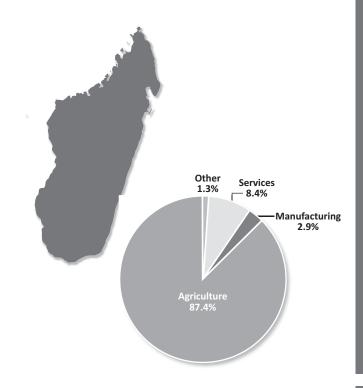
Madagascar

The Government of Madagascar has enacted laws to combat many of the worst forms of child labor. However, the worst forms of child labor persist, particularly in agricultural. Recent political instability has hampered the flow of resources to programs to combat the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	22.1%
Attending School	5-14 yrs.	69.1%
Combining Work and School		Unavailable



Prevalence and Distribution of the Worst Forms of Child Labor²⁹⁹⁴

Children in Madagascar are involved in the worst forms of child labor, primarily in agriculture. In rural areas, children as young as age eight are involved in the production of wine, tea, cocoa, cotton, sisal, and vanilla. Children laboring in the tea industry are known to work with fertilizer and carry up to 50 kilograms of weight on their backs. Children working in sisal production are exposed to pulmonary illness from inhaling fibers from the cutting process. Children also pick fruit from trees, herd cattle, and produce oil and copra (dried meat of the coconut). Additional risks for children in agriculture may include using dangerous machinery and tools.

In coastal areas, children work in fishing, deep sea diving, and the shrimp and oyster industry.²⁹⁹⁹ Children fish on the open sea, and children who gather shrimp perform deep sea diving with unsafe equipment or no equipment at all.³⁰⁰⁰

Malagasy children are also involved in domestic service. Malagascar, child domestic servants work an average of 12 hours per day, with some working up to 18 hours per day. Children receive little to no payment for their work, and are often isolated from the outside world. These children may

develop bone deformities from carrying children while performing work.³⁰⁰⁴ Children working as domestic servants are also vulnerable to sexual and psychological abuse from their employers.³⁰⁰⁵

Children as young as age 5 mine precious and semi-precious stones, including sapphires, and perform informal-sector work in and around the mines. Many child miners work in the town of Ilakaka, and most work alongside their families. Children in the mining sector work long hours and risk respiratory problems from breathing in areas with little aeration as well as frequent accidents and death, due to landslides. Children as young as age 5 also engage in salt mining and production in Tulear, where they are exposed to heavy loads, high temperatures, and water retention from overexposure to salt.

Children as young as age 3 work in granite mines and other stone quarries, performing tasks such as collecting and sorting stone blocks, cutting stone, or making and shoveling gravel. Children quarrying stone work long hours, with no security measures for safety, and face physical and verbal abuse, including the withholding of food. Children also labor in brick and gravel making.

In the informal sector, children work in welding and mechanical work, transporting goods by rickshaw, and

begging.³⁰¹² Additionally, due to the 2009 Madagascar Coup, children have become involved in illicit activities, such as selling stolen fuel.³⁰¹³

Children in Madagascar are engaged in commercial sexual exploitation, mostly in urban areas, including Antananarivo and Ilakaka. Due to the March 2009 coup and the current economic crisis, child sex tourism is no longer confined to small coastal towns; commercial sexual exploitation in the Atsinanana region has spread, and demand for underage girls is on the rise. While victims of child sex tourism are usually girls, boys are exploited as well. Children are often recruited by fraudulent offers of employment in the service industry, and are then forced into the commercial sex trade.

Madagascar is a source country for domestic and international trafficking. Malagasy children are mostly trafficked domestically from rural to urban areas for forced labor in commercial sexual exploitation, domestic service, mines, fishing, and agriculture. Domestic traffickers of children include taxi drivers, friends, and relatives. Girls are trafficked internationally to Lebanon for domestic service and are often recruited near airports for easy transportation. 3021

ST TO	C138, Minimum Age	✓
MITOR	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	√
	Palermo Protocol on Trafficking in Persons	
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	10
	Free Public Education	Yes

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work and apprenticeships at 15.³⁰²² However, children in Madagascar are required to attend school only until age 10.³⁰²³ This gap between compulsory education and the legal work age makes children more susceptible to involvement in the worst forms of child labor.

