

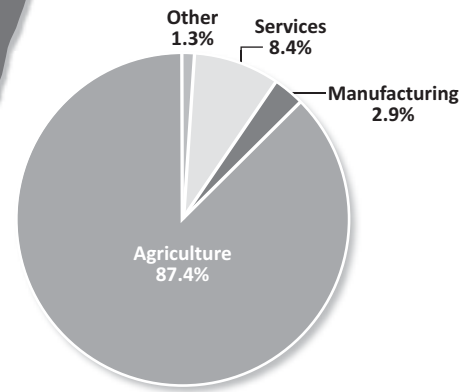
Madagascar

The Government of Madagascar has supported limited training and awareness-raising programs to reduce the worst forms of child labor. Ongoing political instability has made children more vulnerable to the worst forms of child labor and hampered efforts by government authorities, as well as the flow of resources to programs to combat the worst forms of child labor. As a result, the worst forms of child labor persist, particularly in agriculture and mining of gemstones.

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	7-14 yrs.	15.4

* Population of working children: 1,206,992



Prevalence and Distribution of the Worst Forms of Child Labor

Children in Madagascar are engaged in the worst forms of child labor,³⁵⁰⁴ including agriculture and mining.³⁵⁰⁵ Children produce a variety of agricultural products. Although the extent of the problem is unknown, evidence suggests that children as young as age 8 are involved in the production of wine, tea, cocoa, cotton and vanilla.³⁵⁰⁶ Evidence also suggests that children are engaged in the production of sisal in the district of Amboasary. Sisal is an agave plant, commonly used to produce rope.³⁵⁰⁷ Children laboring in the tea industry are reported to work with fertilizer and carry up to 50 kilograms of weight on their backs.³⁵⁰⁸ While information is limited, reports suggest that children also harvest grapes and cocoa. Reports also suggest that children are engaged in the production of copra (dried meat of the coconut) in Sambava and Toamasina.³⁵⁰⁹ Additional risks for children engaged in agriculture include using dangerous tools.

In coastal areas, children are engaged in the fishing, shrimp and oyster industries.³⁵¹⁰ Children

engaged in the fishing industry and who gather shrimp and perform deep sea diving may be at risk of drowning and excessive sun exposure.³⁵¹¹

Many children in the town of Ilakaka are involved in the mining of gemstones.³⁵¹² In the event of a mine cave-in or a landslide, these children are at risk of suffocation.³⁵¹³ Children engaged in salt mining may carry heavy loads and are at risk of exposure to high temperatures and illness.³⁵¹⁴ Children are also engaged in mining gold in the regions of Analamanga, Vakinankaratra and Anosy.³⁵¹⁵

Children are reportedly involved in transporting bricks from the location they were made to trucks or construction sites.³⁵¹⁶ In stone quarries, children reportedly work long hours and face physical and verbal abuse.³⁵¹⁷ In the urban sector, children also transport goods by rickshaw.³⁵¹⁸ Such activities are risky as children commonly carry heavy loads and perform other dangerous activities.

Malagasy children engaged in domestic service work an average of 12 hours per day, with some

working as much as 18 hours per day. Child domestic servants carry heavy loads and receive little to no payment for their work.³⁵¹⁹ These children are sometimes exposed to hazardous activities as well as sexual and psychological abuse from their employers.³⁵²⁰

Children in Madagascar are also engaged in commercial sexual exploitation in the coastal cities and in Antananarivo.³⁵²¹ While victims of child sex tourism are mostly girls, boys are exploited as well.³⁵²² Children are often recruited through fraudulent offers of employment in the service industry.³⁵²³

Madagascar is a source country for domestic and international trafficking in persons.³⁵²⁴ Reportedly, Malagasy children are mostly trafficked domestically from rural to urban areas for forced labor in sectors such as commercial sexual exploitation, domestic service, mines, fishing and agriculture.³⁵²⁵ Domestic child traffickers include taxi drivers, friends and relatives.³⁵²⁶

The lack of school infrastructure is a barrier to education in Madagascar.³⁵²⁷ Reports indicate that ongoing political and economic instability since the 2009 coup and subsequent cyclones and droughts have caused an increase in unemployment and poverty, resulting in a decrease in school enrollment and an increase in children’s engagement in exploitative labor.³⁵²⁸

