

²⁰⁶¹ U.S. Embassy- Skopje, E-mail communication, August 03, 2007. See also U.S. Department of State, "Trafficking in Persons Report- 2007: Macedonia."

²⁰⁶² UNICEF, *Child Protection*, [online] July 5, 2006 [cited March 19, 2008]; available from <http://www.unicef.org/tfymacedonia/protection.html>

²⁰⁶³ U.S. Embassy-Skopje, *reporting, February 22, 2008.*

²⁰⁶⁴ ILO-IPEC Geneva official, E-mail communication to USDOL official, March 1, 2007.

²⁰⁶⁵ U.S. Department of State, "Trafficking in Persons Report- 2007: Macedonia." See also U.S. Department of State, "Country Reports- 2007: Macedonia."

²⁰⁶⁶ U.S. Embassy- Skopje, E-mail communication, August 03, 2007.

²⁰⁶⁷ Ibid.

²⁰⁶⁸ U.S. Department of State, "Trafficking in Persons Report- 2007: Macedonia." See also Skopje, *reporting, February 22, 2008.*

Madagascar

Selected Statistics and Indicators on Child Labor²⁰⁶⁹

| | |
|---------------------------------------------------|------|
| Working children, 6-14 years (%), 2001: | 24.3 |
| Working boys, 6-14 years (%), 2001: | 24.8 |
| Working girls, 6-14 years (%), 2001: | 23.7 |
| Working children by sector, 5-14 years (%): | |
| - Agriculture | - |
| - Manufacturing | - |
| - Services | - |
| - Other | - |
| Minimum age for work: | 15 |
| Compulsory education age: | 14 |
| Free public education: | Yes |
| Gross primary enrollment rate (%), 2005: | 139 |
| Net primary enrollment rate (%), 2005: | 93 |
| School attendance, children 6-14 years (%), 2001: | 65.6 |
| Survival rate to grade 5 (%), 2004: | 43 |
| ILO-IPEC participating country: | Yes |

Incidence and Nature of Child Labor

In rural areas of Madagascar, children work in agriculture on family subsistence farms and sisal plantations. Children also perform tasks such as fruit tree picking and cattle herding.²⁰⁷⁰ In urban

areas, particularly the South East and Upper Center zones, it is common for children to work in domestic service.²⁰⁷¹ Children also work in bars and restaurants; petty trading; welding and mechanical work; transporting goods by rickshaw; and begging.²⁰⁷² Young boys in Diego Suarez, Majunga and Manakara work for traveling vendors by loading and selling merchandise.²⁰⁷³ In coastal areas, children work in fishing, deep sea diving, and in the shrimp industry.²⁰⁷⁴

Children are involved in mining precious and semi-precious stones and in informal-sector work in and around the mines, particularly in the town of Ilakaka; most of this work is performed alongside their families. Children also engage in salt mining and production in Tulear; work in granite mines near Antananarivo; and in stone quarries, performing tasks such as breaking and carrying baskets full of stones.²⁰⁷⁵

Girls are engaged in commercial sexual exploitation, mostly in urban areas, including the capital city of Antananarivo. Child sex tourism is a growing problem in Antananarivo and small coastal towns and villages, especially in Tamatave, Nosy Be, Tulear, and Diego Suarez.²⁰⁷⁶

Madagascar is a source country for internal trafficking of children for sexual exploitation and forced labor. It is suspected that Malagasy children are trafficked from rural to urban areas for forced labor in mines, product vending, prostitution, and

domestic service.²⁰⁷⁷ Children are reportedly trafficked by a number of different people, including 'friends,' taxi drivers, relatives, workers in the tourist industry, and organized criminals.²⁰⁷⁸

Child Labor Laws and Enforcement

The minimum age for admission to work is 15 years.²⁰⁷⁹ The law prohibits children under 18 years to be employed in work that is immoral, hazardous, or forced; and bars them from work in bars, discos, casinos, in mines, and as domestic laborers. The law also prohibits children under 18 years from performing work at night or in excess of 8 hours a day or 40 hours a week.²⁰⁸⁰ Before children are hired, a medical examination is required.²⁰⁸¹ According to the 2007 Child Labor Decree, children between 15 and 17 years can perform light work if the work does not exceed their strength; is not hazardous; and does not interfere with the child's health, or physical, mental, spiritual, moral, and social development. In addition, children between 14 and 15 years can perform light work under exceptional circumstances, including where the child has finished school; and only with authorization from a labor inspector.²⁰⁸² The law stipulates the weight a child can carry by age and by sector, and bars children from working in the proximity of toxic materials and pesticides.²⁰⁸³ Violation of the minimum age laws results in a fine and 1 to 3 years of imprisonment.²⁰⁸⁴

