

Madagascar

Incidence and Nature of Child Labor

An estimated 24.3 percent of children ages 6 to 14 years were counted as working in Madagascar in 2001. Approximately 24.8 percent of all boys 6 to 14 were working compared to 23.7 percent of girls in the same age group.²⁸⁵³ Children work in agriculture, commercial fishing, domestic service, salt production, gemstone mining, and stone quarries.²⁸⁵⁴ They also work as porters, cattle herders, and welders.²⁸⁵⁵ Children can also be found working in bars and night clubs.²⁸⁵⁶ Commercial sexual exploitation is a problem in most of Madagascar's urban areas and child sex tourism is most common in small coastal towns and villages.²⁸⁵⁷ Child labor is one of many problems associated with poverty. In 2001, 61 percent of the population in Madagascar were living on less than USD 1 a day.²⁸⁵⁸

Children from Madagascar are trafficked internally for sexual exploitation and possibly forced labor. Children in Antananarivo are trafficked to coastal cities for commercial sexual exploitation under false pretenses of legitimate job prospects, such as domestic service.²⁸⁵⁹

The Constitution guarantees children the right to a free education,²⁸⁶⁰ but parents must pay for furniture and teachers' salaries.²⁸⁶¹ In 2002, the gross primary enrollment rate was 120 percent and the net primary enrollment rate was 79 percent.²⁸⁶² 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. In 2001, 65.6 percent of children ages 6 to 14 years were attending school.²⁸⁶³ As of 2001, 53 percent of

²⁸⁵³ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

²⁸⁵⁴ 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>. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Madagascar*, Washington, D.C., February 28, 2005, Section 6d; available from

<http://www.state.gov/g/drl/rls/hrrpt/2004/41612.htm>.

²⁸⁵⁵ ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 7, 5, 8.

²⁸⁵⁶ *Ibid.*, 5-6.

²⁸⁵⁷ *Ibid.*, 6. See also U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 5.

²⁸⁵⁸ World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

²⁸⁵⁹ U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C., June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm>.

²⁸⁶⁰ *Constitution of Madagascar, 1992*, (August 19, 1992); available from http://www.oefre.unibe.ch/law/icl/ma00000_.html. See also U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 5.

²⁸⁶¹ 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.

²⁸⁶² UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableView/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

²⁸⁶³ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

children who started primary school were likely to reach grade five.²⁸⁶⁴ Student repetition and dropout rates are high, at 24.5 percent and 7.4 percent respectively.²⁸⁶⁵ A government policy requiring all children to have a birth certificate prior to enrolling in school has limited school attendance in Madagascar.²⁸⁶⁶ The education system is further 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.²⁸⁶⁷

Child Labor Laws and Enforcement

The Government of Madagascar reformed its Labor Code in 2005, increasing the minimum age for employment to 15 years²⁸⁶⁸ from 14 years.²⁸⁶⁹ In addition, the newly-reformed Labor Code strengthened the penalties for child labor violations. All violations of the Labor Code will now result in 1 to 3 years' imprisonment and a fine of 1 to 3 million Ariary (USD 470 to 1409).²⁸⁷⁰ The Labor Code also prohibits children from engaging in work that is harmful to their health and normal development.²⁸⁷¹ Children under the age of 18 are prohibited from performing work at night, on Sundays, or in excess of 8 hours a day or 40 hours a week.²⁸⁷² A labor inspector can request a medical examination to ensure that children's work does not exceed their capacity.²⁸⁷³

The worst forms of child labor may be prosecuted under different statutes in Madagascar. Forced or bonded labor by children is prohibited under the Labor Code.²⁸⁷⁴ The Penal Code prohibits engaging in sexual activities of any type with children under the age of 14, and the production and dissemination of pornographic materials showing minors is illegal.²⁸⁷⁵ The Penal Code also bars children under the age of 18 years from entering discotheques and nightclubs. While there is no law that prohibits trafficking in persons, the government is currently working to overhaul its trafficking-related laws.²⁸⁷⁶ Malagasy law does not allow children under 18 years to be recruited for service in armed conflicts.²⁸⁷⁷ Since 1999, the Government of Madagascar has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.²⁸⁷⁸ The Government of Madagascar considers 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 to be worst forms of child labor.²⁸⁷⁹

²⁸⁶⁴ UNESCO Institute for Statistics, "School life expectancy, % of repeaters, survival rates; accessed December 2005," available from <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55>.