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work and apprenticeships at 15.³⁵²⁹ However, children in Madagascar are required to attend school only until age 10.³⁵³⁰ This gap between compulsory education and the legal working 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

	C138, Minimum Age	✓
	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

work.³⁵³¹ 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 if authorized by a labor inspector.³⁵³² Both the Decree and the Labor Code prohibit children under age 18 from performing work at night.³⁵³³ The Decree further stipulates the weight load a child can carry, by gender.³⁵³⁴ Decree N2007-563 also prohibits children from working near toxic materials and pesticides, as domestic servants and in bars, discos, casinos or mines.³⁵³⁵

Decree N2007-563 criminalizes commercial sexual exploitation of children, trafficking of children, use of children in illicit activities (e.g., trafficking drugs) and use of children to produce and disseminate pornographic materials.³⁵³⁶ Forced labor is prohibited in Madagascar under both the Labor Code and Decree N2007-563.³⁵³⁷ The Penal Code allows for the extradition of Malagasy nationals and persons charged with trafficking in other countries.³⁵³⁸ The minimum

age for voluntary and compulsory military service under Malagasy law is 18.³⁵³⁹

Institutional Mechanisms for Coordination and Enforcement

Political instability since the 2009 coup has hampered efforts to coordinate activities to combat and enforce laws that protect children from the worst forms of child labor.³⁵⁴⁰ Shortly after the coup, many public servants and labor inspectors were relieved of their positions, and some still have not been replaced.³⁵⁴¹

The National Committee to Fight Child Labor (CNLTE) is an inter-ministerial committee lead by the Ministry of Civil Services and Labor, with representatives from the Ministries of Education, Health and Justice.³⁵⁴² 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.³⁵⁴³ The Division for the Prevention, Abolition and Monitoring of Child Labor 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 combat child labor.³⁵⁴⁴

Prior to the 2009 coup, anti-trafficking efforts in Madagascar had been coordinated by the President's Inter-Ministerial Anti-Trafficking Committee, with members from 11 other ministries, as well as the police and the gendarmerie (a military body charged with police duties among civilian populations).³⁵⁴⁵ However, under the current government in Madagascar, the Inter-Ministerial Anti-Trafficking Committee has ceased to function and coordination between the agencies remains an issue.³⁵⁴⁶

The Ministry of Civil Services and Labor is charged with enforcing child labor laws and conducting workplace inspections.³⁵⁴⁷ The

Ministry of Civil Services and Labor has 90 labor inspectors.³⁵⁴⁸ Research did not uncover any information on whether regular inspections were performed during the reporting period.³⁵⁴⁹ The Ministry of Justice is charged with enforcing all laws pertaining to violence against children, including trafficking and commercial exploitation of children.³⁵⁵⁰ The Morals and Minors Brigade of the National Police Force oversees investigations related to minors, including issues of trafficking and commercial sexual exploitation of children.³⁵⁵¹ The Morals and Minors Brigade's anti-trafficking database is 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 assistance for victims.³⁵⁵²

Research has not uncovered the number of complaints filed, investigations or prosecutions related to child labor.³⁵⁵³ Reports indicate that government authorities in Madagascar have made minimal effort to collect and compile information and data on the worst forms of child labor, including child trafficking.³⁵⁵⁴

Government Policies on the Worst Forms of Child Labor

Since the coup, the government in Madagascar has not fully recognized or sufficiently implemented some of the previous government's policies on the worst forms of child labor.³⁵⁵⁵

The previous government in Madagascar adopted the Madagascar Action Plan (MAP) (2007-2012), which expressly states an objective of fighting child labor and trafficking. It also adopted the National Action Plan to Eliminate the Worst Forms of Child Labor (NAP) (2004-2019), which includes anti-trafficking and anti-prostitution initiatives.³⁵⁵⁶ Further, child labor concerns were also 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).³⁵⁵⁷ In addition, the question of whether these programs have an impact on child labor does not appear to have been addressed.³⁵⁵⁸

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

During the reporting period, the government in Madagascar made minimal efforts to address the worst forms of child labor, including limited investment in social programs that protect children.³⁵⁵⁹ As a result of the 2009 coup, much of the funding from international donors, including the African Union, European Union, World Bank and the United States, was suspended.³⁵⁶⁰ Research is unclear about the extent to which continuing humanitarian assistance projects have been able to effectively implement activities and meet their targets.