The Labor Code prohibits children under age 18 from employment that is immoral or hazardous, and several other laws also restrict children's work.3024 Decree N2007-563 permits children between ages 15 and 17 to 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. The Decree also permits children age 14 to work when authorized by a labor inspector.³⁰²⁵ Both the Decree and the Labor Code prohibit children under age 18 from performing work at night.3026 The Decree further stipulates the weight load a child can carry by gender. 3027 Decree N2007-563 also prohibits children from working near toxic materials and pesticides, as domestic laborers, and in bars, discos, casinos, mines. 3028

Malagasy law criminalizes the commercial sexual exploitation, trafficking of children, and the use of children to produce and disseminate pornographic materials. To Forced labor is prohibited in Madagascar under both the Labor Code and Decree N2007-563. The Penal Code also allows for the extradition of Malagasy nationals and persons charged with trafficking in other countries. To South Penal Code also allows for the extradition of Malagasy nationals and persons charged with

The minimum age for voluntary and compulsory military service under Malagasy law is 18. 3032

Institutional Mechanisms for Coordination and **Enforcement**

The National Committee to Fight Child Labor (CNLTE) is an inter-ministerial committee lead by the Ministry of Civil Services and Labor and composed of the Ministries of Education, Health, and Justice. The committee coordinates programs, provides input on legislation and regulations on child labor, and is charged with monitoring and pursuing the implementation of the National Action Plan to Fight Child Labor. The Division for the Prevention,

Abolition, and Monitoring of Child Labor (PACTE) within the Ministry of Civil Service and Labor supports the CNLTE by coordinating, monitoring, and evaluating framework activities designed to fight against child labor. The Division also conducts research and development activities to promote the fight against child labor. ³⁰³⁵

Anti-trafficking efforts in Madagascar have been coordinated by the President's Inter-Ministerial Anti-Trafficking Committee, with members from the Ministries of Education, Culture, Interior, Tourism, Youth and Sports, Health, Family Planning, Foreign Affairs, Defense, and the independent anti-corruption bureau BIANCO.³⁰³⁶ The committee oversees anti-trafficking work in the Ministries of Civil Services and Labor, Justice, and Population, as well as parts of the police and *gendarmerie* (a military body charged with police duties among civilian populations).³⁰³⁷ However, since the 2009 coup, the Inter-Ministerial Anti-Trafficking Committee has ceased to function.³⁰³⁸

The Ministry of Civil Services and Labor is charged with enforcing child labor laws and conducting workplace inspections. 3039 The Ministry of Civil Services and Labor has 71 labor inspectors, with an additional five inspectors specifically for child labor. 3040 However, evidence indicates regional labor inspectors were largely replaced after the 2009 coup, and no information on new assignments, the number of inspectors, or regular inspections performed is available.3041 No complaint-driven child labor inspections were carried out during the reporting period and information is unavailable on targeted inspections.3042 The Ministry of Justice is charged with enforcing all laws pertaining to violence against children, including trafficking and the commercial exploitation of children.³⁰⁴³ Inspectors from the Ministry of Civil Services and Labor and magistrates from the Ministry of Justice also enforce these laws. 3044 The Morals and Minors Brigade of the National Police Force oversees investigations related to minors, including issues of trafficking and the commercial sexual exploitation of children. 3045 The Morals and Minors Brigade employs 35 agents.³⁰⁴⁶ The UN trained lawyers, judges, and ministry representatives on international resources to combat child labor. 3047

The Morals and Minors Brigade's anti-trafficking data base is currently dormant due to a lack of funding and the reassignment of key personnel, however it continues to operate a hotline and work with other agencies, NGOs, and international organizations to organize victim's assistance. During the reporting period, 33 complaints regarding child trafficking were reported to the hotline. All 33 complaints were investigated, and 80% of the trafficked children were rescued. Eighteen cases were closed, but there is no evidence of prosecutions or convictions. Considering the 2007 estimate of 300,000 trafficked children in Madagascar, the number of investigations and arrests is minimal compared to the scope of the problem.

