



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

Distr.: General  
16 November 2015

English only

---

**Committee on the Elimination of Discrimination  
against Women  
Sixty-second session**

**Summary record (partial)\* of the 1356th meeting**

Held at the Palais des Nations, Geneva, on Tuesday, 10 November 2015, at 3 p.m.

*Chairperson:* Ms. Hayashi

**Contents**

Consideration of reports submitted by States parties under article 18 of the Convention  
(*continued*)

*Combined sixth and seventh periodic reports of Madagascar (continued)*

---

\* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad\_sec\_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.



*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention** *(continued)*

*Combined sixth and seventh periodic reports of Madagascar (continued)  
(CEDAW/C/MDG/6-7; CEDAW/C/MDG/Q/6-7 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Madagascar took places at the Committee table.*

*Articles 10 to 14 (continued)*

2. **The Chairperson** invited the delegation of Madagascar to continue replying to questions asked at the previous meeting.

3. **Ms. Ramanantenaso** (Madagascar) said that the Government of Madagascar intended to introduce formal re-entry programmes to ensure that girls and young women returned to education after pregnancy. National campaigns had been launched to prevent sexual harassment in schools and raise awareness of the complaints procedure. Nevertheless, in spite of such efforts, more work remained to be done to bring perpetrators to account.

4. The Labour Code prohibited gender discrimination in the workplace and provided for equal pay for work of equal value. The social security system had been expanded to cover rural and seasonal workers and informal workers had been encouraged to make the transition to the formal labour market. Employers who failed to comply with the Labour Code were investigated and prosecuted where appropriate, particularly where they were found to be using child labour. Considerable efforts had been made to promote child welfare and well-being in schools. A free school meals programme had been introduced and school uniforms and scholarships were provided to the most disadvantaged students.

5. As to women's access to health-care services, steps had been taken to recruit paramedics and train community midwives in modern childbirth techniques so as to reduce the national maternal mortality rate. Additional health centres had been opened to encourage pregnant women to attend antenatal check-ups and give birth under medical supervision. Abortion was prohibited in the Penal Code and no data were currently available regarding the number of illegal abortions performed in the country.

6. **Mr. Rakotoniaina** (Madagascar) said that sexual harassment was prohibited under the Labour Code and the Penal Code, which both provided for the same penalties. The prohibition of abortion had been one of the main causes of the high national maternal mortality rate and consultations to downgrade abortion to an administrative offence, with a view to preventing illegal abortions and encouraging women to seek medical assistance, had been held with various stakeholders, including representatives of the Catholic Church, who had been strongly against legalization.

7. **Ms. Ramanantenaso** (Madagascar) said that the Government had not yet adopted the family planning bill, but had taken other steps to ensure compliance with the provisions of the Convention in that regard.

8. **Ms. Bailey** asked what measures had been taken to increase the school enrolment rate and reduce the dropout rate among girls, particularly in rural areas. She also wished to know what efforts had been made to prevent violence and sexual harassment against girls in schools and facilitate access to the complaints procedure. Had a national code of conduct for teachers been introduced?

9. **Ms. Gbedemah** asked whether the Labour Code or the Penal Code prohibited sexual harassment between peers at work as well as between employers and employees. Detailed information on the general findings of national labour inspectors regarding the prevalence of sexual harassment in the workplace would be welcome in that regard. She also wished to know what mechanisms had been introduced to encourage victims of sexual harassment to lodge complaints.

10. **Ms. Arocha Domínguez** asked what measures had been taken to tackle the persisting discrimination against and stigmatization of women living with HIV/AIDS. She also wished to know more about the status of the sex education reform and whether antenatal check-ups were provided free of charge.

11. **Ms. Schulz**, noting that access to family planning and safe abortion services was essential to reducing the maternal mortality rate, asked whether the Government would consider repealing the prohibition of abortion.

12. **Ms. Ramanantenasoa** (Madagascar) said that antenatal check-ups were provided free of charge and efforts had been made to increase women's trust in modern medicine and the health-care system. Measures had also been taken to raise awareness of the sexual harassment complaints procedure in schools. However, very few victims had come forward to date. National labour inspectors played a key role in informing victims of sexual harassment in the workplace of the procedures for lodging complaints and seeking legal advice. The Government had established several legal aid centres that provided specialist counselling and guidance for women victims of violence and abuse.

13. **Mr. Rakotoniaina** (Madagascar) said that the definition of sexual harassment contained in the Penal Code was broader than the one given in the Labour Code, but the penalties were the same. The Government was willing to hold further consultations on abortion and would consider repealing the prohibition of abortion in the future.

