

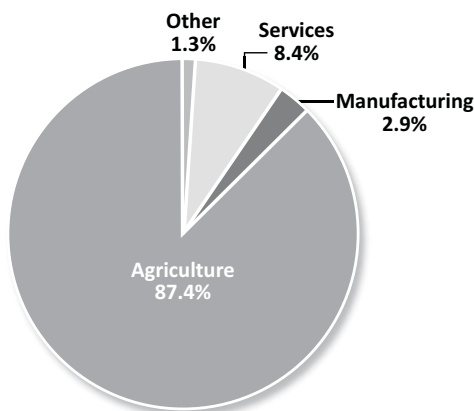
Madagascar

In 2011, Madagascar made no advancement in efforts to eliminate the worst forms of child labor. The effects of the 2009 coup, and ensuing political and economic instability, continued to make children vulnerable to exploitation. While the de facto government supported limited awareness-raising and social programs to reduce the worst forms of child labor, many government positions, including labor-related positions, remained vacant. The de facto government also did not implement child labor policies from the previous administration. In addition, the coup spurred a drastic reduction in foreign assistance, and while humanitarian assistance grew during 2011, it was focused on food assistance rather than services. The worst forms of child labor persisted, particularly in hazardous forms of agriculture and in mining.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	22.1 (1,206,992)
Attending School	5-14 yrs.	69.1
Combining Work and School	7-14 yrs.	15.4
Primary Completion Rate		72.5

Working Children by Sector, ages 5-14



Sources:

Primary completion rate: Data from 2010, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis of statistics from SIMPOC Survey, 2007.(2)

Prevalence and Distribution of the Worst Forms of Child Labor

Children in Madagascar are engaged in the worst forms of child labor, including hazardous activities in agriculture and



mining.(3, 4) In Madagascar, children produce a variety of agricultural products. While the extent of the problem is unknown, evidence suggests that children as young as age 8 are involved in the production of grapes, wine, tea, cocoa and cotton.(5, 6) Evidence also suggest that children work in the vanilla sector, hand-pollinating flowers for 6 to 7 hours a day, as well as cutting and planting sisal (an agave plant with sharp edges commonly used to produce rope) in the district of Amboasary.(5-8) In addition, some children laboring in the tea industry are reported to work with fertilizer and sometimes carry up to 50 kilograms of weight on their backs.(5, 6, 9) Children reportedly are engaged in the production of copra (dried meat of the coconut) in Sambava and Toamasina.(5, 6) Risks for children engaged in agriculture include using dangerous tools and applying hazardous pesticides.(3, 10)

Some children herd cattle and sheep, working long hours and risking exposure to environmental elements.(9, 11) In coastal areas, children are engaged in fishing, including for crabs, sea cucumbers, shrimp and oysters.(5, 9, 12) Some children also perform deep-sea diving. Children engaged in the fishing sector may be at risk of drowning and excessive sun exposure.(6, 12) Evidence also suggests that some children make charcoal, risking injury from burning wood and carrying heavy loads.(9, 11)

Many children in the town of Ilakaka are involved in hazardous gemstone mining, including sapphires.(12) These children

are at risk of suffocation and death during mine cave-ins and landslides.(13) Research suggests that children engaged in salt mining risk respiratory illness and exposure to high temperatures, and may carry heavy loads.(5, 12) A growing number of children (some as young as age 7) are involved in gold mining in the regions of Analamanga, Vakinankaratra and Anosy. These children work 10 hours per day and earn no more than \$14 per week.(8, 9, 14, 15) In stone quarries, children work long hours crushing rocks to produce building materials, and they endure physical and verbal abuse.(11, 16, 17)

In the urban informal sector, children work in bars, sell goods on the street and transport goods by rickshaw.(4, 12) Children are also reportedly involved in transporting bricks from the location where the bricks were made to trucks or construction sites.(5) Such activities are perilous, as children commonly carry heavy loads and perform other dangerous activities. In urban areas, there are also an unknown number of street children who hawk items on the street, guard vehicles and fetch water for restaurants. Such activities may include carrying heavy loads and exposure to criminal elements.(18) There are reports that children are engaged in street gangs in the cities of Antsiranana, Toamasina and Antananarivo, where they pick pockets. There are also some reports of inter-gang violence.(18)

Malagasy children engaged in domestic service work an average of 12 hours per day, with some working as much as 18 hours per day. Many children receive little to no payment, or even in-kind compensation (such as room and board) for their work.(11-13, 19-21) These children are sometimes exposed to hazardous activities, such as carrying heavy loads, as well as to sexual and psychological abuse from their employers.(11-13, 19-21)

A growing number of children in Madagascar are engaged in commercial sexual exploitation in the coastal cities and in Antananarivo to survive and to pay for school fees.(12, 22-24) While victims of child sex tourism are mostly girls, some reports suggest that boys are exploited as well. Children are often recruited for commercial sexual exploitation through fraudulent offers of employment in the service industry, and are subject to physical and psychological abuse.(18, 22, 25)