The Government of Madagascar continues to participate in the Regional Program for Eastern Africa to increase coordination in combating human trafficking.³⁵⁶¹ Government authorities also performed awareness-raising activities on child sex trafficking through posters and booklets provided to tourists warning of the consequences of sex tourism. During the year, government officials participated in a UNICEF-funded project that provided skills training to 60 former sex workers, some as young as age 16.³⁵⁶² The Ministry

of Labor and Social Legislation continued to support education programs for street children, including remedial and vocational training, during the reporting period.³⁵⁶³

Implementing humanitarian activities at the local level during the year, the USDOL--funded, 4-year \$4.5 million project continued to combat the worst forms of child labor. The project is implemented by Private Agencies Collaborating Together (PACT) in association with Sehatra Ivoaran'ny Vehivavy (SIVE).³⁵⁶⁴ The project targets the sectors of agriculture, commercial sexual exploitation, domestic service, mining, and quarrying and aims to withdraw 4,500 children and prevent another 4,500 children from exploitative labor.³⁵⁶⁵

In addition, during the reporting period, government authorities continued to participate in the 4-year, EU-funded project Tackling Child Labor through Education (TACKLE). This \$21.1 million project aims to combat child labor through education in Madagascar, along with 10 other countries.³⁵⁶⁶ One of TACKLE's objectives is to strengthen the government's capacity to implement and enforce policies to prevent child labor.³⁵⁶⁷

While the Government of Madagascar attempted to address part of the child labor problem, the scope of existing programs is insufficient to address the problem.

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 maximum age for compulsory education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that existing child labor laws are upheld, despite instability brought by the 2009 coup.
- Ensure committees to combat the worst forms of child labor are operational.
- Fully fund coordination and enforcement efforts, including the existing anti-trafficking database and provide personnel to oversee operations.
- Expand efforts to investigate, prosecute and enforce worst forms of child labor cases.
- Track and make publicly available information on the results of the inspections.
- Step up efforts to collect, compile and disseminate data on the worst forms of child labor, including child trafficking.

IN THE AREA OF POLICIES:

- Assess the impact existing policies may have on child labor.
- Reinvigorate efforts to implement existing policies, including the MAP and NAP.

IN THE AREA OF SOCIAL PROGRAMS:

- Increase the scope of social programs to reach more children at risk of the worst forms of child labor.

³⁵⁰⁴ 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, 2005-2011. Data on working children and school attendance are from 2007. Data on children working and schooling 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.

³⁵⁰⁵ U.S. Embassy- Antananarivo, *reporting, February 23, 2011*, para 4. See also Confederation Syndicale Internationale, *Rapport pour l'Examen des Politiques Commerciales de Madagascar par le Conseil General de l'OMC*, Geneva, 2008, 6.

³⁵⁰⁶ U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, section 6(D). See also U.S. Embassy- Antananarivo

official, E-mail communication to USDOL official, March 24, 2011.

³⁵⁰⁷ U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, section 6(D). See also U.S. Embassy- Antananarivo official, E-mail communication, March 24, 2011. See also PACT Inc. official, E-mail communication to USDOL official, March 16, 2011.

³⁵⁰⁸ U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, section 2(D). See also U.S. Embassy- Antananarivo official, E-mail communication, March 24, 2011.

³⁵⁰⁹ U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, sections 3D, 5D, 10D. See also U.S. Embassy- Antananarivo official, E-mail communication, March 24, 2011.

³⁵¹⁰ U.S. Department of State, "Madagascar," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, sections 4, 5, 10; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154355.htm>. See also U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, sections 4, 5, 10.

³⁵¹¹ U.S. Embassy- Antananarivo official, E-mail communication, March 24, 2011. See also U.S. Embassy- Antananarivo official, E-mail communication to USDOL official, June 27, 2011.

³⁵¹² U.S. Department of State, “Country Reports- 2010: Madagascar,” section 7d.