The law prohibits the production and dissemination of pornographic materials.²⁰⁸⁵ The use of children in pornography is punishable by 2 to 5 years of imprisonment and a fine; with increased penalties of 3 to 10 years of imprisonment and a higher fine if children under 15 years are involved.²⁰⁸⁶ In addition, forced labor, commercial sexual exploitation, and trafficking of children are forbidden by law.²⁰⁸⁷ Commercial sexual exploitation of children under 15 years, including sex tourism and child trafficking, is punishable by forced labor for life. The law also allows for extradition of Malagasy nationals and persons charged with trafficking in other countries.²⁰⁸⁸ The minimum age for voluntary and compulsory military service under Malagasy law is 18 years.²⁰⁸⁹

The Ministry of Civil Services and Labor is charged with enforcing child labor laws and conducting workplace inspections.²⁰⁹⁰ In total the Government has 77 labor inspectors, with 5 child labor inspectors at the national level.²⁰⁹¹ The law requires State Prosecutors to submit cases of child labor violations directly to court judges.²⁰⁹² In 2007, the Government prosecuted several foreigners for the commercial sexual exploitation of girls, including one for the production of pornographic materials.²⁰⁹³ According to USDOS, the Government's lack of enforcement of child labor laws in the informal sector is a problem.²⁰⁹⁴ Police officers have continued to enforce laws barring minors from nightclubs, and have closed nightclubs in Nosy Be and Fort Dauphin for such infractions.²⁰⁹⁵

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

In 2007, the Government adopted the Madagascar Action Plan, MAP (2007-2012), and the National Action Plan to Eliminate the Worst Forms of Child Labor, NAP (2004-2019) falls within the larger policy framework of the MAP.²⁰⁹⁶ The National Committee for the Fight against Child Labor is responsible for country-wide activities to combat child labor and following up on the NAP.²⁰⁹⁷ In 2007, three Regional Committees to Combat Child Labor were established, in the north, southwest and east coast.²⁰⁹⁸ In July 2007, the Government Council adopted a child labor decree that regulates working conditions; and defines child labor, including forced and hazardous child labor.²⁰⁹⁹ In December 2007, the Government adopted a comprehensive law that defines and strengthens penalties for trafficking in persons, sex tourism, sexual exploitation and other crimes, including for children.²¹⁰⁰

In 2007, the Ministry of Youth and Sports developed an action plan to combat trafficking in youth between the ages of 14 and 35. The action plan objectives include: a reduction of trafficking victims by 50 percent across 22 regions; provision of services to 50 victims; and sensitization of 500,000 youth each year, over a 3-year period.²¹⁰¹ In 2007 with assistance from UNICEF and USAID, the Government continued its assistance to victims of

child labor and trafficking through rehabilitation, monitoring, and counseling centers, including children in Tulear engaged in mining; in Nosey Be involved in sex tourism; in Tamatave engaged in sex tourism and domestic service; and in Diego Suarez for children involved in sex tourism, domestic service, and product vending.²¹⁰²

During 2007 a total of 11 regions had 'Morals and Minors' police brigades established by the State Secretary of Public Security, which conducted prevention activities.²¹⁰³ The Government undertook a series of campaigns, and a number of ministries conducted awareness raising and other activities aimed at preventing child labor and its worst forms, including child prostitution, sex tourism, and trafficking in the country.²¹⁰⁴ In addition, the Government, with assistance from UNICEF, is providing training to Government officials on how to recognize, investigate, and prosecute instances of trafficking.²¹⁰⁵

