



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Eighty-ninth session

### Summary record of the 2570th meeting\*

Held at the Palais Wilson, Geneva, on Thursday, 3 February 2022, at 3 p.m.

*Chair:* Ms. Otani

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Consideration of reports of States parties (*continued*)

*Combined fifth and sixth periodic reports of Madagascar*

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\* No summary record was issued for the 2569th meeting.

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*The meeting was called to order at 3.10 p.m.*

**Consideration of reports of States parties** (*continued*)

*Combined fifth and sixth periodic reports of Madagascar* ([CRC/C/MDG/5-6](#); [CRC/C/MDG/Q/5-6](#) and [CRC/C/MDG/RQ/5-6](#))

1. *At the invitation of the Chair, the delegation of Madagascar joined the meeting.*
2. **Mr. Imbiki** (Madagascar), speaking via video link and introducing his country's combined fifth and sixth periodic reports ([CRC/C/MDG/5-6](#)), said that recent efforts to promote the rights of the child in Madagascar included political, legislative, administrative and judicial measures and institutional reform. His Government was firmly committed to meeting its international obligations and to tackling the challenges related to the rights of the child.
3. **Ms. Ayoubi Idrissi** (Country Task Force), noting the State party's rejection of the recommendation made during its universal periodic review to ratify the Optional Protocol on a communications procedure, asked whether efforts had been made to strengthen the enforceability of the rights of the child. She wished to know whether there were plans to adopt legislation banning corporal punishment and what progress had been made in the review of Act No. 2007-023 of 20 August 2007 on the rights and protection of children. Given that concerns existed regarding the effectiveness of the Government's action plans in the area of children's rights, she suggested that an overarching policy should be drawn up to guide its efforts. Similarly, in the absence of an overarching mechanism to coordinate the implementation of the Convention, she asked what coordination measures had been adopted or planned, particularly with regard to the Convention's provisions that did not fall under the purview of the National Child Protection Committee, and how the horizontal and vertical coordination of implementation was being improved. She would appreciate receiving updates on the review of the decree establishing the National Child Protection Committee and on the plans to expand child protection networks.
4. She asked what steps the Government had taken to adopt a budget that took the rights of the child into account and increased resources for the social sector, and to meet its priority social spending commitments under the Extended Credit Facility agreement with the International Monetary Fund. She wished to know what progress had been made on the National Strategy for the Development of Statistics; what impact the Independent National Human Rights Commission had on children's rights; and when a new representative of civil society organizations working in the area of children's rights would be appointed to the Commission. She asked to what extent civil society, including children, had been involved in the drafting of the report; how child protection was being strengthened in the business sector, particularly the tourism, mining and vanilla sectors; and what work was being done to remove the possibility of obtaining exemptions from the minimum age for marriage, which appeared to be granted whenever they were requested, and to bring an end to child marriage.
5. **The Chair** (Country Task Force) said that she would welcome information on the specific measures adopted, progress made and challenges faced with regard to discrimination against girls, twins and children with albinism. She asked how Act No. 2007-023 was implemented in practice, including whether procedures and criteria for determining the best interests of the child had been developed; whether training was given to the relevant professionals; whether the best interests of the child were given primary consideration when drafting laws and policies; and whether the impact of laws and policies on children was evaluated. She asked what measures were most necessary to reduce the State party's high infant and child mortality rates; whether children were encouraged and supported in sharing their views; and whether adults, including judges, teachers and parents, listened to children and responded appropriately.
6. She would be grateful if the delegation could share the authorities' most serious concerns and challenges in avoiding the separation of children from their families, reducing the placement of children in residential care and reuniting them with their families. Information on the continuation and expansion of the project on the quality of child protection services would be welcome. Lastly, she asked whether the measures to address illegal adoption described in the report applied to domestic, as well as international, adoption; and

whether the draft decree on foster families covered issues such as support for foster carers, the regular review and monitoring of foster care arrangements, and support for family reunification.

