

## Madagascar

### *Selected Statistics and Indicators on Child Labor*

Percent of children 6-14 estimated as working in 2001:	24.3% <sup>2579</sup>
Minimum age of work:	15 <sup>2580</sup>
Age to which education is compulsory:	14 <sup>2581</sup>
Free public education:	Yes <sup>2582</sup>
Gross primary enrollment rate in 2004:	134% <sup>2583</sup>
Net primary enrollment rate in 2004:	89% <sup>2584</sup>
Percent of children 6-14 attending school in 2001:	65.6% <sup>2585</sup>
As of 2003, percent of primary school entrants likely to reach grade 5:	57% <sup>2586</sup>
Ratified Convention 138:	5/31/2000 <sup>2587</sup>
Ratified Convention 182:	10/4/2001 <sup>2588</sup>
ILO-IPEC participating country:	Yes <sup>2589</sup>

### Incidence and Nature of Child Labor

In 2001, approximately 24.8 percent of boys and 23.7 percent of girls ages 6 to 14 were working in Madagascar.<sup>2590</sup> In urban areas, it is common for children to work in domestic service.<sup>2591</sup> They also work in bars and restaurants; in petty trading; welding and mechanical work; and transporting goods by rickshaw. Children also engage in salt production near the city of Toliara. In coastal areas, children work in fishing, deep sea diving, and in the shrimp industry. In rural areas, children work in agriculture on family subsistence farms, sisal and other plantations; fruit

<sup>2579</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, March 1, 2007.

<sup>2580</sup> ILO, *Ratifications by Country*, accessed October 8, 2006; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>. See also U.S. Department of State, "Madagascar," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78743.htm>.

<sup>2581</sup> U.S. Department of State, "Country Reports- 2006: Madagascar," Section 5.

<sup>2582</sup> Government of Madagascar, *Constitution of Madagascar*, (August 19, 1992); available from [http://www.oefre.unibe.ch/law/icl/ma00000\\_.html](http://www.oefre.unibe.ch/law/icl/ma00000_.html).

<sup>2583</sup> UNESCO Institute for Statistics, *Gross Enrolment Ratio. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org/>.

<sup>2584</sup> UNESCO Institute for Statistics, *Net Enrolment Rate. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org>.

<sup>2585</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>2586</sup> UNESCO Institute for Statistics, *Survival Rate to Grade 5. Total*, accessed December 18, 2006; available from <http://stats.uis.unesco.org>.

<sup>2587</sup> ILO, *Ratifications by Country*.

<sup>2588</sup> Ibid.

<sup>2589</sup> ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2006*, Geneva, October, 2006, 30; available from [http://www.ilo.org/iloroot/docstore/ipcc/prod/eng/20070228\\_Implementationreport\\_en\\_Web.pdf](http://www.ilo.org/iloroot/docstore/ipcc/prod/eng/20070228_Implementationreport_en_Web.pdf).

<sup>2590</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>2591</sup> 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, 7.

tree picking; and cattle herding—which is particularly dangerous because of the high incidence of armed cattle theft.<sup>2592</sup>

Malagasy children work in mining and quarrying, often alongside their families. Throughout the country and at Ilakaka (one major site in the south), children are involved in mining precious and semi-precious stones, as well as in informal-sector work in and around the mines. Children also work in stone quarries, performing tasks such as breaking and carrying baskets full of stones. Children as young as 5 years are found working at mining sites, and children as young as 3 years work at stone quarries.<sup>2593</sup> The commercial sexual exploitation of children is a problem in most of Madagascar's urban areas, including the capital city of Antananarivo; also, child sex tourism is common in small coastal towns and villages,<sup>2594</sup> especially in Tamatave, Nosy Be, and Diego Suarez.<sup>2595</sup> Children exploited in prostitution are known to solicit customers on the streets or in nightclubs.<sup>2596</sup>