The Government is collaborating with ILO-IPEC on the implementation of a 4-year USD 4.75 million Timebound Program, funded by USDOL to combat the worst forms of child labor. The Timebound Program aims to withdraw 3,500 children and prevent an additional 6,500 children from exploitive labor through the provision of educational alternatives to children working in prostitution, domestic work, stone quarrying and mining, and children working under hazardous and unhealthy conditions in the informal sector, such as in fishing and sisal plantation work.²¹⁰⁶ In May 2007, the Government in collaboration with IPEC started a national survey on child labor. The survey contains a child trafficking and sexual exploitation component that was included by UNICEF.²¹⁰⁷ In 2007, the Government and the ILO continued a red card campaign to raise public awareness on child labor, child trafficking, and child protection, involving football leagues in 22 regions.²¹⁰⁸

The Government of Madagascar also participated in a Phase I of an ILO-IPEC USD 3.64 million regional project that ended in March 2007, and continues to participate in a Phase II ILO-IPEC USD 488 million regional project that ends December 2009. Both of these projects are funded by France and combat the worst forms of child

labor in Francophone Africa.²¹⁰⁹ Since August of 2006, the Government has also been participating in a USAID-funded USD 400,000 trafficking project.²¹¹⁰

²⁰⁶⁹ For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Executive Summary. For minimum age for admission to work, age to which education is compulsory, and free public education, see Government of Madagascar, *Labor Code*, Loi no. 2003-044, (June 10, 2004), article 100; available from <http://www.droit-afrique.com/images/textes/Madagascar/Mada%20-%20Code%20du%20travail.pdf>. See also U.S. Department of State, "Madagascar," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/c25283.htm>. See also Government of Madagascar, *Constitution*, (August 19, 1992), articles 23 and 24; available from http://www.oefre.unibe.ch/law/icl/ma00000_.html.

²⁰⁷⁰ 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, Geneva, August 13, 2004, 5-8. See also U.S. Embassy-Antananarivo, *reporting*, December 3, 2007, para 2e.

²⁰⁷¹ ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, Project Document, 7. See also OHCHR, *Mise en oeuvre du Pacte relatif aux Droits Civils et Politiques, La Situation des Droits de l'Homme a Madagascar*, Geneva, March 2007, 31-32; available from http://www2.ohchr.org/english/bodies/hrc/docs/ngos/omct_madagascar.pdf.

²⁰⁷² U.S. Embassy- Antananarivo, *reporting*, December 3, 2007, para 2e. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, Project Document, 8.

²⁰⁷³ U.S. Embassy- Antananarivo, *reporting*, February 29, 2008, para 3.7.A-D.

²⁰⁷⁴ ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, Project Document, 7. See also U.S. Embassy-Antananarivo, *reporting*, December 3, 2007, para 2e.

²⁰⁷⁵ ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, Project Document, 6. See also U.S. Embassy-Antananarivo, *reporting*, December 3, 2007, para 2e. See also U.S. Embassy- Antananarivo, *reporting*, February 29, 2008, 3.27.A-D. See also U.S. Embassy- Antananarivo official, E-mail communication to USDOL official, July 22, 2008.

²⁰⁷⁶ ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, Project Document, 6. See also U.S. Department of State, "Country Reports- 2007: Madagascar," section 5. See also ILO-IPEC, *Enquetes sur les Pires Formes de Travail des Enfants N 25 Madagascar - Les Enfants Victimes de l'Exploitation Sexuelle a*

Antsiranana, Toliary, et Antananarivo: Une Evaluation Rapide Geneva, June 2002, 37 and 53; available from <http://www.ilo.org/ipsec/Informationresources/lang--en/index.htm>. See also U.S. Department of State, "Madagascar (Tier 2)," in *Trafficking in Persons Report-2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/documents/organization/82902.pdf>. See also U.S. Embassy- Antananarivo, reporting, February 29, 2008, para 3.27.A-D. See also U.S. Embassy-Antananarivo official, E-mail communication, July 22, 2008.

²⁰⁷⁷ U.S. Department of State, "Trafficking in Persons Report- 2007: Madagascar." See also U.S. Embassy-Antananarivo official, E-mail communication, July 22, 2008.

²⁰⁷⁸ U.S. Department of State, "Country Reports- 2007: Madagascar," section 5. See also U.S. Embassy-Antananarivo official, E-mail communication, July 22, 2008.