14. **Ms. Ramanantenasoa** (Madagascar) said that a systematic approach to HIV/AIDS had been adopted, which included the provision of free, voluntary testing in order to prevent new infections and encourage people to be more proactive about their health. Awareness-raising activities had been carried out and sexual reproductive health programmes had been designed to include teacher training on HIV/AIDS. The Ministry of Health published a quarterly epidemiological report, which included data on HIV/AIDS.

15. **Mr. Tombohavana** (Madagascar) said that action had been taken to cut the infant and maternal mortality rates by means of improved neonatal services and enhanced antenatal care, which included vaccinations, nutritional supplements and HIV/AIDS screening.

16. **Ms. Schulz**, while noting the delegation's comments on the issue of abortion, pointed out that it was stated in the Constitution that Madagascar was a secular State in which the affairs of State were separate from those of religious institutions.

17. **Ms. Acosta Vargas** said that, while she welcomed the microfinance services outlined in the State party's report, such services should be part of a wider national strategy since, on their own, they were insufficient to address widespread poverty, social exclusion and discrimination. In that connection, she asked whether other programmes existed to foster entrepreneurship among women; how many Malagasy women entrepreneurs there were and what proportion received funding for their business ventures; and whether women were required to obtain authorization from a family member when applying for credit.

18. She asked whether justice, education and health care had been decentralized and whether there were plans to make those services free to all, but particularly for rural

women who invariably lived in situations of extreme poverty and hardship. She asked whether the national development plan contained priority measures specifically aimed at rural women. Given that access to land was vital for rural women, and was often the only means of ensuring their recognition as economic actors, she wondered what the impact of Act No. 2007-036 permitting foreign investors to acquire land in Madagascar had been and whether the recently adopted land policy and related charter, which were intended to facilitate access to land and land rights, were legally binding.

19. Turning to land inheritance, she said that it was of concern to the Committee that joint beneficiaries could lawfully decide that a female heir would receive her share of land assets in the form of a cash disbursement, since it resulted in the impoverishment of women to the benefit of their male family members. She urged the State party to repeal that legal provision and asked whether awareness-raising activities were conducted in rural areas to inform women of their inheritance rights. Noting that traditional family dynamics generally precluded rural women from participating in decision-making, she asked how the State party intended to raise awareness of, and eliminate, such discriminatory practices and whether women were involved at all stages of the development planning and decision-making processes. Information on how the National Social Protection Policy would benefit rural women should also be provided.

20. **Ms. Ramanantenaso** (Madagascar) said that measures to combat widespread poverty were contained in several national plans and policies. Clearly, microcredit alone could not lift rural women out of poverty; for that reason, efforts were being made to ensure that women could fully exercise their land rights. There were currently no statistics available on the numbers of women entrepreneurs in Madagascar but it was hoped that, by means of various awareness-raising campaigns, women would be encouraged to start their own businesses and apply for microcredit. In that connection, spousal authorization when requesting funding was required in the event that a married couple had agreed to the shared ownership of assets, since in such cases the husband would be jointly liable for repayment of the loan.

21. Access to basic services such as education, health care and justice were free of charge in both urban and rural areas. However, a significant obstacle to women's access to justice was their reluctance to lodge complaints, which had led the Government to launch a campaign to encourage more women to do so. The new land policy would eventually be incorporated into law; the legal provision enabling joint heirs to pay female heirs cash as an alternative to the division of land required the woman's consent.

22. **Mr. Rakotoniaina** (Madagascar) said that the Government intended to extend the coverage of existing legislation, which currently provided social protection for wage-earners and self-employed workers, to include rural women. In the light of their critical role in the country's agricultural sector, actions targeting rural women had also been provided for in various national development strategies and the Government was committed to ensuring that rural women could participate in development planning and implementation at the local level.

23. **Mr. Tombohavana** (Madagascar) said that he wished to add that the 2013-2017 National Strategy for Inclusive Financing was aimed at fostering access to credit for more than a million women across the country, particularly in rural areas.

24. **Ms. Acosta Vargas** said that she wished to know when exactly the Government would be extending its social protection measures to include rural women. She would also be interested to hear whether a capacity-building programme existed to increase women's productivity in farming and livestock-rearing.

25. **Ms. Schulz** said that she wondered whether the delegation could comment on reports that women victims of violence were required to pay for medical certificates and doctors' fees. Information received suggested that medical expenses arising from complications during childbirth were also borne by the woman. Regarding inheritance matters, she asked whether female heirs might be pressured into agreeing to convert their share of the land into a cash disbursement and whether the delegation could provide statistical data on the proportion of beneficiaries who accepted money in lieu of land rights. Lastly, in view of the requirement for a woman to obtain authorization from her husband when applying for credit, she wondered whether the reverse would also be true: was a husband required to seek his wife's agreement?

