



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined second to fifth periodic report of Madagascar at the Committee's forty-second session, held in October - November 2008. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/MDG/CO/5). You may recall that in the concluding observations, the Committee requested Madagascar to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 19 and 21 of the concluding observations.

The Committee welcomes the follow-up report received on 8 August 2011 under the CEDAW follow-up procedure (CEDAW/C/MDG/CO/5/Add.1). At its fifty-second session, held in July 2012 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in paragraph 19 of the concluding observations that states: "the Committee urges the State party to give priority attention to combating violence against women and to adopt comprehensive measures to address all forms of violence against women and girls, in accordance with its general recommendation No. 19.": The State Party indicated that various measures aiming at preventing and addressing violence against women were taken, including dissemination of the legislation on the topic and development of awareness-raising material such as educational films. While the State party undertook some efforts to combat violence against women, it failed to take comprehensive measures and did not give priority attention to combating this phenomenon. The Committee considered that the recommendation had been partially implemented.

Concerning the recommendation "to raise public awareness, through the media and education programmes, of the fact that all forms of violence against women are a form of discrimination under the Convention and therefore in violation of women's rights": While noting that the State party has produced and distributed two education films on violence against women, the Committee considered that there is a need for additional awareness-raising activities to eliminate violence against women. The Committee considered that the recommendation had been partially implemented.

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Concerning the recommendation “to ensure that violence against women and girls, including domestic violence, marital rape and all forms of sexual abuse, constitute a criminal offence; that perpetrators are prosecuted, punished and rehabilitated; and that women and girls who are victims of violence have access to immediate means of redress and protection.”: The State Party referred to two laws on violence against women that were adopted before the issuance of the COBs and failed to indicate measures taken since 2008. The Committee considered that the recommendation had not been implemented.

Concerning the recommendation “to remove any impediment faced by women in gaining access to justice and make available legal aid to all victims of violence, including through the establishment of additional legal aid clinics in rural or remote areas”: the State party indicated that information on the judicial procedure was provided in some jurisdictions. The State party did not specify whether this service has been created after the issuance of the COBs and this service is not sufficient to provide legal aid to victims of violence and to remove impediments faced by women in gaining access to justice. The Committee considered that the recommendation had not been implemented.

Concerning the recommendation “to implement training for the judiciary and public officials, in particular law enforcement personnel, health-service providers and community development officers, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate gender-sensitive support to victims.”: The State party indicated that the two educational films aimed at raising awareness among the general public and “justice officials”. However, the State party failed to indicate whether specific trainings were held for the judiciary, public officials, health-service providers and community development officers, to enable them to develop a gender-sensitive approach to violence against women. The Committee considered that the recommendation had not been implemented.

Concerning the recommendation “to establish counselling services and shelters for victims of violence”: No information has been provided by the State party in this regard. The Committee considered that the recommendation had not been implemented.

Concerning the recommendation that “the Committee requests that the State party provide information on the laws and policies in place to deal with violence against women and girls and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence, disaggregated by age groups.”: The State party provided information on two laws on violence against women issued 2000 and 2008, before the issuance of the previous COBs. However, the State party failed to provide information on the rest of the legal framework that deals with violence against women and on the impact of the measures aimed at eliminating violence against women. The State party also failed to provide data on the various forms of violence against women disaggregated by age groups. The Committee considered that the recommendation had been partially implemented.

The Committee recommends that the State party provide, in its next periodic report, information on additional steps taken by the Government to give priority attention to combating violence against women and to adopt comprehensive measures to address all forms of violence against women and girls, in accordance with its general recommendation No. 19, and more particularly to:

- a) Increase awareness-raising activities, through the media and education programmes, on the fact that all forms of violence against women are a form of discrimination under the Convention and therefore in violation of women’s rights;
- b) Ensure that violence against women and girls, including marital rape and all forms of sexual abuse, constitute a criminal offence; that perpetrators are prosecuted, punished and/or rehabilitated; and that women and girls who are victims of violence have access to immediate means of redress and protection;



- c) Remove any impediment faced by women in gaining access to justice and to make available legal aid be to all victims of violence, including through the establishment of additional legal aid clinics in rural or remote areas;
- d) Implement training for the judiciary and public officials, in particular law enforcement personnel, health-service providers and community development officers, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate gender-sensitive support to victims; and
- e) Establish counselling services and shelters for victims of violence.

The Committee also calls on the State party to provide additional information on the impact of all the laws and policies in place to deal with violence against women and girls, as well as data and trends on the prevalence of various forms of such violence, disaggregated by age groups.

Regarding the recommendation made in paragraph 21 of the concluding observations on “the effective implementation of the newly adopted law, and the introduction of effective prevention measures, timely prosecution and punishment of traffickers and the provision of protection and support to victims”: The State party indicated that the newly adopted law on trafficking was effectively implemented. However, it failed to provide details on the implementation and information on the introduction of effective prevention measures, timely prosecution and punishment of traffickers and the provisions of protection and support to victims. The Committee considered that the recommendation had not been implemented.

Concerning the recommendation “that information and training on the new law be provided to the judiciary and law enforcement officials, including border police, public officials, social workers and community development officers”. The State party indicated that the Ministry of Justice, in partnership with the UN, organized training workshops on human rights and the implementation of CEDAW, intended to law enforcement officials. However, the State party failed to provide detailed information on the content of the training and on whether they covered the implementation of the law on trafficking. The Committee considered that the recommendation had been partially implemented.

Concerning the recommendation “that the State party adopt a comprehensive action plan to address trafficking and sexual exploitation and ensure the allocation of sufficient human and financial resources for its effective implementation, including collection of disaggregated data”: No information has been provided by the State party in this regard. The Committee considered that the recommendation had not been implemented.

Concerning the recommendation “that the State party address the root cause of trafficking and exploitation of women by increasing its efforts to improve the economic situation of women generally and, in particular, of girls who have reached puberty, thereby eliminating their vulnerability to exploitation and traffickers, including measures for the rehabilitation and social integration of women and girls who have been victims of such activity”: No information has been provided by State party in this regard. The Committee considered that the recommendation had not been implemented.

Concerning the recommendation “to increase its efforts aimed at combating sex tourism, including in cooperation with countries of origin”: No information has been provided by the State party in this regard. The Committee considered that the recommendation had not been implemented.

The Committee recommends that the State party provide, in its next periodic report, information on the steps taken by the Government to continue its efforts to address the issue of trafficking, and especially to:



- (a) Effectively implement the law on trafficking and introduce effective prevention, protection and support measures for victims of trafficking, and to ensure traffickers are prosecuted in a timely manner;
- (b) Continue providing information and training on the law on trafficking to the judiciary and law enforcement officials, including border police, public officials, social workers and community development officers;
- (c) Adopt a comprehensive action plan aiming at addressing trafficking and sexual exploitation, including at improving the economic situation of women and young girls in order to reduce their vulnerability to trafficking and exploitation and at rehabilitation and social integration of women and girls who have been victims of trafficking, and to provide such a plan with sufficient resources;
- (d) Address the root cause of trafficking and exploitation of women by increasing its efforts to improve the economic situation of women generally and, in particular, of girls who have reached puberty, thereby eliminating their vulnerability to exploitation and traffickers, including measures for the rehabilitation and social integration of women and girls who have been victims of such activity; and
- (e) Increase its efforts in combatting sex tourism, including through cooperation with countries of origin.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Madagascar on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Barbara Bailey
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women