Children in Madagascar are trafficked internally for sexual exploitation and forced labor.<sup>2597</sup> Malagasy children are trafficked for forced labor in gemstone mining, salt production, and loading produce onto trucks. They are trafficked from rural to urban areas for domestic work and prostitution.<sup>2598</sup> There are reports that an active network is trafficking young girls to Antananarivo for prostitution; in some cases, this was facilitated by family members, friends, and taxi and rickshaw drivers. Some of the children engaged in prostitution in coastal cities were forced into it after being recruited in Antananarivo under false pretenses of employment as domestic workers and waitresses.<sup>2599</sup> In Madagascar, the children at the highest risk of being trafficked include young boys and girls for labor, young girls for commercial sexual exploitation, and babies for international adoption.<sup>2600</sup>

## Child Labor Laws and Enforcement

The minimum age for employment is 15 years.<sup>2601</sup> The law also prohibits children from engaging in work that is harmful to their health and normal development.<sup>2602</sup> Children under 18

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<sup>2592</sup> Ibid., 5-8. See also U.S. Department of State, "Country Reports- 2006: Madagascar," Section 6d.

<sup>2593</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, project document*, 5-6. See also U.S. Department of State, "Country Reports- 2006: Madagascar," Section 6d.

<sup>2594</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, project document*, 6. See also ECPAT International CSEC Database, *Madagascar*, accessed October 7, 2006; available from <http://www.ecpat.net>.

<sup>2595</sup> U.S. Department of State, "Madagascar (Tier 2)," in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/65989.htm>. See also U.S. Embassy-Antananarivo, *reporting*, March 6, 2007. See also U.S. Department of State, "Country Reports- 2006: Madagascar."

<sup>2596</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, project document*, 6.

<sup>2597</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Madagascar."

<sup>2598</sup> U.S. Department of State, "Country Reports- 2006: Madagascar," Section 5. See also U.S. Embassy-Antananarivo, *reporting*, March 6, 2007.

<sup>2599</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Madagascar." See also U.S. Embassy-Antananarivo, *reporting, March 6, 2007*.

<sup>2600</sup> U.S. Embassy- Antananarivo, *reporting, March 6, 2007*.

<sup>2601</sup> U.S. Department of State, "Country Reports- 2006: Madagascar," Section 6d. See also U.S. Embassy-Antananarivo, *reporting*, March 17, 2006.

<sup>2602</sup> Government of Madagascar, *Madagascar Labor Code*, Loi no. 94-029 (August 25, 1995), Title V. Conditions of Work, Chapter III. Work of Women and Children, Article 100; available from

years are prohibited from performing work at night, on Sundays, in places that endanger children's health, safety, or morals, or in excess of 8 hours a day or 40 hours a week.<sup>2603</sup> Parents must give their permission for children to work, and before children are hired, a medical examination is required to ensure that the work to be performed does not exceed their capacity.<sup>2604</sup> In 2006, the government modified its child labor laws and increased the penalties for violations. Violations can now result in a fine and 1 to 3 years of imprisonment.<sup>2605</sup>

Forced or compulsory labor by children is prohibited under the law.<sup>2606</sup> The law prohibits engaging in sexual activities of any kind with children under 14, as well as the production and dissemination of pornographic materials showing children.<sup>2607</sup> Engaging in sexual activity with children under 14 is punishable by 5 to 10 years of imprisonment and a fine. 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.<sup>2608</sup> The law also prohibits children under 18 years from entering bars, discotheques, and nightclubs.<sup>2609</sup> According to the U.S. Department of State, laws against the commercial sexual exploitation of children are inconsistent with respect to age.<sup>2610</sup> There is no law that specifically prohibits trafficking in persons; however, traffickers can be prosecuted under laws prohibiting sex tourism, pedophilia,<sup>2611</sup> and labor exploitation.<sup>2612</sup> Malagasy law sets the age of conscription for military service at 18 years, but contains no provisions regarding the minimum age for enlistment.<sup>2613</sup>

The Ministry of Civil Services and Labor is responsible for conducting labor inspections and enforcing laws related to child labor. However, labor inspectors are not responsible for enforcement in rural areas or the informal sector, where most children work,<sup>2614</sup> and, according

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<http://www.ilo.org/dyn/natlex/docs/WEBTEXT/41776/64975/F95MDG01.htm>. See also U.S. Department of State, "Country Reports- 2006: Madagascar," Section 6d.

