

# Madagascar

## Incidence and Nature of Child Labor

UNICEF estimated that 30 percent of children ages 5 to 14 years were working in Madagascar in 2000.<sup>2467</sup> Children work in agriculture, cattle herding, domestic service, fishing, salt production, gemstone mining, and stone quarries.<sup>2468</sup> Children also work in bars and night-clubs, and as porters and welders.<sup>2469</sup> Commercial sexual exploitation is a problem in most of Madagascar's urban areas and sex tourism is prevalent in small coastal towns and villages.<sup>2470</sup>

According to the Government of Madagascar, the worst forms of child labor in Madagascar are: domestic service, stone quarry work, gemstone mining, hazardous and unhealthy work in the rural and urban informal sectors, and the commercial sexual exploitation of children and related activities. Most working children in Madagascar live in rural areas.<sup>2471</sup> Approximately 83.2 percent of children in Madagascar work for their families, and very few are paid directly for their work.<sup>2472</sup>

The Constitution guarantees children the right to an education,<sup>2473</sup> but parents must pay for furniture and teachers' salaries.<sup>2474</sup> In 2001, the gross primary enrollment rate was 104.2, while the net primary enrollment rate was 68.6 percent.<sup>2475</sup> Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance rates are not available for Madagascar, but the government requirement that all

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<sup>2467</sup> Working children are defined as those working for payment or those carrying out at least 28 hours of domestic work per week. See UNICEF, *Multiple Indicator Cluster Survey (MICS) Report for Madagascar: Standard tables for Madagascar*, November 9, 2000, Tables 2 and 42a; available from <http://www.childinfo.org/MICS2/newreports/madagascar/madagastables.pdf>. and UNICEF, *State of the World's Children, 2005*, New York, New York, 2004. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

<sup>2468</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar--IPEC's Contribution to the National Action Plan to Eliminate Child Labour*, Project Document, MAD/04/P50/USA, Geneva, 2004, 2-8. See also, *Demographie et des Statistiques Sociales, MICS 2000 Madagascar Rapport Complet*, UNICEF, 2000, 151; available from <http://www.childinfo.org/MICS2/newreports/madagascar/madagascar.PDF>. U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Madagascar*, February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27736.htm>.

<sup>2469</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 7.

<sup>2470</sup> *Ibid.*, 6. See also, U.S. Department of State, *Country Reports- 2003: Madagascar*, Section 5.

<sup>2471</sup> For children ages 10 to 14 years, 13 percent of urban children work, while 22 percent of rural children in rural areas. See ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 2, 5.

<sup>2472</sup> *Ibid.*, 2.

<sup>2473</sup> *Constitution of Madagascar, 1992*, (August 19, 1992), Article 24; available from [http://www.oefre.unibe.ch/law/icl/ma00000\\_.html](http://www.oefre.unibe.ch/law/icl/ma00000_.html). See also U.S. Department of State, *Country Reports- 2003: Madagascar*, Section 5.

<sup>2474</sup> UN Committee on the Rights of the Child, *Concluding Observations: Madagascar*, CRC/C/15/Add.218, prepared by Government of Madagascar, pursuant to Article 44 of the Convention on the Rights of the Child, October 27, 2003, para. 57.

<sup>2475</sup> World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

children present a birth certificate to enroll in school has limited school attendance.<sup>2476</sup> Student repetition and dropout rates are very high.<sup>2477</sup> Education in Madagascar is hindered by a lack of materials and equipment in schools; unmotivated teachers; uneven class and school sizes, poorly developed vocational and technical training programs, few non-formal education programs for dropouts, and parents' lack of confidence in the education system, among other factors.<sup>2478</sup>

## Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.<sup>2479</sup> The Code also prohibits children from engaging in work that is harmful to their health and normal development.<sup>2480</sup> Children under the age of 18 are also prohibited from performing work at night and on Sundays, and work in excess of 8 hours a day and 40 hours a week.<sup>2481</sup> Children must also undergo a medical examination prior to employment.<sup>2482</sup>

Forced or bonded labor by children is prohibited under the Labor Code.<sup>2483</sup> The Penal Code prohibit engaging in sexual activities of any type with children under the age of 14,<sup>2484</sup> and the production and dissemination of pornographic materials showing minors is illegal.<sup>2485</sup> The government does not have comprehensive legislation prohibiting trafficking in persons.<sup>2486</sup>

The Ministry of Civil Service, Social Laws and Labor enforces child labor laws through inspections.<sup>2487</sup> Violations of labor laws are punishable with fines of up to 1.5 million Malagasy francs (USD 177.96), or imprisonment or closure of the workplace if it poses an imminent danger to workers.<sup>2488</sup> In 2004, there were 60 labor inspectors in Madagascar working primarily in the export zones of capital.<sup>2489</sup> Labor inspectors are

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<sup>2476</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 3-4.

<sup>2477</sup> The annual drop out rate is 7.4 percent, while the annual repetition rate is 24.5 percent. *Ibid.*, 3.