Madagascar is a source country for domestic and international trafficking in persons.(18, 22) 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.(22) The majority of child trafficking involves recruitment by acquaintances, transport operators, tour guides and hotel workers, as well as complacent family members.(18, 22, 26)

Reports indicate that ongoing political and economic instability since the 2009 coup and subsequent droughts, cyclones and insect infestations have caused an increase in unemployment, inflation and poverty. These problems appear to have contributed to a decrease in school enrollment and an increase in the worst forms of child labor, particularly in commercial sexual exploitation of girls.(21, 22, 27-33) Furthermore, the lack of school infrastructure (especially in rural areas), and vocational and technical training opportunities are significant barriers to children's education in Madagascar.(6, 27, 30)

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work and apprenticeships at 15.(34) Children in Madagascar are required to attend school through age 14.(12, 35) The Constitution provides for free and compulsory primary education until age 14.(12, 35) The gap between the compulsory education age and the minimum age to work leaves children ages 14 to 15 particularly vulnerable to the worst forms of child labor, as they are not required to be in school but are not legally permitted to work either. In addition, in practice, a growing number of families have to pay registration and other school fees, as the de facto government has decreased its school subsidies since the 2009 coup.(31, 36)

	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	14
	Free Public Education	Yes

The Labor Code prohibits children under age 18 from employment that is immoral or hazardous, and several other laws also restrict children's work.(34, 37) 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 their health or physical, mental, spiritual, moral and social development.(37) The Decree also permits children age 14 to work if authorized by a labor inspector and compulsory schooling is completed.(37) Both the Decree and the Labor Code prohibit children under age 18 from performing work at night.(34, 37) The Decree further stipulates the weight load a child can carry, by gender.(37) Decree N2007-563 also prohibits children from working near toxic materials and pesticides, or as domestic servants and in bars, discos, casinos, mines or quarries.(37) However, the law does not cover children engaged in street work.

Decree N2007-563 criminalizes commercial sexual exploitation of children, including the use of children to produce and disseminate pornographic materials, the trafficking of children and the use of children in illicit activities (e.g., trafficking drugs).(37, 38) The Penal Code allows for the extradition of Malagasy nationals and persons charged with trafficking in other countries.(39) Forced labor, including slavery and debt bondage, is prohibited in Madagascar under both the Labor Code and Decree N2007-563.(34, 37) Ordinance No. 78-002 of 1978 defines national service as the compulsory participation of young Malagasies in national defense and in the economic and social development of the country.(40, 41) However, the law also defines the minimum age for compulsory military service in the Malagasy army as 18 and prohibits engagement of children in armed conflict.(42, 43)

Institutional Mechanisms for Coordination and Enforcement

Political instability since the 2009 coup has hampered efforts to coordinate and enforce laws that protect children from the worst forms of child labor.(30, 44) For example, shortly after the coup, many public servants and labor inspectors were relieved of their positions, and some still have not been replaced.(18)

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.(5) The CNLTE 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.(5) 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.(5) However, research indicates that CNLTE efforts to coordinate on child labor issues were minimal during the reporting period.(18)

The National Statistics Institute is responsible for collecting and processing data for monitoring the implementation of the Convention on the Rights of the Child.(45) In addition, the Ministry of Population and Social Affairs (with support from UNICEF) is responsible for maintaining child protection databases at the regional and local levels, including for data on the incidence of child labor.(45) However, research found that the current de facto government made a minimal effort during the reporting period to collect, compile and share such data.(18, 22, 30)

Prior to the 2009 coup, anti-trafficking efforts in Madagascar were 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).(46) However, under the current de facto government in Madagascar, the Anti-Trafficking Committee has ceased to function and coordination between the agencies remains an issue.(18, 22)

The Ministry of Civil Services and Labor is charged with conducting workplace inspections and enforcing child labor laws.(12, 47) The Ministry of Civil Services and Labor has 100 labor inspectors.(44) Research did not uncover the number of labor inspections (if any) that were performed or labor complaints that were reported during the reporting period, as the de facto government did not make this information available. Insufficient staffing, equipment, transportation and funding hampered inspection, monitoring and enforcement efforts.(12, 22, 44, 48, 49)

The Ministry of Justice is charged with enforcing all laws pertaining to violence against children, including trafficking and commercial exploitation of children. 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.(23, 46) The Brigade continues to operate a hotline and work with other agencies, NGOs and international organizations to organize assistance for victims.(18, 46) However, reports note that the de facto government made limited efforts to refer cases of child exploitation to service providers.(12, 22) In addition, the Brigade's anti-trafficking database is dormant due to a lack of funding and the reassignment of key personnel.(18, 46)

Research has not uncovered the number of criminal worst forms of child labor inspections, investigations conducted and complaints filed. However, there were no criminal worst forms of child labor prosecutions during the reporting period.(12, 22)

