

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

The Government of Madagascar has been a member of ILO-IPEC since 1998.²⁶⁵⁷ In 2003, the Ministry of Labor and ILO-IPEC conducted a child labor awareness campaign in the capital cities of Madagascar's provinces.²⁶⁵⁸ The government launched an action plan in 2001 to eliminate the worst forms of child labor, which included programs to remove child workers from the informal sector in the major cities.²⁶⁵⁹ ILO-IPEC, in coordination with the government, has implemented three programs to remove children from working in quarries through prevention and education efforts.²⁶⁶⁰ The government is also working with ILO-IPEC to compile all laws and texts governing child labor and make them more widely available, and to create a new list of occupations that represent the worst forms of child labor in the country.²⁶⁶¹

The government has created a national interministerial steering committee to coordinate and supervise all activities related to child labor and to provide support in the implementation of child labor action plans.²⁶⁶² Child labor issues are included in conferences, in-service workshops, and training curricula for labor inspectors.²⁶⁶³ The government has collaborated with UNICEF and ILO-IPEC to conduct a survey and studies on child prostitution.²⁶⁶⁴ The Ministry of Labor also cooperates with NGOs that attempt to reduce or eliminate child labor.²⁶⁶⁵ It has been reported that the government will be providing additional funds for child labor-related activities through the Public Investment Program in the future.²⁶⁶⁶

The Education of Girls Office in the Ministry of Education has implemented an assisted home study program that provides non-traditional education for working children.²⁶⁶⁷ 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.²⁶⁶⁸ With a loan from the World Bank, the Ministries of Education and Higher Education are focusing on ensuring universal basic education and improving the overall quality of education in the country.²⁶⁶⁹ A loan from the African Development Bank funded a project with a similar goal of supporting universal basic education.²⁶⁷⁰ Funding from the World Bank, UNICEF, and other

²⁶⁵⁷ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited June 11, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²⁶⁵⁸ U.S. Embassy- Antananarivo, *unclassified telegram no. 0863*, August 2003.

²⁶⁵⁹ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*, October 2001.

²⁶⁶⁰ Ibid.

²⁶⁶¹ Ibid. See also U.S. Embassy- Antananarivo, *unclassified telegram no. 0863*. In early 2002, the government, with support from Unicef, released a compilation of Madagascar laws and international conventions relating to children's rights.

²⁶⁶² U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

²⁶⁶³ Ibid.

²⁶⁶⁴ Ibid.

²⁶⁶⁵ Mamy Ratovomalala, letter to Ambassador of the United States of America in Madagascar, September 4, 2000.

²⁶⁶⁶ U.S. Embassy- Antananarivo, *unclassified telegram no. 0863*. At least some of the funds will likely be used to build additional youth centers that provide children engaged in the worst forms of child labor with education, training, and job placement services.

²⁶⁶⁷ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

²⁶⁶⁸ Ibid.

²⁶⁶⁹ World Bank, *Madagascar: Education Section Development Project*, in Projects Database, [database online] May 15, 2003 [cited May 19, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P001559>.

²⁶⁷⁰ *Project Information Sheet: Projct Education III*, The African Development Bank, [online] [cited May 19, 2003]; available from http://www.afdb.org/projects/projects/madagascar_education3.htm.

donors supports the School Nutrition Program, which is implemented by the Ministry of Secondary and Basic Education. This program seeks to meet the nutritional needs of school children ages 3 to 14 years, and is due to finish in 2003.²⁶⁷¹

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 35.7 percent of children ages 5 to 14 years in Madagascar were working.²⁶⁷² Most child labor occurs in the agricultural sector, where children work as unpaid laborers on family farms,²⁶⁷³ while other children work as domestic servants for third parties in both rural and urban areas.²⁶⁷⁴ Children also work in the commercial and industrial sectors.²⁶⁷⁵ In urban areas, children work as petty traders and casual transport workers.²⁶⁷⁶ Some children are also employed in the clandestine mining sector.²⁶⁷⁷

The commercial sexual exploitation of children occurs and is on the rise in Madagascar, particularly in tourist areas and coastal fishing areas.²⁶⁷⁸ In December 2003, the government, in collaboration with ILO-IPEC and UNICEF, released a study estimating that approximately 3,000 children, mostly girls between the ages of 13 and 18, engaged in prostitution in three of Madagascar's largest cities (Antananarivo, Toamasina, and Mahajanga).²⁶⁷⁹ The study cited poverty, permissive societal attitudes, peer pressure, and inadequate law enforcement as contributing factors in such sexual exploitation.²⁶⁸⁰ There have been reports in recent years that women and girls were trafficked between Madagascar, Reunion, a French overseas department, and Mauritius for the purpose of prostitution.²⁶⁸¹

Primary education is free and compulsory.²⁶⁸² Enforcement of compulsory education laws is generally weak.²⁶⁸³ In 2000, the gross primary enrollment rate was 103.1 percent, and the net primary enrollment rate was 67.7

²⁶⁷¹ *Madagascar*, School Health, [online] [cited May 19, 2003]; available from <http://www.schoolsandhealth.org/countries/madagascar.htm>. See also World Bank, *Community Nutrition Project II*, in Projects Database, [database online] May 15, 2003 [cited May 19, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P001568>.