<sup>2478</sup> *Ibid.*, 4.

<sup>2479</sup> *Labor Code*, (August 25, 1995), Chapter III, Article 100; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/41776/64975/F95MDG01.htm>.

<sup>2480</sup> *Ibid.*

<sup>2481</sup> *Ibid.*, Chapter III, Article 95.

<sup>2482</sup> *Ibid.*, Chapter III, Article 101.

<sup>2483</sup> *Ibid.*, Title I, Article III.

<sup>2484</sup> Ministry of Justice, *Droits de l'Enfant*, UNICEF, December 28, 2001, 441-42.

<sup>2485</sup> *Ibid.*, 423.

<sup>2486</sup> U.S. Department of State, *Trafficking in Persons Report- 2004: Madagascar*, Washington, D.C., June 14, 2004; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27736.htm>.

<sup>2487</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 10. See also Mamy Ratovomalala, letter to Ambassador of the United States of America in Madagascar, September 4, 2000.

<sup>2488</sup> U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*, October 2001. For currency conversion see FXConverter, [online] [cited May 25, 2004]; available from <http://www.oanda.com/convert/classic>.

<sup>2489</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 10.

not responsible for enforcing laws in the informal sector, where most children in Madagascar work, and they lack the resources to enforce labor laws properly.<sup>2490</sup>

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

In 2004, the Government of Madagascar began implementing a National Action Plan to Eliminate Child Labor in Madagascar and an ILO-IPEC Timebound Program, funded by USDOL, to eliminate the worst forms of child labor and provide education and other services to vulnerable children.<sup>2491</sup> The Timebound Program focuses on eliminating exploitive child labor in domestic service, stone quarry work, gemstone mining, child prostitution, and hazardous and unhealthy work in the rural and urban informal sectors.<sup>2492</sup> The Timebound Program will target 14,000 working children for support and implement many of the activities of the first phase of Madagascar's 15-year National Plan of Action on Child Labor.<sup>2493</sup> The Government of Madagascar is also establishing a National Observatory on Employment, Vocational and Entrepreneurial Training try to improve the coordination of Madagascar's education, training and labor market needs.<sup>2494</sup> Provincial branches of the observatory will provide recommendations on methodologies for combating the worst forms of child labor. In addition, UNICEF, the National Council for the Fight Against HIV/AIDS and *Groupe Developpement* have collaborated with the Government of Madagascar to raise awareness about CSEC and have indicated their interest in collaborating with the government to implement National Action Plan activities to eliminate this form of child labor in Madagascar.<sup>2495</sup> In June 2004, the Government of Madagascar's Senate approved a law to raise the minimum age for employment to 15 years.<sup>2496</sup>

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	5/31/2000	✓
Ratified Convention 182	10/4/2001	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		✓
Sector Action Plan		

The government recently supplied school materials to primary school children as part of the Education for All program.<sup>2497</sup> The World Bank funded a 7-year program in Madagascar in 1998 that aims to universalize quality primary education; improve the capacity of the education ministry at local levels; and improve access to quality student and teacher learning materials in primary schools.<sup>2498</sup> The Bank also supports a 5-

<sup>2490</sup> Ibid. See also, U.S. Department of State, *Country Reports- 2003: Madagascar*, Section 6d.

<sup>2491</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 11, 61-62.

<sup>2492</sup> In the rural informal sector, children working on sisal plantations and in fishing will be targeted for services. Ibid., 43.

<sup>2493</sup> Ibid., iv, 11.

<sup>2494</sup> Ibid., 13.

<sup>2495</sup> Ibid.

<sup>2496</sup> The law will go into affect after it has been approved by Madagascar's High Constitutional Court and President and after the Government of Madagascar has promulgated implementing regulations. See U.S. Embassy - Antananarivo, *unclassified telegram no. 734*, August 2004.

<sup>2497</sup> U.S. Department of State, *Country Reports- 2003: Madagascar*, Section 5.

<sup>2498</sup> World Bank, *Education Sector Development Project*, [online] [cited September 29, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSite>.

year multisectoral HIV/AIDS project in Madagascar to contain the spread of the disease in the country.<sup>2499</sup> WFP is collaborating with the Government of Madagascar to improve access to basic education for children, especially girls, through its Madagascar food program.<sup>2500</sup> UNICEF is working with the government on an education report effort to improve the nation's schools; raise literacy rates by implementing a new "competency-based learning system; encourage girls to attend and participate in schools; and provide outreach services to children who are out of school."<sup>2501</sup>

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<sup>2499</sup> World Bank, *Multisectoral STI/HIV/AIDS Prevention Project*, [online] [cited September 29, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSite>.

<sup>2500</sup> World Food Programme, *World Hunger: Madagascar*, [cited October 29, 2004].

<sup>2501</sup> UNICEF, *At a Glance: Madagascar*, [cited September 29, 2004]; available from <http://www.unicef.org/infobycountry/madagascar.html>.