



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of
Discrimination against Women**
Fiftieth session
3–21 October 2011

**Response to the follow-up recommendations contained in the
concluding observations of the Committee pursuant to the
examination of the fifth periodic report of the State party on
31 October 2008***

Madagascar

**Response from the Ministry of the Civil Service, Labour and Social
Legislation to the questions posed by the Committee on the Elimination
of Discrimination against Women (CEDAW) following the periodic
report of Madagascar in 2008**

Paragraph 29

**I. Ensuring equal opportunities for both men and women in the
labour market (article 11 of the Convention)**

A. In the private sector

1. Under article 2 of Act No. 2003-044 of 28 July 2004 establishing the Labour Code, any person, regardless of gender and nationality, who commits himself/herself to place his/her professional activity — against remuneration — under the administration and authority of another individual or public or private legal entity, shall be considered as a worker.

2. The Labour Code therefore uses the same definition for all workers regardless of gender.

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

3. Thus, the provisions of the above article may be construed as not discriminating on the basis of gender as regards access to the labour market for workers or individuals.

B. In the public sector

4. The preamble to Act No. 2003-011 establishing staff regulations for the civil service underlines the importance of respect for the principle of equal access to public office.

5. Article 5 of this Act also provides that "... in the implementation of these regulations, no discrimination shall be practised on the grounds of sex, religion, opinion, origin, kinship, financial situation, political beliefs or membership of a trade union".

6. Furthermore, in title III on the recruitment of civil servants, none of the six articles, in particular article 17, considers or mentions gender as one of the prerequisites for admission to the various jobs covered by the Act.

7. It should be noted that the employment legislation provides for equal opportunities for men and women in both the public and private sectors without any discrimination whatsoever in the labour market. It requires only the fulfilment of other conditions related to ability and competences, etc.

II. Establishment of a regulatory framework for the informal sector providing women with access to social protection and benefits

8. Government action is focused on improving benefits for workers in the formal sector. Extension of social security to informal sector workers is under consideration.

III. Data disaggregated by sex; analysis on the situation of women in the field of employment in both the formal and informal sectors and on trends over time

9. The figures recorded by the employment services at the 10 regional labour directorates in Madagascar and the information provided by the Ministry of Labour and Employment show that there are no significant disparities in workforce participation between men and women in the formal private sector.

10. Out of 13,597 job applications received by the employment services, of which 13.38 per cent (1,820) were successful, 52.47 per cent were submitted by men and 47.53 per cent by women.

11. The statistics supplied on the employment status of the applicants bear out the lack of disparities referred to above.

12. With respect to the 13,597 job applications mentioned above, 7,340 (53.98 per cent) were from applicants who had previously been employed and 3,679 (50.12 per cent) were from women. The remaining 6,257 applicants (46.02 per cent) were seeking their first job and 44.54 per cent of these were women.

IV. Union provisions on equal pay

13. In the civil service, unequal pay within the same category is not an issue as all staff in principle receive the same remuneration (wages and benefits) regardless of gender.

14. In the private sector, article 53 of the Labour Code ensures equal pay for work of equal value. This article stipulates that "Given equivalent professional qualifications, the same job and work of equal value, wages shall be equal for all workers regardless of origin, colour, ethnicity, sex, age, trade-union membership, opinions or status, subject to the conditions set out herein."

15. These provisions mainly protect workers in the formal sector. However, this is not the case for workers in the informal sector.

16. With regard to complaints mechanisms, employees in the private sector have the right to appeal to the relevant Inspectorate of Labour and Social Legislation in cases of social rights violations, including gender-related pay inequalities.

17. A table of statistics is attached to this report. (*Source*: Ministry of the Civil Service, Labour and Social Legislation, 2010.)

Labour market summary tables January–December 2010

<i>Job applications received</i>			<i>Job offers received</i>	<i>Placements made (1)</i>	<i>Unsatisfied requests</i>	<i>Unsatisfied offers</i>	<i>Direct hires (2)</i>	<i>Recruitment (1)+(2)</i>	<i>Dismissals</i>
<i>Men</i>	<i>Women</i>	<i>Total</i>							
7 134	6 463	13 597	3 028	1 820	11 777	1 208	3 464	5 284	477
52.47	47.53								

Employment status

<i>Previously employed</i>			<i>Seeking first job</i>			<i>Total</i>		
<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
3 659	3 679	7 340	3 473	2 784	6 257	7 134	6 463	13 597

Education level of job applicants

<i>Level of education</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>%</i>
Illiterate	877	160	1 037	7.63
Can read	3	4	7	0.05
Can read and write	62	42	104	0.76
Basic education	603	809	1 412	10.38
Lower secondary education	1 507	1 704	3 211	23.62
Upper secondary education	11 742	1 498	3 240	23.83
Higher education (undergraduate)	808	824	1 632	12.00
Higher education (postgraduate)	1 500	1 387	2 887	21.23
Not specified	31	36	67	0.49
Total	7 133	6 464	13 597	100