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Universal Periodic Review (UPR)

of

MADAGASCAR

20th Session (October-November 2014)

An NGO Submission by

Marist International Solidarity Foundation (FMSI)

(Special Consultative Status with UN ECOSOC)

Submitted in Geneva, 14th March, 2014

I. Introduction

1. This report is a submission made by the Marist International Solidarity Foundation (FMSI). FMSI is an NGO in consultative status with UN ECOSOC and it has a special focus on promoting and protecting the rights of children. This Organisation was established in 2007 in Italy as a Not-for-Profit Organisation with a Social Purpose (FMSI-ONLUS) and has a presence in nearly eighty countries.

2. The report highlights concerns related to **education** and **child prostitution** in Madagascar.

3. The statistics and information presented in this submission came from personal interviews and surveys with local members within the country and also includes information from national institutions dealing with children's issues in Madagascar.

II. The Right to Education

4. During the first review, Madagascar accepted recommendations in relation to the right to education put forward by Norway and Mexico¹. They emphasised the continuation of the education reform, supervision and implementation of the Convention on the Rights of the Child (CRC) through a plan of action.

5. Article 23 paragraph 1 of the Constitution of the Republic of Madagascar states, "*Every child shall have the right to education and training, with the responsibility of the parents and respecting their freedom of choice.*"² Article 24 says, "*The State shall organise the public education free and accessible to all. Primary education shall be compulsory to all.*"³

6. The period between 2005 and 2009 demonstrated the State's effort to achieve the goal stipulated in the Constitution with the support of some programme partners i.e. Madagascar Action Plan, Fast Track Initiative (FTI), UN Development Assistance Framework 2005 and UNGEI.⁴ According to the World Bank there was a very impressive rise in terms of primary school

¹ A/HRC/14/13, recommendations 20 and 61.

² The Constitution of the Republic of Madagascar; Antananarivo, 27th April, 2007.

³ Ibid.

⁴ www.ungei.org/infobycountry/madagascar, retrieved 3rd March, 2014

enrolment between 2005 and 2009 from 138% to 150%. But from 2010 the enrolment dropped to 145% of the 2005 figures.⁵

7. We wish to express our concerns with this sudden drop of enrolment to 145% from 2010.⁶ According to UNICEF data, in 2010 alone, almost 700,000 children dropped out of school in Madagascar. This figure is very alarming. “College Prive Champagnat”, one of the best schools in the capital, confirms this figure looking at its rate of drop outs. From 2010 the school has had at least 5% of drop outs every year, a school with a total enrolment of about 1600 children.

8. Various reasons have led to this escalation of dropout cases. The major reason is associated with poverty of families. According to UNICEF, “*Children who drop out of primary school come from households with lower income levels, or from households that have experienced sudden reductions in income*”. “*Dropout rates are higher in community schools and schools with fewer staff, but more students per teacher, as well as in schools that have a low Primary School Leaving Certificate success rate, poor quality buildings*”. *The reintroduction of school fees, poor quality education and study conditions such as the distance to, and accessibility of, schools. Discriminatory treatment, or even violence, from principals, teachers and other students contribute to the drop out cases.*⁷

9. Conscious of the importance of education that it contributes greatly to the full development of the human personality, it is both a human right in itself and an indispensable means of realising other human rights, it cannot be taken as an option. “*As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.*”⁸

10. In the light of these findings, we urge the government of Madagascar to:

a. Significantly increase the State’s budget allocation towards education to uphold the right of free and compulsory primary education for all children as stipulated in the Constitution of the Republic of Madagascar.

⁵Data.worldbank.org/country/Madagascar.

⁶ Ibid.

⁷ www.unicef.org/madagascar/EXCLUSION-INCLUSION, PP. 11, 12, retrieved 3rd March, 2014.