²⁰⁷⁹ Government of Madagascar, *Labor Code*, article 100.

²⁰⁸⁰ *Ibid.*, article 101. See also Government of Madagascar, *Decret N 2007 - 563*, (July 3, 2007), articles 10, 12.

²⁰⁸¹ Government of Madagascar, *Decret N 2007 - 563*, article 9.

²⁰⁸² *Ibid.*, articles 2- 3.

²⁰⁸³ *Ibid.*, articles 8, 12.

²⁰⁸⁴ Government of Madagascar, *Labor Code*, article 261.

²⁰⁸⁵ Government of Madagascar, *Decret N 2007 - 563*, article 13 and 15. See also U.S. Embassy- Antananarivo, reporting, February 29, 2008, para 3.30.H.

²⁰⁸⁶ Government of Madagascar, *Code Penal*, (June 17, 1972), article 346-347; available from <http://droit.francophonie.org/df-web/publication.do?publicationId=2486&sidebar=true>.

²⁰⁸⁷ Government of Madagascar, *Decret N 2007 - 563*, article 13 and 15. See also U.S. Embassy- Antananarivo, reporting, February 29, 2008, para 3.30.H.

²⁰⁸⁸ Government of Madagascar, *Modifying and Completing Some Provisions of the Penal Code on the Fight Against Trafficking in Persons and Sexual Tourism*, Law No.2007-038, (January 14, 2008), chapter II, articles 6 and 8. See also U.S. Embassy- Antananarivo, reporting, February 29, 2008, para 3.28.I.

²⁰⁸⁹ U.S. Embassy- Antananarivo official, E-mail communication, July 22, 2008. See also Central Intelligence Agency, *The World Factbook: Field Listing - Military Service Age and Obligation*, [online] March 20, 2008 [cited April 8, 2008]; available from <https://www.cia.gov/library/publications/the-world-factbook/fields/2024.html>.

²⁰⁹⁰ U.S. Embassy- Antananarivo, reporting, December 3, 2007, para 2.

²⁰⁹¹ U.S. Department of State, "Country Reports- 2007:

Madagascar," section 6d. See also Government of Madagascar, *Informations Generales sur la lutte Contre les Pires Formes de Travail des Enfants a Madagascar*, submitted in response to U.S. Department of Labor Federal Register Notice (November 8, 2007) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Antananarivo, December 6, 2007.

²⁰⁹² ILO Committee of Experts, *Individual Observation, Labour Inspection (Agriculture) Convention, 1969 (No. 129) Madagascar (ratification: 1971)*, [online] 2007 [cited December 6, 2007], para 4; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

²⁰⁹³ U.S. Department of State, "Country Reports- 2007: Madagascar," section 5. See also U.S. Embassy-Antananarivo, reporting, February 29, 2008, 2.28.F. See also U.S. Embassy- Antananarivo official, E-mail communication, July 22, 2008.

²⁰⁹⁴ U.S. Department of State, "Country Reports- 2007: Madagascar," section 6d.

²⁰⁹⁵ U.S. Embassy- Antananarivo, reporting, February 29, 2008, para 3.28.F.

²⁰⁹⁶ Government of Madagascar, *Action Plan 2007-2012, Poverty Reduction Strategy Paper*, Antananarivo, February 2007; available from <http://www.imf.org/external/pubs/ft/scr/2007/cr0759.pdf>. See also Sandy Wark, *Independent Mid-term Evaluation: Combating the Worst Forms of Child Labor in Madagascar (WFCL) – IPEC's contribution to the National Plan of Action to Eliminate Child Labor*, Draft Mid-term Evaluation Report, November, 2007, 6-8.

²⁰⁹⁷ Government of Madagascar, *Reply to FRN*, December 6, 2007.

²⁰⁹⁸ U.S. Department of State, "Country Reports- 2007: Madagascar," section 6d.

²⁰⁹⁹ *Ibid.*

²¹⁰⁰ U.S. Embassy- Antananarivo, reporting, February 29, 2008, para 3.28.A-B. See also Government of Madagascar, *Trafficking in Persons and Sexual Tourism Law*, chapter II, article 6.