7. **Mr. Pedernera Reyna** (Country Task Force), noting the decline and regional disparities in birth registration rates, asked what progress had been made in implementing the joint project with the World Bank to digitize the civil register, how it would benefit the State party's birth registration system and what measures had been adopted to reverse the decrease in registrations. Despite legislative reform, children who were born stateless in Madagascar were not entitled to Malagasy nationality, and he wished to know how the State party was eliminating those barriers to nationality. He asked how the State party was addressing poor access to information and the media, and how it ensured that children could access appropriate, high-quality information and media and tools that enabled them to communicate their ideas, feelings and suggestions to society and the State.

8. **Ms. Aho** (Coordinator, Country Task Force) asked what specific measures had been taken to combat violence against children in Madagascar, which remained commonplace despite the policies and plans of action drawn up by the Government. Given that not all trained social workers went on to be recruited by the State, she asked how families could be educated about the harmful effects of violence against children. She wished to know how many psychologists and psychiatrists provided psychological support to children and how the Government would ensure that the network of child protection centres was operational; what budget had been allocated to it?

9. Noting the lack of digitized data, she would appreciate receiving information on measures to tackle child sexual abuse and prostitution, and on steps to reduce child marriage rates, which remained high despite the State party's adherence to the African Union's campaign to end the phenomenon and its own National Strategy to Combat Child Marriage (2018–2024). She wished to know on what grounds child marriage could be authorized, to what extent the State party's helplines for reporting violence and exploitation against children could be accessed by children themselves, and what types of reports it received. Lastly, she wondered how victims and their families could access the police, obtain justice and secure compensation, rehabilitation and reintegration.

*The meeting was suspended at 3.40 p.m. and resumed at 3.55 p.m.*

10. **Ms. Randriambelo** (Madagascar), speaking via video link, said that corporal punishment, like all forms of violence against children, was prohibited in Madagascar, including in schools. To prevent violence against children, information and awareness-raising sessions on children's rights had been held for students, parents, teachers and administrative staff. Police officers trained in protecting children and promoting their rights regularly visited schools. The criminal investigation service of the National Gendarmerie was competent to receive reports of violence against children, initiate investigations and refer cases to prosecutors. The Vonjy centres, which provided medical, legal and other support services for child victims of violence, had handled some 2,750 cases of sexual abuse during the preceding three years. Assistance and guidance on the various services and remedies available to victims were also available through telephone hotlines.

11. **Mr. Rabenandrasana** (Madagascar), speaking via video link, said that all the measures set out in the Education Sector Plan were expected to be implemented by the end of 2022. Twenty per cent of the government budget was spent on education. Data on education were provided every year to the United Nations Educational, Scientific and Cultural Organization. Forums called "youth corners", where children could discuss issues relating to sex and children's rights, were available in some secondary schools, and a programme had been rolled out to educate students about sex. National radio programmes that aimed to help children with their schoolwork also provided information about children's rights. Efforts were under way to train teachers to provide the psychological support services that schools currently lacked. There was in general no gender disparity in primary schools, but such a disparity did begin to appear at the secondary level in some regions. A national platform for inclusive education was now operational. Under an additional project for inclusive education, children with disabilities would be fully integrated into existing schools at the primary level and attend specialized schools in higher grades. A birth certificate was

not required to enrol a student in school and was required only when the student wished to take a nationwide exam.

12. **Mr. Lovahasina** (Madagascar), speaking via video link, said that an assessment was being conducted of the 2015–2019 road map for reducing maternal and neonatal mortality rates, and a new road map was being prepared for the period 2020–2025. Efforts to reduce those rates focused both on prevention – through, for example, malaria prevention and improved family planning – and on care. Madagascar had 170 centres for emergency obstetric and neonatal care. Of that number, 91 were equipped to provide basic services and 79 could provide a full range of emergency obstetric and neonatal care. Of the centres that provided basic services, 78 were located in rural areas and were inspected twice a year. In 2021, 227 health-care workers had been trained in mother and newborn health. The 2,778 basic health-care centres in place in the country offered antenatal and postnatal check-ups. The Government had drawn up an investment case for making improvements in reproductive, maternal, neonatal, child and adolescent health and nutrition; it would entail a total cost of US\$ 512 million over five years and was awaiting approval by the Council of Ministers. The Government had also drafted a plan to promote family planning and increase contraceptive use over the coming two years.

