

**Universal Periodic Review
(20th session, Oct–Nov 2014)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)**

Madagascar

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Ratification 21/12/1964	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	19/07/1973 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	31/03/2006 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	11/09/2006 Ratification			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Cadre constitutionnel

2. Une nouvelle Constitution a été promulguée le 11 décembre 2010, mais aucune source officielle n'a publié le texte en ligne à ce jour. Un document non officiel est disponible à l'adresse suivante : <http://www.la-constitution-en-afrique.org/categorie-10195446.html>. Selon le texte de cette Constitution, « Tout enfant a droit à l'instruction et à l'éducation sous la responsabilité des parents dans le respect de leur liberté de choix. » (**Article 23**). De plus, par le même article, « L'Etat s'engage à développer la formation professionnelle. » **L'article 24** dispose que « L'Etat organise un enseignement public, gratuit et accessible à tous. L'enseignement primaire est obligatoire pour tous. » **L'article 25** concerne l'enseignement privé, et prévoit que « L'Etat reconnaît le droit à l'enseignement privé et garantit cette liberté d'enseignement sous réserve d'équivalence des conditions d'enseignement en matière d'hygiène, de moralité et de niveau de formation fixées par la loi. » **L'article 39** dispose que « L'Etat garantit la neutralité politique de l'administration, des forces armées, de la justice, de l'enseignement et de l'éducation. » « Les langues officielles sont le malagasy et le français » (**article 4**).

Cadre législatif

3. Le cadre législatif fondamental concernant l'éducation à Madagascar est composé de :

- « La **loi n° 2004-004 du 26 juillet 2004** modifiée par la **loi n° 2008-11 du 17 juillet 2008**¹ portant orientation générale du système d'éducation, d'enseignement et de formation à Madagascar. »²
- **Le décret n° 95-681 du 6 décembre 1995** portant organisation de l'enseignement supérieur privé³
- La **loi n° 95-039** déterminant le statut des formateurs dans l'enseignement technique et professionnel.⁴

Politiques:

➤ Contexte général

4. Le **Plan d'Action de Madagascar**⁵ fut lancé en 2007 et la transformation de l'éducation est l'un des 8 engagements du plan. Selon l'engagement n° 3, Madagascar va mettre sur place « un système éducatif de normes internationales en terme de qualité et d'efficacité, qui stimule la créativité et aide nos apprenants à transformer leurs rêves en réalité, et qui fournit à Madagascar les ressources humaines nécessaires pour devenir une nation compétitive et un acteur performant de l'économie mondiale. »⁶

¹ <http://www.unesco.org/education/edurights/media/docs/23c8485998e093c6fbdd2d345ffec368c76d5620.pdf>
(Consulté le 27/11/2013)

² IBE, Données Mondiales de l'Education, 7^{ème} ed., 2010-2011, p. 3, Madagascar, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Madagascar.pdf, Consulté le 27/11/2013

³ Ibid, p. 3

⁴ Ibid, p. 3

⁵ <http://www.unesco.org/education/edurights/media/docs/c83b2c92640c61c165f23c640fd798a04b0a8282.pdf>

⁶ Plan d'Action de Madagascar, 2007-2012, p. 24, <http://www.unesco.org/education/edurights/media/docs/c83b2c92640c61c165f23c640fd798a04b0a8282.pdf>, Consulté le 27/11/2013

➤ **Financement de l'éducation**

○ **Manuels scolaires à bas prix**

5. Grâce au partenariat entre le Ministère de l'Éducation et l'Unité de Conception et d'Édition de Manuels Scolaires, des « manuels scolaires à bas prix seront désormais accessibles. Un centre d'acquisition et d'information a été mis en place au Tahala Rarihasina à Analakely. » Selon Jocelyne Ratahiriarivony, responsable au sein de l'UCEMS, « la mise en œuvre des manuels scolaires pour tous est une réussite », 6000 exemplaires ayant été liquidés en très peu de temps. « Certains chefs d'établissements sont venus des fins fonds de la brousse, [...] pour se procurer des ouvrages ». ⁷

