



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Seventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child:
Madagascar

1. The Committee considered the initial report of Madagascar (CRC/C/8/Add.5) at its 163rd to 165th meetings, held on 29 and 30 September 1994, and adopted* the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation for the detailed and comprehensive report submitted by Madagascar as well as for the extensive additional information provided in its written responses to the list of issues. The Committee welcomes the openness reflected in the report with respect to difficulties encountered in the implementation of the Convention. In this connection, the Committee endorses, in general, the many recommendations contained in the report aimed at improving the effective application of the Convention in Madagascar. The Committee regards the report as a valuable document which may be used in Madagascar in promoting awareness of the Convention, especially in regard to its application in law and practice.

3. The Committee also expresses its appreciation to the delegation for its frank and open attitude which contributed to a constructive dialogue with the Committee. In this regard, the Committee takes note of the statement made by

* Adopted at the 183rd meeting, held on 14 October 1994.

the delegation regretting that it had not been possible to include representatives from the departments concerned with the actual implementation of the Convention in Madagascar.

B. Positive aspects

4. The Committee welcomes the establishment of the Intersectoral Follow-up Committee which drafted the initial report and which is envisaged as a permanent coordinating body to ensure an effective follow-up in close evaluation and monitoring of the situation of children in Madagascar, as well as an appropriate follow-up in close collaboration with NGOs. The Committee expresses its satisfaction that representatives of international organizations are included in the follow-up committee, which may facilitate better coordination in the area of international cooperation and development assistance aimed at improving the situation of children in Madagascar.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee notes the difficulties facing the Government of the Republic of Madagascar in a period of political transition.

6. The Committee also notes that natural disasters and severe economic problems have had a negative impact on the situation of children. The Committee recognizes that certain traditional values in the rural areas have not favoured the rapid implementation of the Convention.

D. Principal subjects of concern

7. The Committee is concerned that the fundamental legal and administrative reforms needed to apply the Convention have still not been fully undertaken in Madagascar. As a result, many of the laws affecting children date from the period immediately following independence and would need to be brought into full conformity with the principles and provisions of the Convention.

8. The Committee notes with concern the persistence of disparities in the enjoyment of the rights recognized by the Convention between the different regions of the country, to the detriment in particular of girls, rural children and children living in situations of extreme poverty. The Committee is also concerned that lasting prejudices and traditional beliefs affect certain groups of children, including disabled children and children born on a certain day of the week (considered to bring bad luck), preventing them from fully enjoying the rights recognized by the Convention.

9. The Committee is concerned that the national legislation establishes a different minimum age for marriage between boys and girls and that it authorizes the marriages of girls as young as 14 years of age who have obtained parental consent from the father or the mother. Such situations may raise the question of compatibility with the principles of non-discrimination and the best interests of the child, in particular as these children will be considered as adults and therefore no longer eligible for the protection afforded by the Convention. Furthermore, the Committee is concerned about the legal status of children born out of wedlock, particularly of incestuous unions.