<sup>2603</sup> Government of Madagascar, *Madagascar Labor Code*, Chapter III, Articles 95 and 101. See also U.S. Department of State, "Country Reports- 2006: Madagascar," Section 6d.

<sup>2604</sup> *Labor Code*, (August 25, 1995), Title V. Conditions of Work, Chapter III. Work of Women and Children, Article 101; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/41776/64975/F95MDG01.htm>. See also U.S. Department of State, "Country Reports- 2006: Madagascar," Section 6d. See also U.S. Department of State, "Country Reports- 2006: Madagascar," Section 6d.

<sup>2605</sup> U.S. Embassy- Antananarivo, *reporting, March 17, 2006*. See also U.S. Department of State, "Country Reports- 2006: Madagascar," Section 6d. See also U.S. Embassy- Antananarivo, *reporting, August 23, 2005*.

<sup>2606</sup> Government of Madagascar, *Madagascar Labor Code*, Title I. General Dispositions, Article 3. See also U.S. Department of State, "Country Reports- 2006: Madagascar," Section 6c.

<sup>2607</sup> Government of Madagascar, *Droits de L'enfant*, (December 28, 2001), 421-423.

<sup>2608</sup> U.S. Embassy- Antananarivo, *reporting, March 6, 2007*.

<sup>2609</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Madagascar." See also U.S. Embassy- Antananarivo, *reporting, March 6, 2007*.

<sup>2610</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Madagascar."

<sup>2611</sup> *Ibid.* See also U.S. Department of State, "Country Reports- 2006: Madagascar," Section 5. See also U.S. Embassy- Antananarivo, *reporting, March 6, 2007*.

<sup>2612</sup> U.S. Embassy- Antananarivo, *reporting, March 6, 2007*.

<sup>2613</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182)*

*Madagascar (ratification: 2001)*, [online] 2006 [cited October 8, 2006]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also Coalition to Stop the Use of Child Soldiers, "Madagascar," in *Child Soldiers Global Report 2004*, London, 2004; available from <http://www.child-soldiers.org/resources/global-reports>.

<sup>2614</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, project document*, 10. See also

to the U.S. Department of State, the government's enforcement of child labor laws in the informal sector was problematic.<sup>2615</sup> As of the end of 2006, the government employed 77 labor inspectors.<sup>2616</sup> Provincial Child Labor Monitoring Units based in Antananarivo, Tulear, and Diego Suarez are responsible for tracking children engaged in the worst forms of child labor and are reporting this information to the National Committee to Combat Child Labor, which is comprised of government, NGOs, and civil society representatives.<sup>2617</sup> In 2006, the government prosecuted at least three foreign nationals for child sex tourism.<sup>2618</sup>

The Ministry of Justice is responsible for enforcing laws related to trafficking,<sup>2619</sup> and the President's Inter-Ministerial Anti-Trafficking Committee is responsible for monitoring the government's efforts to fight trafficking.<sup>2620</sup>

Police officers in the capital continued to enforce the law banning children from nightclubs; however, a lack of vehicles prevented police in other areas from enforcing this law.<sup>2621</sup>

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

In 2006, the Government of Madagascar engaged in numerous activities to combat child labor including opening new reintegration centers in Tamatave and Tulear for children engaged in prostitution and forced labor, as well as continuing to operate another reintegration center in Antananarivo.<sup>2622</sup> In 2006, a number of ministries conducted awareness raising and other activities, which aimed to prevent child prostitution, child sex tourism, child trafficking, and child labor in the country.<sup>2623</sup> The government and UNICEF also provided technical assistance to child protection networks consisting of government and civil society representatives that provided rehabilitation, psychosocial services, and vocational and skills training to children engaged in forced labor and prostitution.<sup>2624</sup>

The Government of Madagascar continues to implement its 15-year National Action Plan on Child Labor, which seeks to address child labor by building organizational and technical capacity, strengthening the regulatory and legal frameworks, developing a national education and

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U.S. Department of State, "Country Reports- 2006: Madagascar," Section 6d.