○ **Nourriture pourvue à l'école**

6. « A Madagascar, de nombreux enfants ne peuvent venir à l'école s'ils n'y reçoivent pas de nourriture. S'ils peuvent y manger et si les parents reçoivent du soutien pour leurs enfants, les enfants viendront à l'école. Sans cela, les enfants resteront à la maison ou seront envoyés mendier ou travailler. » ⁸

○ **Financement de l'éducation**

7. « La charge du financement de l'éducation est portée par les pauvres depuis que le financement par donateurs a été gelé suite au coup d'Etat du 17 mars 2009. Depuis, l'UNICEF assure la gestion des 64 millions de USD de l'Éducation pour tous – Fast track initiative, qui relevait auparavant de la responsabilité du gouvernement sous la supervision de la Banque Mondiale. Le gouvernement n'ayant pas procédé aux transferts d'argent pour l'année académique 2009/2010 a conduit à la fin de l'école primaire gratuite, puisque les écoles publiques ont été obligées de demander des frais d'inscription pour compenser leur perte de revenus. » ⁹

➤ **Éducation primaire**

8. Selon le rapport mondial de suivi sur l'éducation pour tous de 2010, Madagascar a amélioré son taux net de scolarisation entre 1999 et 2007 en présentant un taux de 98%. ¹⁰

➤ **Enseignants**

9. Selon le rapport mondial de suivi sur l'éducation pour tous de 2010, « la pénurie d'enseignants demeure un grave sujet de préoccupation. » Le rapport d'enfants par enseignant formé y dépasse 80 :1. ¹¹ Cependant, concernant l'éducation secondaire, 165 nouveaux enseignants sortis de leur promotion en avril 2011 allaient « rejoindre leur poste respectif au niveau des circonscriptions scolaires » pour commencer à enseigner. ¹²

Coopération:

10. Madagascar **est partie** à la Convention UNESCO concernant la lutte contre la discrimination dans le domaine de l'enseignement depuis le 21/12/1964.

⁷ <http://www.education.gov.mg/www/?p=500> Consulté le 27/11/2013

⁸ IRIN, 18 March 2011, <http://www.irinnews.org/Report.aspx?ReportID=92235> Consulté le 28/11/2013, traduction non officielle

⁹ Ibid

¹⁰ EPT, Rapport mondial de suivi 2010, p. 68, <http://unesdoc.unesco.org/images/0018/001875/187513F.pdf>, Consulté le 27/11/2013

¹¹ Ibid, p. 126

¹² <http://www.education.gov.mg/www/?p=525> (Consulté le 28/11/2013)

11. Madagascar **n'a pas soumis de rapport** à l'UNESCO sur les mesures prises pour la mise en œuvre de la Recommandation concernant la lutte contre la discrimination dans le domaine de l'enseignement dans le cadre de :

- La **sixième consultation** des Etats membres (2001) (période 1994-1999)
- La **septième consultation** des Etats membres (2007) (période 2000-2005)
- La **huitième consultation** des Etats membres (2013) (période 2006-2011).

12. Madagascar **n'a pas soumis** de rapport à l'UNESCO sur les mesures prises pour la mise en œuvre de la Recommandation UNESCO de 1974 sur l'éducation pour la compréhension, la coopération et la paix internationales et l'éducation relative aux droits de l'homme et aux libertés fondamentales dans le cadre de :

- la **quatrième consultation** des Etats Membres (2009) (période 2005-2008),
- la **cinquième consultation** des Etats Membres (2013) (période 2009-2012).

13. Madagascar **n'a pas soumis de rapport** à l'UNESCO sur la mise en œuvre de la Recommandation de l'UNESCO sur le développement de l'éducation des adultes de 1976, dans le cadre de la **première consultation** des Etats membres (1993). En revanche, Madagascar **a soumis un rapport** dans le cadre de la **seconde consultation** des Etats membres (2011).