Additional cases filed during the reporting period include one case of sex tourism, one indictment for debauchery, 315 cases of corruption of a minor, and 190 arrests for corruption of a child.³⁰⁵¹

Government Policies on 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). The NAP is harmonized with the larger policy framework of the MAP, and includes anti-trafficking and anti-prostitution initiatives. The MAP expressly states an objective of fighting child labor and trafficking, while the NAP identifies four categories of the worst forms of child labor in Madagascar and lays out interventions. The Government also has a National Action Plan to Fight Child Labor, which has been active for the last 15 years. The Government also has a National Action Plan to Fight Child Labor, which has been active for the last 15 years.

Child labor concerns have also been incorporated into national development agendas and key documents such as the Education for All Program, and the Decent Work Program (2008-2013). Madagascar's Poverty Reduction Strategy Paper (2007-2012), and United Nations Development Assistance Framework (2008-2011) do not specifically address the worst forms of child labor. ³⁰⁵⁵

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Madagascar participated in a \$3.64 million regional project that ended in March 2007, and a \$488 million regional project that was completed in December 2009. Both projects were funded by

France to combat the worst forms of child labor in Francophone, Africa. 3056

As a result of the 2009 coup, funding from many international donors including the African Union, European Union, World Bank, and the United States was suspended.³⁰⁵⁷ In some cases, this funding suspension excluded humanitarian aid.³⁰⁵⁸

Prior to the 2009 coup, the Government of Madagascar was participating in a 4-year global project to eliminate the worst forms of child labor. The \$14.7 million project, funded by the European Commission, targeted 13 countries to withdraw and prevent children from the worst forms of child labor. Madagascar was also involved in a 3-year, French-funded, \$5.3 million project, which aimed at eliminating the incidence of the worst forms of child labor in eight Francophone African countries. Madagascar was also participating in an \$85 million Education for All project funded by the World Bank. Research was unable to determine if these programs were still ongoing after the 2009 coup.

The Government continues to participate in the East African Police Chiefs' Cooperation Organization to increase coordination in combating human trafficking.³⁰⁶² The Government also raises awareness on child sex trafficking by hanging posters and fullpage warnings, and by providing booklets warning

tourists of the consequences of sex tourism. 3063 However, amid budget cuts to public services, the education budget was slashed by 20-30%. Since the 2009 coup, there have been a number of reports that indicate school enrollment has dropped and children's engagement in work activities has increased. 3064

A USDOL-funded, 4-year, \$4.5 million project to combat the worst forms of child labor continued throughout the reporting period, despite the coup. However, the project relinquished all ties with the Government, and now works only at the local level. The project targets agriculture, commercial sexual exploitation, domestic service, mining, and quarrying.³⁰⁶⁵ It aims to withdraw a total of 4,500 children and prevent another 4,500 children from exploitive labor.³⁰⁶⁶

The former Government of Madagascar participated in a 4-year USD \$4.75 million Time-Bound Program funded by USDOL, which ended in June 2009. The project addressed exploitative child labor in agriculture, domestic work, stone quarrying, mining, fishing, and commercial sexual exploitation. It also participated in a 2-year, \$400,000 USAID-funded, antitrafficking project which conducted a baseline survey to assess trafficking in Madagascar, and aimed to raise awareness, build capacity of local organizations, provide social services, and facilitate legal actions to combat trafficking. The social services are found in the social services and facilitate legal actions to combat trafficking.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Madagascar:

IN THE AREA OF LAWS AND REGULATIONS:

- Harmonize the minimum age for work and the age for compulsory education.
- Amend the Penal Code to prohibit the use of children for illicit activities.
- Ensure that existing legislation regarding child labor is upheld despite the instability brought by the 2009 coup.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Undertake child labor inspections and, track and make publicly available information on the results of the inspections.
- Fund the existing anti-trafficking database and providing personnel to oversee operations.
- Expand efforts to investigate and prosecute trafficking cases.