Government Policies on the Worst Forms of Child Labor

The previous Government in Madagascar had adopted the Madagascar Action Plan (MAP) (2007-2012), which expressly states an objective of fighting child labor and trafficking. It had 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.(46, 50) Since the coup, the de facto government has not fully recognized or sufficiently implemented much of the previous Government's policies on the worst forms of child labor.(11, 22, 30, 44, 51)

Child labor concerns were also incorporated into national development agendas and key documents, such as the Education for All Program, the Decent Work Program (2008-2013), Madagascar's Poverty Reduction Strategy Paper (2007-2012) and the United Nations Development Assistance Framework (2008-2011).(52, 53) Evidence suggests that the de facto government has not fully recognized or sufficiently implemented these poverty reduction, education and development policies.(18)

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

On September 13, Malagasy political stakeholders, with technical support from the South Africa Development Community, signed the Roadmap for Ending the Crisis in Madagascar, which outlines steps toward free and fair elections and the conditional return of the previous President and administration to the country.(54-57) The Roadmap provides for elections in 2012.(54-57) Since the 2009 coup, the country's textile industry has lost \$150 million in annual revenue between 2010 and 2011, and 50,000 jobs, negatively impacting the livelihoods of many families in Madagascar.(58, 59) In addition, much of the funding from international donors, including the African Union, the European Union, the World Bank and the United States, was suspended (at an estimated loss of \$400 million) as a result of the 2009 coup.(54, 60) The loss is significant given that prior to the coup, donor funding had constituted 70 percent of the public spending (which includes the education sector).(60) While humanitarian assistance grew during the reporting period (from an estimated \$180 million to \$260 million), the assistance was mostly in the form of food aid and not in services such as health.(60)

The current de facto government continues limited participation in the World Bank-funded \$68 million Rural Development Project that aims to improve productive investments in household livelihoods and food production, as well as in agriculture development.(61) The Project targets 57,000 beneficiaries and ends in December 2012. According to the World Bank, plans are underway to restructure the country program, given the current operating context.(61) In addition, the government participated in a WFP project that continued to provide food support to 131 schools in the three regions of Atsimo, Andrefana, Androy and Anosy, covering 63,967 students.(45) During the reporting period, the current de facto government also participated in a child birth registration campaign, with funding from UNICEF.(12) The questions of whether these education, agriculture and social programs have had an impact on child labor have not been addressed.

The de facto government continues to participate in the Regional Program for Eastern Africa to increase coordination in combating human trafficking.(62) Government officials also performed awareness-raising activities on child sex trafficking that included films, radio broadcasts, posters and other materials, with support from NGOs, ILO-IPEC, USAID and UNICEF.(45)

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.(26) The project targets the sectors of agriculture, commercial sexual exploitation, domestic service, mining and quarrying; it aims to withdraw 4,500 children and prevent another 4,500 children from exploitive labor.(26) Also during the reporting period, government authorities continued to participate in the 4-year, EU-funded project Tackling Child Labor through Education (TACKLE). This \$13.5 million project aims to combat child labor through the provision of educational services in Madagascar, along with 10 other countries.(63, 64) To date, the project has withdrawn 1,255 children and prevented an additional 1,437 children from exploitive labor in Madagascar.(45, 64) The government participated in a regional \$1 million France-funded and ILO-implemented 3-year (ending in 2014) project that aims to combat child labor in the domestic service sector.(64)

During the reporting period, the de facto government made minimal efforts to address the worst forms of child labor, including limited investment in social programs that protect children.(22, 30, 44) As a result, the scope of existing child labor and anti-trafficking programs is insufficient to address the magnitude of the problem.(12, 22) Furthermore, the question of whether these programs are sustainable has not been addressed.

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Implement constitutional provisions that provide for free education.	2011
	Update and implement the law to provide protections for children engaged in street work.	2011
	Establish a compulsory age for education equivalent to or greater than the minimum age for work.	2009, 2010, 2011
Coordination and Enforcement	Ensure committees to combat the worst forms of child labor are operational.	2009, 2010, 2011
	Step-up efforts by fully funding activities such as the existing anti-trafficking database and provide additional training for personnel to oversee operations.	2009, 2010, 2011
	Expand efforts to refer cases of child exploitation to service providers.	2011
	Track and make publicly available information on the results of both labor inspections and criminal worst forms of child labor investigations and violations.	2009, 2010, 2011
	Step-up efforts to collect, compile and disseminate data on the worst forms of child labor, including child trafficking.	2010, 2011
	Step-up efforts to investigate and prosecute child labor and worst forms of child labor violations.	2009, 2010, 2011
Policies	Reinvigorate efforts to implement existing policies, including the MAP and the NAP.	2010, 2011
	Take steps to implement development education and poverty reduction policies.	2011
Social Programs	Assess the impact of the existing education, agriculture and social programs on addressing child labor.	2010, 2011
	Increase the scope of child labor and anti-trafficking programs to reach more children at risk of the worst forms of child labor.	2010, 2011
	Establish and implement a program to address the lack of schools, including vocational and technical training centers, which impedes children's access to education.	2011

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