

Madagascar

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Madagascar has been a member of ILO-IPEC since 1998. Madagascar has implemented three ILO-IPEC programs to remove children from working in quarries, through prevention and education efforts.¹⁵²² In May 2000, over 20 labor inspectors representing all six provinces received training on the worst forms of child labor.¹⁵²³ By August 2000, ILO-IPEC programs had reintegrated some 300 children into schools in the Diego Suarez area, half of whom had been working in mines.¹⁵²⁴

The Government of Madagascar is preparing a new action plan to eliminate the worst forms of child labor. The previous plan included programs to remove child workers from the informal sector in the major cities.¹⁵²⁵ The government is also working with ILO-IPEC to compile all laws and texts governing child labor and make them more widely available.¹⁵²⁶ The Ministry of Labor is collaborating with ILO-IPEC to conduct a survey of child prostitution and children working in quarries.¹⁵²⁷ The government is also planning a national child labor survey for 2004 with technical assistance from ILO-IPEC's SIMPOC.¹⁵²⁸

The government has created a national inter-ministerial steering committee to coordinate and supervise all activities related to child labor and to provide support in the implementation of child labor action plans.¹⁵²⁹ Child labor issues are included in conferences, in-service workshops, and training curriculum for labor inspectors.¹⁵³⁰ The Ministry of Tourism is collaborating with UNICEF to conduct a survey on child prostitution and has conducted a television awareness-raising campaign on child labor.¹⁵³¹ The Ministry of Labor has also collaborated with NGOs and faith-based groups to address child prostitution and return children involved in prostitution to school or vocational training.¹⁵³²

¹⁵²² Activities have included awareness-raising campaigns in the major port city of Tamatave and photo exhibits in all six provinces of Madagascar. U.S. Embassy–Antananarivo, unclassified telegram no. 1787, October 2001 [hereinafter unclassified telegram 1787].

¹⁵²³ U.S. Embassy–Antananarivo, unclassified telegram no. 1800, August 2000.

¹⁵²⁴ Ibid.

¹⁵²⁵ Unclassified telegram 1787.

¹⁵²⁶ Ibid.

¹⁵²⁷ Ibid.

¹⁵²⁸ ILO-IPEC, *Child Labor Statistics: SIMPOC Countries*, at <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm> on 1/29/02.

¹⁵²⁹ Unclassified telegram 1787.

¹⁵³⁰ Ibid.

¹⁵³¹ Ibid.

¹⁵³² “Answers to the Questionnaire Relating to Child Labor in the Africa Bill Framework,” submitted by Minister of Industrialisation and Handicraft, September 4, 2000 [hereinafter “Answers to the Questionnaire Relating to Child Labor”].

The Ministry of Education's Education of Girls Office has implemented an assisted home study program that provides non-traditional education for working children.¹⁵³³ The Ministry of Education has also promoted educational opportunities through a safety net program for public primary schools that loans books to primary schools, renovates and expands schools, and increases staff.¹⁵³⁴

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 34.4 percent of children between the ages of 10 and 14 in Madagascar were working.¹⁵³⁵ Most child labor occurs in the agricultural sector, where children work as unpaid laborers on family farms,¹⁵³⁶ while a small number of children work in the commercial and industrial sectors.¹⁵³⁷ In urban areas, children work as domestic workers, petty traders, casual transport workers, and beggars.¹⁵³⁸ Some children are also employed under hazardous conditions in quarries and mines.¹⁵³⁹

The sexual exploitation of children occurs and is on the rise in Madagascar, particularly in tourist areas and coastal fishing areas.¹⁵⁴⁰ In 1999, there were reports that women and girls were trafficked to Reunion, a French overseas *département*, and Mauritius for the purpose of prostitution,¹⁵⁴¹ but there were no reports of trafficking in 2000.¹⁵⁴²

¹⁵³³ Unclassified telegram 1787.

¹⁵³⁴ *Ibid.*

¹⁵³⁵ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*].

¹⁵³⁶ According to a 1993/94 labor force survey, 94 percent of working children between 7 and 14 years of age engage in agricultural activities. Nine times out of 10, family work is unpaid. Francois Roubaud and Diane Coury, *Le travail des enfants au Madagascar: Un état des lieux*, MAG/97/M01/FRA (Geneva: International Labor Organization, International Program on the Elimination of Child Labor (ILO-IPEC), 1997) [hereinafter *Le travail des enfants au Madagascar*].

¹⁵³⁷ The 1993/94 survey reported that 3 percent of working children are employed in services; 2 percent work in the commercial sector; and 1 percent work in the industrial sector. See *Le travail des enfants au Madagascar*.