IN THE AREA OF POLICIES:

• Ensure committees to combat the worst forms of child labor are operational.

²⁹⁹⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2007. 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. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁹⁹⁵ U.S. Embassy- Antananarivo, *reporting*, March 10, 2010, section 2 and 2d12.

²⁹⁹⁶ U.S. Embassy- Antananarivo, *reporting*, February 25, 2010, 1a-11a. 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*, Project Document, Geneva, August 13, 2004, 5-8. See also U.S. Department of State, "Madagascar," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, 2010, 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm.

²⁹⁹⁷ U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, 2a. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, Project Document*, 8.

²⁹⁹⁸ U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, 5a, 10a.

²⁹⁹⁹ ILO-IPEC, Combating the Worst Forms of Child Labour in Madagascar, Project Document, 7. See also U.S. Department of State, "Country Reports- 2009: Madagascar," section 7d. See also U.S. Embassy- Antananarivo, reporting, February 25, 2010, 4a.

³⁰⁰⁰ ILO-IPEC, Combating the Worst Forms of Child Labour in Madagascar, Project Document, 7.

3001 Government of Madagascar, *Informations sur le Travail des Enfants*, submitted in response to U.S. Department of Labor Federal Register Notice (2009) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Antananarivo, April 9, 2010. See also U.S. Department of State, "Country Reports- 2009: Madagascar," 7d. See also U.S. Embassy- Antananarivo, *reporting*, December 3, 2007, 3. See also Confederation Syndicale Internationale, *Rapport pour l'Examen des Poloitiques Commerciales de Madagascar par le Conseil General de l'OMC*, [2008], 7-8.

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³⁰⁰⁴ ILO-IPEC, Combating the Worst Forms of Child Labour in Madagascar, Project Document, 7.

³⁰⁰⁵ Ibid.

3006 Ibid., 6.

³⁰⁰⁷ Ibid. See also UN Office of the High Commissioner for Human Rights, *La Situation des Droits de l'Homme a Madagascar*, 33.

³⁰⁰⁸ ILO-IPEC, Combating the Worst Forms of Child Labour in Madagascar, Project Document, 7.

³⁰⁰⁹ Ibid., 6-8. See also U.S. Embassy- Antananarivo, *reporting*, February 29, 2008, 3.27.A-D. See also International Trade Union Confederation, *Les Normes Fondamentales du Travail Reconnues Internationalement a Madagascar*, April 2008, 7; available from http://www.ituc-csi.org/IMG/pdf/MADAGASCAR.final.FR.pdf. See also ILO-IPEC, *Child Labour in Stone Quarrying: the Problem*, Geneva, June 2006, 2; available from http://www.ilo.org/.

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³⁰¹¹ U.S. Embassy- Antananarivo, *reporting, March 10, 2010*, 8a, 11a.

³⁰¹² U.S. Department of State, "Country Reports- 2009: Madagascar," section 7d. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, Project Document*, 8.

³⁰¹³ Pact Inc., "Combating Exploitive Child Labor Through Education in Madagascar Technical Progress Report," (March 31, 2010).

³⁰¹⁴ ILO-IPEC, Combating the Worst Forms of Child Labour in Madagascar, Project Document, 6. See also U.S. Department of State, "Country Reports- 2009: Madagascar," section 6. See also U.S. Department of State, "Country Reports- 2009: Madagascar."

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