14. Madagascar **n'est pas partie** à la Convention UNESCO sur l'enseignement technique et professionnel de 1989.

Freedom of opinion and expression

Constitutional and Legislative Framework:

15. Freedoms of expression and the press are guaranteed in Article 10 of the Constitution of Madagascar (1992, amended in 2006).¹³

16. The press is regulated under the Communication Law (1990)¹⁴. Seditious acts are regulated under Article 76 of the Communication Law and infringement is punishable with imprisonment of up to one month. Insulting or offending the State is punishable with a prison sentence of between six months and two years.

17. Defamation is a criminal offence under Article 373 of the Penal Code of Madagascar, punishable with imprisonment of between six months and five years and a monetary¹⁵.

18. A freedom of information law does not currently exist in the country.¹⁶

¹³ http://democratie.francophonie.org/IMG/pdf/Constitution_Madagascar.pdf

¹⁴ <http://www.justice.gov.mg/wp-content/uploads/textes/1TEXTES%20NATIONAUX/DROIT%20PUBLIC/Libertes%20publiques/Presse%20medias/loi%2090-031.pdf>

¹⁵ http://www.imolin.org/doc/amlid/Madagascar_Code_penal_annexes.pdf

¹⁶ http://www.wipo.int/wipolex/en/text.jsp?file_id=177213

Media Self-Regulation:

19. Media self-regulation mechanisms are nonexistent in the country.¹⁷

Safety of Journalists:

20. UNESCO recorded the killing of journalist Ando Ratovonirina which took place in Madagascar in 2009.¹⁸ The Director-General of UNESCO condemned the killing and called on the country to inform UNESCO, on a voluntary basis, of the actions taken to prevent the impunity of the perpetrators. In 2012, Madagascar notified UNESCO that the perpetrator of this killing had been convicted.¹⁹

Freedom of scientific research and the right to benefit from scientific progress and its applications

21. In 2008-2009, UNESCO assisted Madagascar in science policy review and provided the necessary expertise and policy advice to accompany Madagascar in the reform process of its national Science, Technology and Innovation system²⁰.

22. The steering and orientation of research activities carried out by the national research centres, institutes and universities is entrusted to the Ministry of Higher Education and Scientific Research and its Direction of Research. Its principal mission is to ensure and to coordinate the collaboration in regional and international research networks through conventions and agreements between different partners. The Direction of Research has contributed to the implementation of research networks in Africa and Indian Ocean; the collaboration covers Environment and Biodiversity, Agriculture, Energy, Technology and Industry, Research and Development. Over these last years, besides international agencies (e.g. IAEA) or organization (e.g. UNESCO), African organizations such as ASARECA, SADC, international institutions (such as IITA, Africa Rice), numerous European partners such as IRD, CIRAD (France), GTZ, Walsröde Park (Germany), Kew Garden (UK), were collaborating with national research centres, institutes and universities through the coordination of the Direction of Research. To facilitate the dissemination of scientific results at national level, the Direction organizes in a regular basis

¹⁷ Self-regulation, working conditions and corruption in African journalism: <http://library.fes.de/pdf-files/bueros/africa-media/09850.pdf>

¹⁸ <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/madagascar/>

¹⁹ Decision on the Safety of Journalists and the Issue of Impunity. Adopted by the IPDC Intergovernmental Council at its 27th Session (available at http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/ipdc2010_safety_decision_final.pdf)

²⁰ For more information, please see: http://www.uis.unesco.org/StatisticalCapacityBuilding/Workshop%20Documents/ST%20Workshop%20dox/Mombasa%202009/Madagascar_STIP.pdf and http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/SC/pdf/sc_sti_initiative_africa_en.pdf.

scientific forums, seminars and technical workshops (website: <http://www.mesupres.gov.mg/> and <http://madadoc.irenala.edu.mg/>).