³⁵¹³ OHCHR, *La Situation des Droits de l’homme a Madagascar*, Geneva, March 2007, 33; available from http://www2.ohchr.org/english/bodies/hrc/docs/ngos/omct_madagascar.pdf.

³⁵¹⁴ U.S. Department of State, «Madagascar,» in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

³⁵¹⁵ PACT Inc. official, E-mail communication, March 16, 2011.

³⁵¹⁶ U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, section 11D.

³⁵¹⁷ ILO-IPEC, *Child Labour in Stone Quarrying: The Problem*, Geneva, June 2006; available from http://www.rimmrights.org/childmining/child_labour_in_stone_quarrying.htm.

³⁵¹⁸ U.S. Department of State, “Country Reports- 2009: Madagascar,” section 7d. See also Confederation Syndicale Internationale, *Rapport pour l’Examen des Politiques Commerciales de Madagascar par le Conseil General de l’OMC*, 7.

³⁵¹⁹ U.S. Department of State, “Country Reports- 2009: Madagascar,” section 7d. See also Frédérique Andriamaro, “Bulletin d’information sur la Population de Madagascar,” no. 53 (January 2010); available from http://sites.univ-provence.fr/lped/IMG/pdf/BIP_53.pdf. See also Fanja Saholiarisoa, «Une Jeune Domestique Torturee», allAfrica.com, [online], July 14, 2009 [cited September 17, 2011]; available from <http://fr.allafrica.com/stories/200907140427.html>. See also UN Office of the High Commissioner for Human Rights, *Mise en oeuvre du Pacte relatif aux Droits Civils et Politiques, La Situation des Droits de l’Homme a Madagascar*, March 2007, 31-32; available from http://www2.ohchr.org/english/bodies/hrc/docs/ngos/omct_madagascar.pdf.

³⁵²⁰ Andriamaro, “Bulletin d’information sur la Population de Madagascar.”

³⁵²¹ U.S. Department of State, “Country Reports- 2009: Madagascar,” section 6. See also U.S. Department of State, “Madagascar (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

³⁵²² U.S. Department of State, “Country Reports- 2009: Madagascar,” section 6.

³⁵²³ Ibid., section 6. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Madagascar.”

³⁵²⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Madagascar.”

³⁵²⁵ Ibid.

³⁵²⁶ *ibid.* See also U.S. Department of State, “Country Reports- 2009: Madagascar,” section 6.

³⁵²⁷ U.S. Embassy- Antananarivo, *reporting, February 23, 2011*.

³⁵²⁸ Integrated Regional Information Networks, “Madagascar: Food Insecurity Tightens its Hold”, IRINnews.org, [online], February 3, 2011 [cited April 28, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=91822>. See also Integrated Regional Information Networks, “Madagascar: Government Cuts Hit Education Hard”, IRINnews.org, [online], February 15, 2010 [cited May 2, 2011]; available from <http://www.irinnews.org/PrintReport.aspx?ReportID=88111>. See also Integrated Regional Information Networks, “Madagascar: Rice is Becoming a Luxury”, IRINnews.org, [online], February 15, 2010 [cited March 11, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=91934>. See also UNICEF and PTA, *Pandora’s Box: Youth at a Crossroad Emergency Youth Assessment on the Socio-Political Crisis in Madagascar and its Consequences*, 2009, 11-12; available from http://www.unicef.org/madagascar/pandora_box_english_final.pdf. See also Karine Maillot, “Madagascar: Le travail des enfants, une situation ‘plus dure qu’avant la crise,’” *Zinfos*, March 2, 2010; available from http://www.zinfos974.com/Madagascar-Le-travail-des-enfants-une-situation-plus-dure-qu-avant-la-crise_a15274.html. See also Mei-Ling McNamara, «Madagascar: State of Denial,» *Aljazeera*, August 29, 2010; available from <http://english.aljazeera.net/programmes/peopleandpower/2010/08/201081864237806607.html>. See also U.S. Embassy- Antananarivo, *reporting, February 23, 2011*.

³⁵²⁹ Government of Madagascar, *Labor Code, Loi no. 2003-044*, (June 10, 2004), chapter III, section 2; available from <http://www.droit-afrique.com/images/textes/Madagascar/Mada%20-%20Code%20du%20travail.pdf>.

