

# 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.<sup>2190</sup> ILO-IPEC, in coordination with the government, has implemented three programs to remove children from working in quarries through prevention and education efforts.<sup>2191</sup> The government is preparing a new action plan to eliminate the worst forms of child labor. The plan includes programs to remove child workers from the informal sector in the major cities.<sup>2192</sup> The government is also working with ILO-IPEC to compile all laws and texts governing child labor and make them more widely available.<sup>2193</sup>

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.<sup>2194</sup> Child labor issues are included in conferences, in-service workshops, and training curriculum for labor inspectors.<sup>2195</sup> In May 2000, over 20 labor inspectors representing all six provinces received training on the worst forms of child labor.<sup>2196</sup> The Ministry of Tourism collaborated with UNICEF to conduct a survey on child prostitution.<sup>2197</sup> The Ministry of Labor is collaborating with ILO-IPEC to conduct a survey of child prostitution and children working in quarries.<sup>2198</sup> 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.<sup>2199</sup>

The Ministry of Education's Education of Girls Office has implemented an assisted home study program that provides non-traditional education for working children.<sup>2200</sup> The Ministry of

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<sup>2190</sup> ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited October 10, 2002]; available from [http://www.ilo.org/public/english/standards/ipec/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm).

<sup>2191</sup> Activities have included awareness-raising campaigns in the major port city of Tamatave and photo exhibits in all six provinces of Madagascar. 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. U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*, October 2001.

<sup>2192</sup> *Ibid.*

<sup>2193</sup> *Ibid.*

<sup>2194</sup> *Ibid.*

<sup>2195</sup> *Ibid.*

<sup>2196</sup> U.S. Embassy- Antananarivo, *unclassified telegram no. 1800*, August 2000.

<sup>2197</sup> *Ibid.*

<sup>2198</sup> *Ibid.*

<sup>2199</sup> Mamy Ratovomalala, Minister of Industrialism and Handicraft, letter to Ambassador of the United States of America in Madagascar, September 4, 2000.

<sup>2200</sup> U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

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.<sup>2201</sup>

## Incidence and Nature of Child Labor

In 2000, the ILO estimated that 34.1 percent of children ages 10 to 14 years in Madagascar were working.<sup>2202</sup> Most child labor occurs in the agricultural sector, where children work as unpaid laborers on family farms,<sup>2203</sup> while other children work as domestic servants for third parties in both rural and urban areas. A small number of children work in the commercial and industrial sectors.<sup>2204</sup> In urban areas, children work as petty traders, casual transport workers and beggars.<sup>2205</sup> Some children are also employed under hazardous conditions in quarries and mines.<sup>2206</sup>

The commercial sexual exploitation of children occurs and is on the rise in Madagascar, particularly in tourist areas and coastal fishing areas.<sup>2207</sup> In 1999, it was reported that in recent years there have been reports that women and girls were trafficked to Reunion, a French overseas *departement*, and Mauritius for the purpose of prostitution.<sup>2208</sup>

Primary education is compulsory and free up to the age of 14.<sup>2209</sup> Enforcement of compulsory education laws is generally weak.<sup>2210</sup> In 1996, the gross primary enrollment rate was 97.2 percent, and the net primary enrollment rate was 65 percent.<sup>2211</sup> Attendance rates are not available for Madagascar. While enrollment rates indicate a level of commitment to education, they do not

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<sup>2201</sup> Ibid.

<sup>2202</sup> World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

<sup>2203</sup> According to a 1993-1994 labor force survey, 94 percent of working children ages 7 to 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 etat des lieux*, MAG/97/M01/FRA, ILO-IPEC, Geneva, 1997.

<sup>2204</sup> The 1993-1994 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 Ibid.

<sup>2205</sup> Ibid. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Madagascar*, Washington, D.C., March 4, 2002, 414-16, Section 6d [cited December 13, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8389.htm>.