23. Madagascar has abundant biodiversity resources and a unique eco-systems. The country is ranked among the world's mega-diversity countries. At the same time, Madagascar faces a high level of environmental stress and degradation. Environmental degradation and poverty form a vicious cycle. Widespread poverty, especially in rural Madagascar, combined with low productivity and rapid population growth generated pressures for agricultural expansion through forest conversion under slash-and burn production systems. Massive deforestation has taken place since the 1970s threatening not only biological diversity, but also watershed and soil stability vital to the agrarian economy. In turn, forest loss, soil erosion and reduced water resources further undermined the already low productivity and therefore aggravated poverty. The economic costs of environmental degradation has been estimated at 5% to 15% of GDP (World Bank 2003b: 2). The Environmental Sustainability Index (ESI) for 2002 is as low as 38,8 placing Madagascar 128th out of 142 countries (Yale University & Columbia University 2002: 160). The per capita emission of greenhouse gases in Madagascar in 1998 measured 0.083 tonnes of CO₂ per person (GEO 3 1998)²¹. With an average per-capita income of US\$216 a year and a foreign debt that nearly equals its gross national product, the island is ranked amongst the poorest nations in the world. Poverty and a lack of reproductive health facilities contribute to the high fertility rate. Research has also shown a clear correlation between fertility and women's access to education. This is significant for Madagascar as over 40 percent of the female population over the age of 15 is illiterate. Female literacy is exceptionally low in the spiny forest but higher in the central highlands in and around the capital, Antananarivo²².

24. Understanding the significant relationships between population growth, fertility and literacy in Madagascar is important for those concerned with protecting the island's biological diversity. First, it suggests the need for fine-scale investigation into how specific demographic trends in and around important biological sites affect wild species and habitat. The results of these investigations could spur partnerships between conservation organizations, local agencies and communities. An effort to depress fertility through education may benefit natural spaces as well as improve the prospects for Madagascar's younger generations. Madagascar does not have an official National Sustainable Development Strategy (NSDS). Nonetheless, the country has at least two processes in place that could be perceived as potentially meeting the requirements of a sustainable development strategy: (1) The National Environmental Action Plan adopted at the beginning the 1990s; and (2) the Poverty Reduction Strategy Paper, finalized in July 2003, as the official development strategy of Madagascar. At present, Madagascar is developing a national sustainable development plan which would incorporate the three dimensions of sustainable development – economic, social and environmental.

²¹ For more information: http://www.iisd.org/pdf/2004/measure_sdsip_madagascar.pdf.

²² For more information: <http://atlas.aas.org/index.php?part=3&sec=mad>.

III. RECOMMENDATIONS

Right to education

25. In the Report of the Working Group on the Universal Periodic Review of 15 February 2010,²³ the following recommendation was made to Madagascar regarding education and was accepted by Madagascar:

- *A – 61. To continue the education reform in order to ensure free primary education for all girls and boys (Norway)*

26. Analysis: Madagascar stills faces challenges in providing free primary education and seems to not have taken sufficient measures to ensure it.

Specific Recommendations on the right to education for the 2nd cycle of UPR:

27. Madagascar is strongly encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments, especially for the Convention against Discrimination in Education.

28. Madagascar is encouraged to reinforce policies regarding teacher's training, especially in primary school where they are in short supply.

29. Madagascar is encouraged to strengthen measures related to food policies in public schools, which is a fundamental aspect to maintain children in school.

Freedom of opinion and expression

30. Madagascar is encouraged to introduce a freedom of information law that is in accordance with international standards.

31. Madagascar is encouraged to decriminalize defamation and insult laws and place them within the civil code that is in accordance with international standards.

32. It is also recommended that the insult provisions and their penalties be reformed to be better aligned with international standards on freedom of expression in Madagascar.

33. UNESCO recommends the development of self-regulatory mechanisms of the media as well as strengthening the professional standards of journalism in Madagascar.

Freedom of scientific research and the right to benefit from scientific progress and its applications

34. With regard to contribution of science and technology to development, Madagascar is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures

²³ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/125/41/PDF/G1012541.pdf?OpenElement>

undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.