10. The Committee is concerned at the difficulties to ensure birth registration of children. Such a situation implies the non-recognition of these children as persons before the law, which will affect the level of enjoyment of their fundamental rights and freedoms. In addition, such children are not included in relevant statistical and other information on children and their situation, therefore, cannot be properly monitored.
11. The Committee is concerned about the problems associated with ill-treatment, abuse and violence directed towards children in school and in the family, which is reinforced by social custom. In this connection, the Committee notes with concern that child abuse has not yet been clearly addressed, that adequate legal remedies for abused children do not exist and that there are inadequate safeguards against reprisals against children who report abuse.
12. With respect to basic health and welfare, the Committee notes with concern that in Madagascar, children have increasingly had difficulty in obtaining access to adequate primary health care and that many continue to suffer from lack of medicine and safe drinking water. In particular, the Committee is concerned over the alarming trend that child immunization is on the decrease.
13. With respect to education, the Committee notes with concern that there has been little progress in implementing the relevant articles of the Convention and that, in particular, the number of hours during which schools are open have been restricted, that teacher training has been inadequate and that a high proportion of pupils drop out before finishing primary school. Moreover, the Committee is concerned at the difficulties arising from the changes introduced in the education system as far as the language of instruction is concerned.
14. With regard to child exploitation, the Committee is concerned that child labour continues to be a serious problem in Madagascar, particularly in the rural areas and in the informal sector. In this connection, the Committee notes with alarm that there is no effective inspection in rural areas to combat this problem nor is there labour legislation covering domestic workers.
15. With respect to sexual exploitation of the child, the Committee is concerned that insufficient measures have been taken to prevent and combat the incitement to child pornography as well as prostitution involving children living and/or working on the streets, particularly children who are victimized by tourists.
16. With regard to the administration of juvenile justice, the Committee is concerned that the existing legislation does not reflect the spirit or the provisions of the Convention. In particular, the Committee is concerned that children may be subject to situations of deprivation of liberty, namely lengthy pre-trial detention, and that they might not benefit from the safeguards recognized in the Convention, in the light of articles 37 and 40. The Committee is also concerned by the serious conditions in the correctional facilities which, as recognized by the delegation, may adversely affect the fulfilment of the State party's obligations under the Convention and other international human rights standards.

E. Suggestions and recommendations

17. The Committee recommends that the Government develop information and awareness campaigns on the principles and provisions of the Convention on the Rights of the Child, whenever appropriate in close cooperation with community and religious leaders, in order to create a wider awareness and contribute to the eradication of prevailing prejudices and cultural traditions which may be detrimental to the enjoyment of the rights of the child. It further suggests that special attention be paid to the training of professional groups, working with and for children, on the rights of the child.

18. The Committee recommends that the Government undertake a comprehensive review of national legislation, with a view to ensuring its full compatibility with the principles and provisions of the Convention. New legislation should be adopted in those areas where the protection of children is not yet adequately addressed, such as in the fields of child abuse and national and intercountry adoption or the administration of juvenile justice. To this end, the Committee suggests that the mandate of the Intersectoral Follow-up Committee be broadened accordingly.

19. The Committee emphasizes the importance of establishing an effective and permanent system of monitoring the implementation of the Convention and newly adopted legislation relating to children, and recognizes that the Intersectoral Follow-up Committee could be envisaged as the focal point for that purpose. The Committee also suggests that such a monitoring mechanism may strengthen its cooperation with NGOs and relevant professional groups, as well as religious and community leaders.

20. The Committee also recommends that serious consideration be given to the allocation of available resources, including those deriving from international development aid, in order that they be used, to the maximum extent possible, for the effective implementation of the economic, social and cultural rights of children, in particular those belonging to the most vulnerable groups.

21. With respect to child exploitation, the Committee recommends that efforts to prevent and combat child labour, in particular in the informal sector, be greatly intensified, and that the Government consider ratifying the ILO Minimum Age Convention, 1973 (No. 138). In this regard, the Committee further recommends that the State party consider seeking assistance from ILO, in particular with a view to reinforcing its capacity to monitor the Convention on the Rights of the Child.

22. With respect to the administration of juvenile justice, the Committee recommends that the necessary facilities be provided to implement fully the provisions of the Convention. The Committee further recommends that the law reform to be undertaken in this field adequately reflect the provisions of the Convention as well as other relevant international standards, such as "The Beijing Rules", the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In this regard, it is suggested that serious attention be paid to the best interests and the dignity of the child, and the consideration of deprivation of liberty as a measure of last resort and for the minimum period possible. The Committee underlines the

importance of technical assistance programmes in this area and encourages the State party to consider requesting such assistance from the Centre for Human Rights as well as from the Crime Prevention and Criminal Justice Branch of the United Nations.

23. The Committee recommends that in the light of article 44, paragraph 6, of the Convention, the report submitted by the Government be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee.