²⁶⁷² Working children are defined as those working for payment or those carrying out more than four hours of domestic work a day. See Demographie et des Statistiques Sociales, *MICS 2000 Madagascar Rapport Complet*, UNICEF, 2000, 144 and 42; available from <http://www.childinfo.org/MICS2/newreports/madagascar/madagascar.PDF>. In 2001, the World Bank reports that 33.76 percent of children ages 10-14 are in the labor force. See also World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁶⁷³ According to a 1993-1994 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. See Francois Roubaud and Diane Coury, *Le travail des enfants au Madagascar: Un etat des lieux*, MAG/97/M01/FRA, ILO-IPEC, Geneva, 1997. See also Demographie et des Statistiques Sociales, *MICS Madagascar*, 151.

²⁶⁷⁴ Demographie et des Statistiques Sociales, *MICS Madagascar*, 151.

²⁶⁷⁵ 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 Roubaud and Coury, *Le travail des enfants au Madagascar*. See also Demographie et des Statistiques Sociales, *MICS Madagascar*.

²⁶⁷⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Madagascar*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18212.htm>. See also Demographie et des Statistiques Sociales, *MICS Madagascar*, and. See also Roubaud and Coury, *Le travail des enfants au Madagascar*.

²⁶⁷⁷ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*. See also Demographie et des Statistiques Sociales, *MICS Madagascar*, 151.

²⁶⁷⁸ 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 May 19, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*. See also U.S. Embassy - Antananarivo official, electronic communication, February 19, 2004.

²⁶⁷⁹ Ministry of Tourism and the Ministry of Work and Social Laws, *Etude sur l'Exploitation Sexuelle*.

²⁶⁸⁰ U.S. Embassy - Antananarivo official, electronic communication, February 19, 2004. See also U.S. Embassy- Antananarivo, *unclassified telegram no. 1800*. See also Ravaozanany, *Madagascar Rapid Assessment*.

²⁶⁸¹ U.S. Department of State, *Country Reports- 2002: Madagascar*, Section 6f. See also The Protection Project, "Madagascar," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery* Washington, D.C.; available from <http://www.protectionproject.org/main1.htm>.

²⁶⁸² *Constitution of Madagascar, 1992*, (August 19, 1992), Article 24; available from http://www.oefre.unibe.ch/law/icl/ma00000_.html.

²⁶⁸³ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

percent.²⁶⁸⁴ Attendance rates are not available for Madagascar. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁶⁸⁵ The percentage of students who began school in 1995 and reached grade 2 was 77.0 percent, while the percentage of students who reached grade 5 in 1995 was 40.0 percent.²⁶⁸⁶

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.²⁶⁸⁷ Decree 62-152 prohibits minors from engaging in work that could endanger their health, safety or morals.²⁶⁸⁸ Children under the age of 18 are also prohibited from performing night work.²⁶⁸⁹ Article 334 bis of the Penal Code prohibits the procurement of children for prostitution with a sentence of imprisonment for 5 to 10 years and a fine of 20 million to 100 million Malagasy francs (USD 3,505.08 to 17,525.40). The same punishment can be imposed on any person who is the cause of the corruption of a child under the age of 16.²⁶⁹⁰ Forced or bonded labor by children is prohibited under the Labor Code.²⁶⁹¹

The Ministry of Civil Services and Ministry of Labor enforces child labor laws through inspections, and enforcement in the informal economic sector is difficult.²⁶⁹² Violations of labor laws are punishable with fines of up to 1.5 million Malagasy francs (USD 270.32),²⁶⁹³ 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.²⁶⁹⁴ There are approximately 40 labor inspectors who do general inspections; none focus solely on child labor issues.²⁶⁹⁵ With funds from the Public Investment Program, however, the Ministry is planning to hire and train 35 new inspectors in 2004.²⁶⁹⁶ When violations are found, the fines reportedly are low and employers are not jailed.²⁶⁹⁷

The Government of Madagascar ratified ILO Convention 138 on May 31, 2000 and ILO Convention 182 on October 4, 2001.²⁶⁹⁸

²⁶⁸⁴ World Bank, *World Development Indicators 2003*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

²⁶⁸⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁶⁸⁶ UNESCO, *World Education Report 2000: The Right to Education, Towards Education for All throughout Life*, Geneva, 2000, 144.

²⁶⁸⁷ *Labor Code*, Chapter 3, Articles 95 and 100 (August 25, 1995); available from <http://natlex.ilo.org/txt/F95MDG01.htm>. See also U.S. Embassy-Antananarivo, *unclassified telegram no. 0863*.

²⁶⁸⁸ The decree was issued in 1962. U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

²⁶⁸⁹ *Ibid.*

²⁶⁹⁰ Ministry of Justice, *Droits de l'Enfant*, UNICEF, December 28, 2001. For currency exchange, see FXConverter, [online] [cited March 17, 2004]; available from <http://www.oanda.com/convert/classic>.

²⁶⁹¹ U.S. Department of State, *Country Reports- 2002: Madagascar*, Section 6c.

²⁶⁹² *Ibid.*, Section 6d. See also Ratovomalala, letter, September 4, 2000.

²⁶⁹³ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*. For currency conversion see FXConverter.

²⁶⁹⁴ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

²⁶⁹⁵ *Ibid.* Additional labor inspectors, 25 in total, are currently undergoing training and will be available to perform inspections by December 2003. See U.S. Embassy- Antananarivo, *unclassified telegram no. 0863*.

²⁶⁹⁶ U.S. Embassy- Antananarivo, *unclassified telegram no. 0863*.

²⁶⁹⁷ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

²⁶⁹⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited May 19, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.