³⁵³⁰ Ibid. See also UNESCO, *Global Monitoring Report, 2010*; available from <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/ED/GMR/pdf/gmr2010/gmr2010-annex-04-stat-tables.pdf>.

³⁵³¹ Government of Madagascar, *Labor Code*, article 101. See also Government of Madagascar, *Decret N 2007 - 563*, (July 3, 2007), articles 10, 12.

³⁵³² Government of Madagascar, *Decret N 2007 - 563*, article 3.

³⁵³³ Government of Madagascar, *Labor Code*, article 101. See also Government of Madagascar, *Decret N 2007 - 563*, articles 10, 12.

³⁵³⁴ Government of Madagascar, *Decret N 2007 - 563*, articles 8.

- ³⁵³⁵ Ibid., section II, articles 12, 16, 22.
- ³⁵³⁶ Ibid., articles 13, 15. Government of Madagascar, *Code Penal*, (June 17, 1972); available from http://droit.francophonie.org/df-web/publication.do?publicationId=2486&sidebar=true#H_053.
- ³⁵³⁷ Government of Madagascar, *Labor Code*, article 4. See also Government of Madagascar, *Decret N 2007 - 563*, articles 13, 15.
- ³⁵³⁸ 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 6-8.
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- ³⁵⁴⁰ U.S. Embassy- Antananarivo, *reporting, February 23, 2011*, section 4.
- ³⁵⁴¹ Pact Inc., *Combating Exploitive Child Labor Through Education in Madagascar*, Technical Progress Report, March 31, 2010, 3.
- ³⁵⁴² U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, 2C.
- ³⁵⁴³ Ibid., 2C.
- ³⁵⁴⁴ Ibid., 2C.
- ³⁵⁴⁵ U.S. Embassy- Antananarivo, *reporting, March 10, 2010*, para 4, 26B.
- ³⁵⁴⁶ U.S. Department of State, “Madagascar,” in *Trafficking in Persons Interim Assessment*, Washington, DC, April 5, 2011; available from <http://www.state.gov/g/tip/2011/160017.htm>.
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- ³⁵⁴⁸ U.S. Embassy- Antananarivo, *reporting, February 23, 2011*, section 5. See also U.S. Department of State, “Country Reports- 2010: Madagascar,” section 7.
- ³⁵⁴⁹ Pact Inc., *Combating Exploitive Child Labor Through Education in Madagascar*. See also U.S. Department of State, “Country Reports- 2010: Madagascar,” section 7.
- ³⁵⁵⁰ U.S. Department of State, “Country Reports- 2009: Madagascar,” section 7d.
- ³⁵⁵¹ U.S. Embassy- Antananarivo, *reporting, March 10, 2010*, 25A.
- ³⁵⁵² Ibid., 25A.
- ³⁵⁵³ U.S. Embassy- Antananarivo, *reporting, February 23, 2011*, paras 4, 5.
- ³⁵⁵⁴ U.S. Department of State, “Trafficking in Persons Interim Assessment: Madagascar.” See also U.S. Embassy- Antananarivo, *reporting, February 23, 2011*.
- ³⁵⁵⁵ U.S. Department of State, “Trafficking in Persons Interim Assessment: Madagascar.” See also U.S. Embassy- Antananarivo, *reporting, February 23, 2011*.
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- ³⁵⁵⁸ U.S. Embassy- Antananarivo, *reporting, February 23, 2011*, 1, 8. See also U.S. Embassy- Antananarivo official, E-mail communication, March 24, 2011.
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³⁵⁶⁴ USDOL, *Combating Exploitive Child Labour Through Education in Madagascar*, Technical Cooperation Project Summary, 2009; available from http://www.dol.gov/ilab/projects/sub-saharan_africa/Madagascar_CECL.htm.

³⁵⁶⁵ Ibid.

³⁵⁶⁶ ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8511>. See also ILO-IPEC Geneva official, E-mail communication to USDOL official, December 15, 2008.

³⁵⁶⁷ ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*. See also ILO-IPEC Geneva official, E-mail communication, December 15, 2008.