⁸ E/C.12/1999/10,8 December 1999, par. 1.

b. Guarantee that children from poor families have fair and equal access to education.

c. Provide adequate school infrastructure, including sanitation facilities and adequate water supplies.

d. Use public education campaigns to bring awareness to the public, particularly to those living in remote areas, on the importance of school.

e. Provide better incentives for teachers and provide facilities in educational institutions particularly in primary schools that will attract children and help them feel better at school.

III. Child prostitution and sex tourism.

11. Cases of child prostitution and sex tourism are continuously increasing in Madagascar. Places like Nosy Be, Tamatave, Foule-Point, Fort-Dauphin and Antananarivo have become very prone to this practice⁹. The majority of people involved in prostitution are girls under the age of 18 years old. Many young girls have been introduced into the trade due to poverty. It helps them to earn money for themselves and their families. Some parents have perpetuated the practice by encouraging their children to do prostitution for revenue.¹⁰ Non-governmental Organisations and other States have condemned the practice in many ways.

12. Among the recommendations made to Madagascar in the 7th Session of the Universal Periodic Review (UPR) in 2010, six of them stood out clearly to address sex related issues that jeopardize the rights of the Child. Notably, recommendations were made by Slovenia, Chile, Germany, Argentina, Italy and Mexico. Through these recommendations issues of trafficking and sexual exploitation were highlighted and they demanded the State of Madagascar to trace the root causes of these malpractices in order to find a lasting solution¹¹.

13. Madagascar ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography on 22nd September 2004. Though strict rules have been put in place to deter the practice of child prostitution, the practice still continues. Article 335 of the Madagascar Criminal Code states, "*The keeping of a Brothel. All acts or*

⁹ African Press Organization: www.appablog.wordpress.com/2013/07/26/Madagascar-prostitution

¹⁰ www.antananarivo.usembassy.gov/reports/madagascar-trafficking-in-persons-report...2012, retrieved 3rd March, 2014.

¹¹ A/HRC/14/13, recommendations 38, 39, 40, 43, 45, 46

*attitudes of any owner, manager or person placed in charge of a hotel, boarding house, bar, club or dance hall who does not oppose the habitual presence of one or more persons engaging in prostitution in the premises are deemed to be criminal, whether or not the prostitution is a client, tenant*¹².

14. In spite of these measures stipulated in the Malagasy Criminal Code, cases of child prostitution are still being reported. It is appalling to note that the under-aged, who are to be at school, are involved.¹³ The government of Madagascar is indeed aware of the magnitude of this problem and how disastrous it is to the children of Madagascar as explained in the Criminal Code¹⁴ but unfortunately it still carries on. It is evident that lodges, hotels, holiday resorts and leisure centres in Nosy Be, Tamatave, Foule-Point, Fort-Dauphin, Antananarivo and other towns and cities are the probable places that harbour most of these sex offenders.

15. FMSI is deeply concerned with this particularly that the targeted age group is the one that falls below 18 years of age. This is the age group that needs to be nurtured and protected by the State according to the Convention on the Rights of the Child, article 36. It should not be entertained even though the practice alleviates their poverty for their own best interest.

16. In the light of these findings, we recommend to the government of Madagascar to:

a. Strengthen its adherence to the laws especially Penal Code Law number 2007 – 038 of 14 January 2008 that fights against human trafficking and sex tourism.

b. Establish integrated child protection development plans at the local government level in order to efficiently and effectively combat all forms of violence, abuse and exploitation of children.

c. Provide the youth with alternative activities that will keep them busy and make them more productive.

¹² Madagascar Criminal Code article 335

¹³ IRIN Africa : MADAGASCAR : www.irinnews.org/72960/madagascar-law-to-curb-widespread-sexual-exploitation-of-children , retrieved 4 March, 2014

¹⁴ Law No 2007 – 038 of 14 January 2008 amending and supplementing certain provisions of the penal Code on the fight against human trafficking and sex tourism. www.qub.ac.uk/slavery/madagascar.