²⁸⁶⁵ ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 3.

²⁸⁶⁶ *Ibid.*, 3-4. See also U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 5.

²⁸⁶⁷ ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 4.

²⁸⁶⁸ U.S. Embassy- Antananarivo, *reporting*, August 23, 2005.

²⁸⁶⁹ *Labor Code*, (August 25, 1995); available from

<http://www.ilo.org/dyn/natlex/docs/WEBTEXT/41776/64975/F95MDG01.htm>.

²⁸⁷⁰ U.S. Embassy- Antananarivo, *reporting*, August 23, 2005. FX Converter, [online] [cited January 17, 2006]; available from <http://www.oanda.com/convert/classic>.

²⁸⁷¹ *Labor Code*, Article 100. U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 6d.

²⁸⁷² *Labor Code*, Chapter III, Articles 101 and 95.

²⁸⁷³ *Ibid.*, Chapter III, Article 101.

²⁸⁷⁴ *Ibid.*, Title I, Article III. See also U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 6c.

²⁸⁷⁵ Ministry of Justice, *Droits de l'Enfant*, UNICEF, December 28, 2001, 421-423.

²⁸⁷⁶ U.S. Department of State, *Trafficking in Persons Report 2005*.

²⁸⁷⁷ The Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report*, 2004; available from http://www.child-soldiers.org/document_get.php?id=966.

²⁸⁷⁸ ILO- IPEC official, email communication to USDOL official, November 14, 2005.

²⁸⁷⁹ ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 5.

The Ministry of Civil Service, Social Laws, and Labor enforces child labor laws through inspections.²⁸⁸⁰ At the end of 2005, there were 74 labor inspectors in Madagascar.²⁸⁸¹ Labor inspectors are not responsible for enforcing laws in rural areas or the informal sector, where most children work, and they lack the resources to enforce labor laws properly.²⁸⁸² According to the U.S. Department of State, enforcement of child labor laws in Madagascar's informal sector was inadequate.²⁸⁸³

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

The Government of Madagascar began implementing the first phase of its 15-year National Action Plan on Child Labor in the second half of 2004. The government is also implementing an ILO-IPEC Timebound Program, funded by USDOL, which aims to eliminate the worst forms of child labor and provide education and other services to vulnerable children.²⁸⁸⁴ The Timebound Program focuses on eliminating exploitative child labor in domestic service, stone quarry work, gemstone mining, child prostitution, and hazardous and unhealthy work in the rural and urban informal sectors.²⁸⁸⁵ The Government of Madagascar continued to participate in two French-funded ILO-IPEC projects to combat child labor in Francophone African countries.²⁸⁸⁶ In addition, UNICEF, the National Council for the Fight Against HIV/AIDS, and *Groupe Developpement* have worked with the government to raise awareness about commercial sexual exploitation of children (CSEC) and have expressed interest in collaborating with the government to implement National Plan of Action activities to eliminate CSEC in Madagascar.²⁸⁸⁷

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 Committee on the National Action Plan to Eliminate Child Labor undertook numerous efforts in 2005. The Committee conducted a series of child labor workshops and met to refine its child labor strategy for 2005-2008. The Committee has also been implementing systems at the regional and provincial levels to track the incidence of child labor in Madagascar.²⁸⁸⁸ The government also continues its efforts to construct Welcome Centers for children involved in the worst forms of child labor, including forced labor and trafficking. The Ministry of Labor has provided education or professional training to over 70 children through its Welcome Centers.²⁸⁸⁹ The government is active in raising public awareness about trafficking, prostitution, and child labor through skits, radio programs, films, and children's drawing, poetry, and essay contests.²⁸⁹⁰ The Ministry of Labor collaborated with ILO-IPEC to launch an awareness-raising

²⁸⁸⁰ U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 6d. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 10.

²⁸⁸¹ U.S. Embassy Antananarivo official, email communication to USDOL official, August 10, 2006.

²⁸⁸² ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 10.

²⁸⁸³ U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 6d.

²⁸⁸⁴ ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 11.

²⁸⁸⁵ In the rural informal sector, children working on sisal plantations and in fishing will be targeted for services. *Ibid.*, 43. See also U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 6d.