13. **Ms. Belalahy** (Madagascar), speaking via video link, said that Madagascar did not yet have a procedure for identifying stateless persons, and stateless persons did not draw attention to their situation. The Government had participated in drafting an action plan to eradicate statelessness in the region of the Southern African Development Community. A national action plan that would eliminate discriminatory provisions in the nationality law was in the process of being validated. A 2017 law allowed mothers to pass on their nationality to their children, which meant that children born to Malagasy mothers and stateless fathers would not be stateless. The adoption of a law banning corporal punishment would require broad-based consultations. However, a new law that had been passed on gender-based violence encompassed all forms of violence, including physical, sexual, psychological and financial abuse within the family, and was used by judges to impose penalties in cases involving corporal punishment.

14. **Mr. Tombohavana** (Madagascar), speaking via video link, said that the Government did not have plans to ratify the Optional Protocol on a communications procedure; rather, it would focus on implementing the human rights instruments to which it was already a party. After the terms of the initial members had expired, new members had been appointed to the Independent National Human Rights Commission in 2021, including one who represented organizations working on children's issues. That member had already taken office.

15. Awareness-raising campaigns had been carried out since 2018 to improve the situation of twins, and significant improvements had been seen. For example, twins were now able to live with their biological parents. The 2019–2023 plan, adopted by the Government in 2021, for the implementation of the recommendations of the universal periodic review included activities to raise awareness of the rights of children who were twins.

16. **Mr. Rasolonjatovo** (Madagascar), speaking via video link, said that a national child protection policy was being drafted that would encompass prevention, assistance and reintegration and address all aspects of children's rights. The decree that had established the National Child Protection Committee in 2012 was being updated and would describe in greater detail the concept of child protection and the structure of the Committee. All ministerial agencies directly or indirectly involved in the promotion of children's rights and national civil society organizations were represented on the Committee.

17. A network of national and regional trainers had been set up under the 2018–2024 National Strategy to Combat Child Marriage. The aim of the Strategy was to ensure that local action plans to combat child marriage were adopted. Commitments to countering child marriage and violence against children had also been made at the community level.

18. Foster families were subject to a strict approval procedure and new guidelines on foster care had been published. The profession of social work was not yet regulated by law; however, draft legislation on the subject was pending adoption and a review of the current state of social work was being carried out. In the meantime, child victims of violence and

their families were assisted by child protection workers who had received training on children's rights and the provision of psychosocial support.

19. **Mr. Ramasitera** (Madagascar), speaking via video link, said that the initial and in-service training provided to members of the gendarmerie included modules on child protection. Cases involving children were investigated by units that specialized in child protection.

20. **The Chair** said that she would like to know how the State party planned to improve the collection of data on children with disabilities and on the accessibility of public services. She would welcome more information on the plan to establish a national commission for persons with disabilities, including details of the proposed timeline. She wondered how the State party planned to tackle the challenges that it faced in developing inclusive secondary education, such as the physical inaccessibility of mainstream schools and the lack of inclusive teaching materials; what measures were being taken to combat prejudice against children with disabilities within school communities; and what support was available in schools for specific groups of children with disabilities, such as those with psychosocial disabilities. Lastly, she would like more information about access to health care and early detection and intervention programmes for children with disabilities.

21. **Ms. Aho** said that she would like to know what proportion of the State budget was allocated to health care; what steps were being taken to improve access to basic health centres and to address the shortage of doctors, midwives and health workers; and what was being done to ensure that basic health centres, including those in rural areas, were properly equipped.