<sup>2206</sup> U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

<sup>2207</sup> According to the Ministry of Tourism, 25 percent of prostitutes in the tourist area of Tulear are under 18 years of age. See ECPAT International, *Madagascar*, in ECPAT International, [database online] [cited August 15, 2002 2002], "CSEC Overview: Child Prostitution" [cited August 15, 2002]; available from [http://www.ecpat.net/eng/Ecpat\\_inter/projects/monitoring/online\\_database/index.asp](http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp). See also U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

<sup>2208</sup> U.S. Department of State, *Country Reports- 2001: Madagascar*, 414-16, Section 6f.

<sup>2209</sup> *Constitution of Madagascar, 1992*, (August 19, 1992), Article 24. See also U.S. Department of State, *Country Reports- 2001: Madagascar*, 413-14, Section 5.

<sup>2210</sup> U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

<sup>2211</sup> World Bank, *World Development Indicators 2002*.

always reflect children's participation in school.<sup>2212</sup> The percentage of students who began school in 1995 and reached grade two was 77 percent, while the percentage of students who reached grade 5 in 1995 was 40.0 percent.<sup>2213</sup>

## Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.<sup>2214</sup> Decree 62-152 prohibits children under the age of 18 from engaging in work that could endanger their health, safety or morals.<sup>2215</sup> Children under the age of 18 are also prohibited from performing night work.<sup>2216</sup> Prostitution is not criminalized, but Ordinance 60-161 prohibits the procurement of children for prostitution with a sentence of imprisonment for two to five years and a fine of 750,000 to 7,500,000 Malagasy francs (USD 116.93 to 1,169.30) if the crime involves a minor under the age of 18. The same punishment can be imposed on any person who is the cause of the corruption of a child under the age of 16.<sup>2217</sup> The minimum age for either conscription or voluntary recruitment into the military is 18 years.<sup>2218</sup> Forced or bonded labor by children is prohibited.<sup>2219</sup>

The Ministry of Civil Service, Labor and Social Laws enforces child labor laws through unannounced inspections.<sup>2220</sup> Violations of labor laws are punishable with fines of up to 1.5 million Malagasy francs (USD 243.74),<sup>2221</sup> 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.<sup>2222</sup> There are approximately 40 labor inspectors who do general inspections; none focus solely on child labor issues.<sup>2223</sup> When violations are found, the fines reportedly are low

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<sup>2212</sup> For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

<sup>2213</sup> UNESCO, *World Education Report 2000: The Right to Education, Towards Education for All throughout Life*, Geneva, 2000, 144.

<sup>2214</sup> U.S. Department of State, *Country Reports- 2001: Madagascar*, 414-16, Section 6d. See also Ratovomalala, letter, September 4, 2000.

<sup>2215</sup> U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*. The decree was issued in 1962. See also Ratovomalala, letter, September 4, 2000.

<sup>2216</sup> U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

<sup>2217</sup> Article 334 *bis* (Ordinance 60-161 of 10/3/60), as cited in Protection Project, "Madagascar," in *Human Rights Report on Trafficking in Persons, Especially Women and Children*; available from <http://www.protectionproject.org/main1.htm>. For currency conversion see FX Converter, [online] [cited August 22, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

<sup>2218</sup> U.S. Embassy- Antananarivo, *unclassified telegram no. 1567*, September 2001.

<sup>2219</sup> U.S. Department of State, *Country Reports- 2001: Madagascar*, 414-16, Section 6c.

<sup>2220</sup> *Ibid.*, 414-16, Section 6d. See also Ratovomalala, letter, September 4, 2000.

<sup>2221</sup> For currency conversion see FX Converter, available at <http://www.carosta.de/frames/convert.htm>, [cited October 10, 2002].

<sup>2222</sup> U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

<sup>2223</sup> *Ibid.*

and employers are not jailed.<sup>2224</sup> Labor inspectors cover only wage earners in the formal economy and cover only the capital region effectively.<sup>2225</sup> The enforcement of child labor laws in the informal sector is pursued through the court system.<sup>2226</sup>

The Government of Madagascar ratified ILO Convention 138 on May 31, 2000 and ILO Convention 182 on October 4, 2001.<sup>2227</sup>

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<sup>2224</sup> Ibid.

<sup>2225</sup> U.S. Department of State, *Country Reports- 2001: Madagascar*, 414-16, Section 6d and 6e.

<sup>2226</sup> Ibid., 414-16, Section 6d.

<sup>2227</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 3, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.