²⁸⁸⁶ One project was funded at USD 1.4 million and ended in June 2005, while the other was funded at USD 1.6 million and is slated to end in December 2006. Both projects include the following countries: Burkina Faso, Cote d'Ivoire, Mali, Morocco, Niger, and Senegal. ILO-IPEC official, email communication to USDOL official, November 8, 2005.

²⁸⁸⁷ ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 13.

²⁸⁸⁸ These systems were operational as of August 2005 in the cities of Antananarivo, Nosy Be, Tamatave, and Diego Suarez. U.S. Embassy- Antananarivo, *reporting*, August 23, 2005.

²⁸⁸⁹ Two Welcome Centers are currently operational, and a third is being constructed. *Ibid.*

²⁸⁹⁰ U.S. Department of State, *Trafficking in Persons Report 2005*.

campaign in June 2005 that included televised public service announcements by high-level government officials.²⁸⁹¹

The Government of Madagascar is making significant efforts to reduce the sexual exploitation of children by increasing its enforcement of laws that bar children from nightclubs.²⁸⁹² The government collaborated with UNICEF in training 180 police officers on how to identify, investigate, and prosecute trafficking cases, and also sponsored a workshop on sex tourism that was widely attended. In 2005, the government named “combating trafficking in persons” as one of its strategic goals that it published in the country’s major newspapers.²⁸⁹³

The government distributes school supplies to primary school children as part of the Education for All program.²⁸⁹⁴ A World Bank-funded project working 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 was completed in 2005.²⁸⁹⁵ The Government of Madagascar is currently receiving support from the Education for All Fast Track Initiative to achieve its goal of implementing universal quality primary education.²⁸⁹⁶ In 2005, the World Bank approved a USD 80 million credit for Madagascar to implement its Poverty Reduction Strategy Paper, which includes continued support for Education for All activities. The credit will continue support for policy measures to increase both quality and access to primary education, including material support to all primary students and the elimination of school fees.²⁸⁹⁷ The WFP is collaborating with the government to improve access to basic education for children, especially girls, through its Madagascar food program.²⁸⁹⁸ UNICEF is working to help the government adopt a new “competency-based learning approach,” which will encourage girls to attend and participate in schools, and provide outreach services to children who are out of school.²⁸⁹⁹ The Government of Madagascar, in collaboration with UNICEF, continued to implement a program to issue birth certificates to all Malagasy children, which is expected to increase school enrollment.²⁹⁰⁰

²⁸⁹¹ U.S. Embassy- Antananarivo, *reporting*, August 23, 2005.

²⁸⁹² The police unit responsible for enforcing these laws is the Minors’ Brigade. The Minors’ Brigade in Antananarivo recently performed three raids of nightclubs, discovering a total of 53 children under age 18. Three new Minors’ Brigades have been established in the provinces as well. U.S. Department of State, *Trafficking in Persons Report 2005*.

²⁸⁹³ Ibid.

²⁸⁹⁴ U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 5.

²⁸⁹⁵ The 7-year program was funded in 1998. World Bank Projects Database, <http://www.worldbank.org> [hard copy on file] (Education Sector Development Project; accessed September 29, 2004).

²⁸⁹⁶ World Bank, *Education for All Fast Track Initiative- Frequently Asked Questions*, [online] August 19, 2005 [cited September 29, 2005]; available from www.fasttrackinitiative.org/education/efafti/faq.asp.

²⁸⁹⁷ World Bank, *Madagascar: World Bank Approves US\$80 Million for Poverty Reduction in Madagascar*, press release, Washington, D.C., July 12, 2005; available from <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/MADAGASCAREXTN/0,contentMDK:20579770~menuPK:356371~pagePK:141137~piPK:141127~theSitePK:356352,00.html>.

²⁸⁹⁸ The World Food Programme, *World Hunger: Madagascar*, [cited June 30, 2005]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=450.

²⁸⁹⁹ UNICEF, *At a Glance: Madagascar*, [cited June 30, 2005]; available from <http://www.unicef.org/infobycountry/madagascar.html>.

²⁹⁰⁰ This three-year campaign was launched in 2004. Children are not able to attend school in Madagascar without a birth certificate, and currently there is no uniform system for registering births in the country. U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 5. However, in some instances, children are allowed to attend school without a birth certificate, but are required to have a birth certificate in order to take the exam at the end of primary school. U.S. Embassy-Antananarivo official, email communication to USDOL official, August 10, 2006. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 3-4.