26. **Ms. Ramanantenaso** (Madagascar) said that measures for empowering rural women included the establishment of regional training centres, which provided courses on subjects ranging from growing crops to computing, and the provision of access to income-generating projects and resources. Consideration would be given to extending the competence of the board of doctors and judges that issued free medical certificates for children to include women victims of violence. Regarding medical expenses resulting from complications in childbirth, it was possible that an already existing hardship fund could be extended to cover rural women.

27. **Mr. Rakotonirina** (Madagascar) said that the delegation did not have information on the number of cases of women being pressured into accepting money in exchange for their land inheritance, but said that such cases might occur in the South of the country. In general, the idea of such compensation was accepted by the population because there was a belief that land was "ancestral property" and should not be owned by women. That belief was based on the fear that if the woman who inherited land later remarried, the land would be transferred from the ancestral owners to another family.

28. **Ms. Ramanantenaso** (Madagascar) said that the delegation would reply to the question on the impact of the law on foreign investment on rural women in writing within 48 hours.

#### *Articles 15 and 16*

29. **Ms. Halperin-Kaddari** said that, according to the information provided, despite the adoption of the Act relating to marriage and matrimonial regimes, most customary marriages were not registered and were considered as "free unions", which seemed to indicate that women in such unions were not protected. That was contrary to article 16 of the Convention and to the Committee's general recommendation No. 29. She stressed that it was the State party's obligation to ensure the registration of all marriages, and enquired whether the Government had considered making marriage registration compulsory and taking measures to enforce it. In order to implement general recommendation No. 29, the State party must guarantee the economic rights of women in de facto unions, regardless of whether those unions had been registered or not.

30. She asked in what cases the provisions on the division of property in the event of divorce actually applied, given that customary marriages were not registered. It would also be useful to know what rules governed property division in civil marriages and whether all couples in civil marriages signed a contract on the terms of division of their property in case of divorce. Clarifications would also be welcome on how such agreements were reached and whether information was provided to young couples to help them make the right decisions in that regard. Was there a mechanism in place to deal with cases where couples failed to reach an agreement on their property?

31. The State party should do away with polygamous marriage even if that conflicted with Muslim religious practices. She expressed concern that there was still a six-month waiting period (“*viduté*”) before a woman was allowed to remarry. According to alternative sources of information, in the event of divorce, a woman who was found to be at fault risked losing custody of her child. She asked the delegation to comment on that information.

32. **Ms. Ramanantenaso** (Madagascar) said that the Act relating to marriage and matrimonial regimes applied to civil and customary marriages. Civil and customary marriages were recorded in the registry. Although de facto unions were not registered, women’s property rights were always protected in the event of separation. Pursuant to a Supreme Court decision, on separation property was divided equally between the two partners. Persons entering into a civil marriage were provided with the relevant information and assistance.

33. The prohibition on women remarrying within six months was intended to avoid any confusion as to paternity. However, following recommendations by civil society organizations and other bodies, and in order to ensure equality, the Act had been amended to extend the prohibition to men also. With regard to child custody in cases of divorce, she said that decisions were always based on the best interests of the child, regardless of whether the mother was found by the court to be at fault or not. She stressed that polygamy was prohibited under the law and was very rare even among the Muslim population.

34. **Ms. Halperin-Kaddari** asked whether there was a legal provision that ensured that a history of domestic violence would be taken into consideration by the courts when deciding on child custody. It would also be useful to know whether there was a mechanism to ensure that the father would pay maintenance if the mother was granted custody of the child. Taking note of the decision by the Supreme Court ensuring equal division of property in case of separation in a de facto union, she said that the upshot seemed to be that the property rights of women in de facto unions were better protected than those of women in civil marriages who, for various reasons, might not have agreed on the terms of property division when getting married. She asked whether the Government planned to ensure that the property rights of all women would be adequately protected.

35. **Mr. Rakotonirina** (Madagascar) said that, according to the law, property was divided equally between the spouses, unless the couple had agreed otherwise when concluding the marriage contract. He did not believe that the property rights of women in de facto unions were better protected than those of women in civil marriages, given that under the Supreme Court decision property was shared equally between the two spouses. In the event of divorce, a woman had the right to request maintenance. Under the Penal Code, failure by a father to pay maintenance for two consecutive months constituted a criminal offence and could lead to criminal sanctions.

36. **Ms. Ramanantenaso** (Madagascar) said that, when deciding on child custody, any violence on the part of the husband against the child or the mother was taken into account by the courts. As to the possibility of repealing the civil law provision making the husband the head of the household, she would reply in writing within 48 hours.

37. **The Chairperson** commended the State party for its efforts and encouraged it to take all the necessary measures to implement the Committee’s recommendations.

*The discussion covered in the summary record ended at 4.35 p.m.*