²¹⁰¹ U.S. Embassy- Antananarivo, reporting, February 29, 2008, paras 3.28.A and B, 3.28.I, 3.30.B, and 3.30.H. See also Ministry of Youth and Sports, *Programme Intitulé "Contribution a Lutte Contre l'Esclavage Humain et le Trafic de Personnes Chez les Jeunes"*, Action Plan, Antananarivo, March 2008.

²¹⁰² USAID, *Anti-trafficking in Persons Programs in Africa: A Review*, Washington, DC, April, 2007, 61; available from http://pdf.usaid.gov/pdf_docs/PDACCJ521.pdf. See also U.S. Embassy- Antananarivo official, Interview with USDOL official, November 15, 2007. See also U.S. Embassy- Antananarivo, reporting, February 29, 2008, para 3.29.B and 3.29.K. See also U.S. Embassy-

Antananarivo, reporting, December 3, 2007, para 2c. See also U.S. Embassy- Antananarivo official, E-mail communication, July 22, 2008.

²¹⁰³ U.S. Embassy- Antananarivo, reporting, February 29, 2008, para 3.30.B.

²¹⁰⁴ U.S. Department of State, "Country Reports- 2007: Madagascar," section 5. See also U.S. Department of State, "Trafficking in Persons Report- 2007: Madagascar." See also U.S. Embassy- Antananarivo, reporting, February 29, 2008, para 3.30.B.

²¹⁰⁵ U.S. Embassy- Antananarivo, reporting, February 29, 2008, para 3.29.I. See also USAID, *Anti-trafficking in Persons Programs in Africa: A Review*, 61.

²¹⁰⁶ ILO-IPEC, *Combating the Worst Forms of Child Labour in*

Madagascar, Project Document, i, 43, and 45.

²¹⁰⁷ U.S. Embassy- Antananarivo official, Interview, November 15, 2007. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar - IPEC's Contribution to the National Action Plan to Eliminate Child Labour*, Technical Progress Report, Geneva, September 2007, 3 and 6.

²¹⁰⁸ U.S. Department of State, "Country Reports- 2007: Madagascar," section 6d. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, Technical Progress Report*, 4, and 7.

²¹⁰⁹ ILO-IPEC Geneva official, E-mail communication to USDOL official, December 12, 2007.

²¹¹⁰ USAID, *Anti-trafficking in Persons Programs in Africa: A Review*, 61.

Malawi

Incidence and Nature of Child Labor

Children in Malawi work on tea, tobacco, and subsistence farms.²¹¹¹ Children also work in domestic service in both urban and rural areas, and reports indicate that they rarely receive wages.²¹¹² Boys work in herding, animal husbandry, and informal labor such as street vending.²¹¹³ Bonded labor of entire families, including children, is widespread on tobacco plantations.²¹¹⁴ Children also work in the construction, fishing, and forestry sectors.²¹¹⁵

Malawi is a source and transit country for children trafficked for commercial sexual exploitation as well as forced labor as domestics and in agriculture, including cattle herding.²¹¹⁶ Children are trafficked to South Africa for commercial sexual exploitation.²¹¹⁷ These children are usually between 14 and 18 years and may be recruited with promises of employment, study, or marriage.²¹¹⁸ Malawian boys as young as 9 years are recruited by estate owners from Zambia and Mozambique and trafficked to these countries to engage in agricultural work under harsh conditions.²¹¹⁹

In urban areas, children engaging in prostitution are found outside nightclubs and hotels.²¹²⁰ In some communities, young girls are involved in commercial sexual exploitation in exchange for food, clothing, and other commodities. Some girls are sold to become sex slaves along the northern border districts of Malawi.²¹²¹ The commercial sexual exploitation of children is reported to be increasing in Malawi's larger cities and towns, communities, tourist resorts, and some rural areas.²¹²² There are reports that boys as well as girls are being commercially sexually exploited by European tourists along Malawi's lakeshore.²¹²³ The sexual exploitation of girls is also reportedly being perpetrated by teachers and fellow students.²¹²⁴ According to UNICEF, teachers sexually exploit girl students in exchange for money, causing some to become pregnant and drop out of school.²¹²⁵

Child Labor Laws and Enforcement

The law sets the minimum age for employment at 14 years. Exceptions are made for certain work in vocational technical schools, other training institutions, and in homes.²¹²⁶ The law also