Committee, which asked if the State was planning to gather data as well as to tackle two of the causes pushing children into the street: poverty and violence. The delegation responded that a survey in 2014 identified 23,500 children in street situations, which was still not the total number of children living on the street. This was made to identify their needs and to develop short, medium and long-term measures to cater for them. The delegation further said that focus had been increased in prevention, extending coverage to families in precarious situations. Shelters for families were up and running and financial support was also provided through State programmes.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew the State party's attention to the need for urgent measures concerning the following areas:

- **Coordination:** The Committee urges the State party to revise relevant decrees regulating the work of the National Child Protection Committee and ensure that it has a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention

at cross-sectoral, national, regional and local levels and that child protection networks are provided with the necessary human, technical and financial resources for their effective operation in all regions.

- **Sexual exploitation and abuse:** The Committee urges the State party to establish mechanisms, procedures and guidelines to ensure mandatory reporting, multiagency intervention, investigation and prosecution of all cases of sexual exploitation and abuse of children, including child sexual abuse audio materials. The Committee also presses the State to conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations, with the aim of preventing the re-victimisation of such children. The Committee also commands the State to raise awareness regarding child sexual abuse and exploitation among both the members of public and professionals working with and for children and respond to all manifestations of child sexual exploitation and abuse, in particular in travel and tourism, including by strengthening the professional capacity to detect and investigate such cases and promoting training for parents and teachers about risks. Finally, the Committee calls the State to pay a particular attention to the situation of children in vulnerable situations, including children in street situations, children without a birth certificate, migrant children, child domestic workers, orphans and abandoned children.
- **Health and health services:** The Committee recommends that the State party takes measures to implement the 2017 law on vaccination and provides adequate human, technical and financial resources for its implementation. The State must also ensure access of the population, especially children, particularly in rural and remote areas, to adequately resourced primary health-care services, and strengthen the training, supervision and incentives for health workers. In addition, the State should establish mental health services and programmes for children and ensure that qualified personnel, including child psychiatrists, psychologists, clinical social workers and other specialized personnel, are available throughout the country. Finally, increasing allocations for healthcare from the national budget should be considered by the State.
- **Nutrition and standard of living:** The Committee recommends that the State party takes urgent measures to prioritize children who suffer from severe acute malnutrition and provide them with necessary treatment and nutrition. The Committee also expects that the State ensure access to and the availability and affordability of food, with a particular focus on reversing the sharp deterioration of access to these services in urban areas and eliminating any regional disparities. At the same time, the State need to support and strengthen implementation of the revised National Nutrition Policy and the National Nutrition Plan for 2017–2021, addressing the root causes of malnutrition and regularly monitor and assess the effectiveness of policies and programmes on child food security and nutrition. The Committee also urges the State Party to address multidimensional poverty and extreme deprivations among children, including by strengthening social protection programmes under auspices of the National Social Protection Strategy (2019-2023) and by ensuring that they are inclusive of all vulnerable groups and receive adequate funding from the national budget. Prioritize access to water, sanitation and hygiene, especially in urban areas and continue its efforts in the rural environment, in order to ensure nationwide access to water, sanitation and hygiene; seek technical assistance from the UNICEF, WHO, WFP, FAO, and other international partners in this regard is ultimately expected.

- **Education, including vocational training and guidance:** The Committee recommends that the State party take the necessary measures to guarantee access to free education and increase school enrolment, attendance and completion rates for all children especially at the secondary level of education, with particular attention given to gender and regional disparities and to pregnant teenagers and adolescent mothers. The Committee also expects improved quality of education, including by recruiting qualified teachers and ensuring that teachers receive appropriate levels of training, with particular emphasis on teachers in rural areas. The Committee also calls for allocating sufficient financial resources from the national budget to ensure that schools across the country are accessible to all and are equipped with adequate educational infrastructure, technologies and sanitation facilities. Finally, the States need to address the inequalities generated by the COVID-19 crisis during home schooling, including by ensuring the availability of electricity and Internet access to all to access online education, giving particular attention to children in rural areas and children with disabilities.
- **Economic exploitation, including child labour:** The Committee recommends that the State party prohibit and eliminate hazardous labour practices where child workers are exposed to environmental risk factors, promote safer alternatives and ensure monitoring of children affected. The Committee also recommends that the State party strengthen its efforts to end child labour in all its forms, including by raising public awareness of child labour, its exploitative character and its consequences, accelerating the adoption of a new national plan to combat child labour and increasing the number of labour inspectors; and seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office in this regard.

The Committee also drew the State party's attention to the recommendations concerning the following areas:

- General Measures of implementation: **legislation; comprehensive policy and strategy; allocation of resources; data collection; independent monitoring; dissemination awareness-raising and training; cooperation with civil society; children's rights and the business sector;**
- Definition of the Child;
- General principles: **non-discrimination; best interests of the child; right to life, survival respect for the views of the child;**
- Civil rights and freedoms: **birth registration and nationality; right to privacy and access to appropriate information;**
- Violence against children: **corporal punishment; abuse and neglect; harmful practices;**
- Family environment and alternative care: **family environment; children deprived of a family environment; adoption;**
- Children with disabilities;
- Basic health and welfare: **adolescent health; HIV/AIDS; nutrition and standard of living; impact of climate change on the rights of the child;**
- Special protection measures: **children in street situations; sale, trafficking and abduction; administration of child justice.**



The Committee recommended the realization of children’s rights in accordance with the Convention and the Optional Protocols thereto throughout the process of implementing the 2030 Agenda for Sustainable Development and urged the State to ensure the meaningful participation of children in achieving all 17 Sustainable Development Goals.

Throughout its Concluding Observations, the Committee referred to the following targets:

- 16.5 to substantially reduce corruption and bribery in all their forms.
- 5.1 and 10.3 to end all forms of discrimination against all women and girls everywhere and to ensure equal opportunity and reduce inequalities of outcome.
- 3.2 to end preventable deaths of newborns and children under 5 years of age.
- 16.9 to provide legal identity for all, including birth registrations.
- 5.2, 16.1, 16.2 on the right of the child to freedom from all forms of violence.
- 5.3 to eliminate all harmful practices, such as child, early and forced marriage.
- 2.2, 3.1, 3.2, 3.8 to end all forms of malnutrition, to reduce the global maternal mortality ratio, to end preventable deaths of newborns and children under 5 years of age, to achieve universal health coverage.
- 3.7, 5.6 to ensure universal access to sexual and reproductive health-care services, and to sexual and reproductive health and reproductive rights.
- 3.3 to end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases.
- 1.1, 1.2, 1.3, 2.2 to eradicate extreme poverty for all people everywhere, to reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions, to implement nationally appropriate social protection systems and measures for all, and to end all forms of malnutrition.
- 1.5, 13.3 to build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters, and to take urgent action to combat climate change and its impacts.
- 4.1, 4.6, 4.a, 4.b, 4.c to ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes, to ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy, to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
- 8.7 to take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

Next State report

CRC	
No. of report	VII-VIII
Due date	17 April 2027

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