¹⁵³⁸ *Le travail des enfants au Madagascar*. See also . See also *Country Reports on Human Rights Practices for 2000—Madagascar* (Washington, D.C.: U.S. Department of State, February 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=848>.

¹⁵³⁹ Unclassified telegram 1787.

¹⁵⁴⁰ According to the Ministry of Tourism, 25 percent of prostitutes in the tourist area of Tulear are under 18 years of age. See ECPAT database: Madagascar, *CSEC Overview: Child Prostitution*, at http://www.222.ecpat.net/eng/Ecpat_Inter/projects/monitoring/online_database on 11/29/01. See also unclassified telegram 1787.

¹⁵⁴¹ *Country Reports 2000* at Section 6f.

¹⁵⁴² *Ibid.*

Primary education is compulsory and free up to the age of 14.¹⁵⁴³ Enforcement of compulsory education laws is generally weak.¹⁵⁴⁴ In 1995, the gross primary enrollment rate was 91.6 percent, and the net primary enrollment rate was 60.6 percent.¹⁵⁴⁵ The percentage of students who began school in 1995 and reached grade two was 77 percent, while 39.8 percent reached grade 5.¹⁵⁴⁶

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.¹⁵⁴⁷ Decree 62-152 prohibits children under the age of 18 from engaging in work that could endanger their health, safety, or morals.¹⁵⁴⁸ Children under the age of 18 are also prohibited from performing night work.¹⁵⁴⁹ Prostitution is not criminalized, but Ordinance 60-161 does prohibit the procurement of prostitutes with a sentence of imprisonment for two to five years and a fine of 750,000 to 7,500,000 Malagasy francs (USD 121 to 1,210) if the crime involves a minor under the age of 18. The same punishment can be imposed on any person who “occasionally incites, furthers, or facilitates the corruption” of a child under the age of 16.¹⁵⁵⁰ The minimum age for either conscription or voluntary recruitment into the military is 18 years.¹⁵⁵¹ Forced or bonded labor by children is prohibited.¹⁵⁵²

¹⁵⁴³ Constitution of Madagascar, Article 24, August 19, 1992 [document on file]. See also *Country Reports 2000* at Section 5.

¹⁵⁴⁴ Unclassified telegram 1787.

¹⁵⁴⁵ See *World Development Indicators 2001*.

¹⁵⁴⁶ *World Education Report 2000: The Right to Education, Towards Education for All throughout Life* (Geneva: UNESCO Publishing, 2000), 144.

¹⁵⁴⁷ *Country Reports 2000* at Section 6d. See also “Answers to the Questionnaire Relating to Child Labor”.

¹⁵⁴⁸ See unclassified telegram 1787. The decree was issued in 1962. See also “Answers to the Questionnaire Relating to Child Labor.”

¹⁵⁴⁹ Unclassified telegram 1787.

¹⁵⁵⁰ Article 334 *bis* (Ordinance 60-161 of 10/3/60). For currency conversion as of January 25, 2002, see <http://www.carosta.de/frames/convert.htm>.

¹⁵⁵¹ U.S. Embassy-Antananarivo, unclassified telegram no. 1567, September 2001.

The Ministry of Civil Service, Labor, and Social Laws enforces child labor laws through unannounced inspections.¹⁵⁵³ Violations of labor laws are punishable with fines, imprisonment, or closure of the workplace, if it poses an imminent danger to workers. The government has not earmarked resources for investigations of exploitative child labor cases, and the Ministry of Labor does not have an adequate number of trained inspectors.¹⁵⁵⁴ There are approximately 40 labor inspectors who do general inspections—none focus solely on child labor issues.¹⁵⁵⁵ When violations are found, the fines reportedly are low and employers are not jailed.¹⁵⁵⁶ Labor inspectors cover only wage earners in the formal economy and cover only the capital region effectively.¹⁵⁵⁷ The enforcement of child labor laws in the informal sector is pursued through the court system.¹⁵⁵⁸ Madagascar ratified ILO Convention 138 on May 31, 2000 and ILO Convention 182 on October 4, 2001.¹⁵⁵⁹

¹⁵⁵² *Country Reports 2000* at Section 6c.

¹⁵⁵³ *Ibid.* at Section 6d. *See also* “Answers to the Questionnaire Relating to Child Labor.”

¹⁵⁵⁴ Unclassified telegram 1787.

¹⁵⁵⁵ Unclassified telegram 1787.

¹⁵⁵⁶ *Ibid.*

¹⁵⁵⁷ *Country Reports 2000* Sections 6d and 6e.

¹⁵⁵⁸ *Ibid.* at Section 6c.

¹⁵⁵⁹ ILOLEX database: Madagascar at <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

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