22. The rate of malnutrition in Madagascar was among the highest in the world and the nutritional recovery centres that had been set up lacked the necessary resources. She would appreciate information on any measures that were being taken to address those problems, as well as up-to-date information on the proportion of deaths among children under 5 that could be attributed to malnutrition.

23. She asked how high the vaccination coverage rate was and what measures had been taken to ensure access to vaccination for people living in remote areas; whether health workers received training in the integrated management of childhood illness; what kind of support was provided to women with obstetric fistula; and whether women who were seeking an abortion had access to information and appropriate care.

24. She wondered whether health workers were trained to provide breastfeeding support to young mothers, and how the State party planned to address the decrease in the proportion of children who had been exclusively breastfed up to the age of six months. She also wished to know what measures were being taken to ensure that adolescents had access to condoms and information about reproductive health and to expand the provision of adolescent health services in rural areas.

25. She would welcome more information about the treatment available to children with mental health problems and the measures taken to address drug abuse among children, in the light of reports that the laws prohibiting the sale of alcohol and cigarettes to children were not strictly enforced.

26. She would be interested to know what proportion of the population was HIV-positive; whether services for the prevention of mother-to-child transmission and HIV testing services were available throughout the country; and how the State party was dealing with HIV and coronavirus disease (COVID-19) co-infection. She would appreciate more information on the EVAMAD project for expanding access to viral load testing, as well as on the programme managed by the national AIDS committee.

27. Lastly, she would like to know what measures were being taken to ensure access to drinking water and to relieve famine.

28. **Ms. Ayoubi Idrissi** asked how the State party intended to address challenges in the field of education, such as the shortage of teachers, in order to ensure access to education for all children; whether support was provided to families that were unable to afford the cost of education; and what steps had been taken to mitigate the negative impact of the COVID-19

pandemic on the right to education. She asked whether the rights of the child had been incorporated into school curricula and what had been done to ensure that all children were able to exercise their right to leisure.

29. **Mr. Pedernera Reyna** said that he would like to know what progress had been made in implementing the National Action Plan to Combat Child Labour and in reviewing the provisions of the Labour Code relating to child labour, and what steps were being taken to remedy the lack of labour inspectors. He wondered whether the State party was planning to conduct a survey in order to determine the number of street children and what measures were being taken to tackle the two main causes that led to children living in the street, namely poverty and violence.

30. He would be interested to know what was being done to bring about a change in mindset so that sexual exploitation was no longer socially acceptable; how the State party planned to gather disaggregated data on the sexual exploitation of children; what steps were taken to ensure that child victims of sexual exploitation had access to justice and reparation; and what measures were being taken to combat child pornography on the Internet.

31. He wondered what progress had been made in implementing the National Action Plan to Combat Trafficking in Persons. The Committee was concerned by the high number of children in pretrial detention and the poor conditions in which children were detained. It would be useful to know what was being done to address those concerns and whether the State party intended to raise the minimum age of criminal responsibility, in accordance with the Committee's general comment No. 24 (2019) on children's rights in the child justice system.

32. With respect to the Optional Protocol on the sale of children, child prostitution and child pornography, he would appreciate more information on the application of the legislation that was intended to protect children against the acts prohibited under the Optional Protocol; the progress made in investigating, prosecuting and punishing perpetrators of such offences; any awareness-raising measures that had been taken to tackle the stereotypes and beliefs that led to children becoming victims of such offences; and any measures that had been taken to combat corruption and impunity within the criminal justice system.

33. Lastly, with respect to the Optional Protocol on the involvement of children in armed conflict, he would like clarification as to whether the recruitment and use of children in hostilities by armed forces and non-State armed groups had been expressly prohibited; whether the National Commission on International Humanitarian Law had been provided with the resources that it needed to perform its mandate; whether the State party was planning to conduct any training or awareness-raising activities relating to the Optional Protocol; whether the law provided for the exercise of extraterritorial jurisdiction over the offences covered by the Optional Protocol; and what measures were taken to ensure the protection and rehabilitation of children who had been recruited by the armed groups known as *dahalo*.

*The meeting rose at 5 p.m.*