<sup>2615</sup> U.S. Department of State, "Country Reports- 2006: Madagascar," Section 6d.

<sup>2616</sup> U.S. Embassy- Antananarivo, *Worst Forms of Child Labor Update: Madagascar and Comoros*, submitted in response to U.S. Department of Labor Federal Register Notice (December 5, 2006) "Request for Information on Efforts to Eliminate the Worst Forms of Child Labor", December 18, 2006.

<sup>2617</sup> U.S. Embassy- Antananarivo, *reporting, March 6, 2007*. See also U.S. Embassy- Antananarivo, *reporting, March 17, 2006*. See also U.S. Embassy- Antananarivo, *reporting, December 19, 2006*.

<sup>2618</sup> U.S. Embassy- Antananarivo, *reporting, March 6, 2007*.

<sup>2619</sup> U.S. Department of State, "Country Reports- 2006: Madagascar," Section 5.

<sup>2620</sup> U.S. Embassy- Antananarivo, *reporting, March 6, 2007*.

<sup>2621</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Madagascar."

<sup>2622</sup> U.S. Embassy- Antananarivo, *Worst Forms of Child Labor Update: Madagascar, December 18, 2006*.

<sup>2623</sup> U.S. Embassy- Antananarivo, *reporting, March 17, 2006*. See also U.S. Department of State, "Trafficking in Persons Report- 2006: Madagascar." See also U.S. Department of State, "Country Reports- 2006: Madagascar," Section 5. See also U.S. Embassy- Antananarivo, *reporting, March 6, 2007*.

<sup>2624</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Madagascar." See also U.S. Embassy- Antananarivo, *Worst Forms of Child Labor Update: Madagascar, December 18, 2006*. See also U.S. Embassy- Antananarivo, *reporting, March 17, 2006*.

training program for children involved in the worst forms of child labor, and conducting direct action programs.<sup>2625</sup> As part of these efforts, 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.<sup>2626</sup> The Timebound Program aims to withdraw 6,500 children and prevent 3,500 children from exploitive labor through the provision of educational alternatives, including children working in prostitution, domestic work, stone quarrying, mining, and children working under hazardous and unhealthy conditions in the informal sector, including fishing and sisal plantation work.<sup>2627</sup> In 2006, the government and the ILO conducted a red card campaign to raise public awareness on child labor, child trafficking, and child protection.<sup>2628</sup> The government also collaborates with ILO-IPEC on two francophone Africa regional child labor projects with activities in Madagascar, funded by France for USD 3.6 million and USD 4.9 million.<sup>2629</sup>

The President's Inter-Ministerial Anti-Trafficking Committee continued to implement its National Action Plan to Combat Trafficking in Persons. During 2006, various government ministries collaborated with NGOs to provide several trainings to magistrates, government officials, and police officers on trafficking.<sup>2630</sup>

In 2006, USAID awarded a USD 400,000 grant to Catholic Relief Services to implement the Fight Against Trafficking and Abuse program in Madagascar in collaboration with the Ministry of Justice and NGOs over 2 years. The project will target the high-risk areas of Nosy Be, Toamasina, and Toliary; its activities will include raising awareness about human trafficking; building the capacity of local organizations to offer prevention, protection and reintegration services to trafficking victims; and facilitating legal actions to fight trafficking.<sup>2631</sup>

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<sup>2625</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, project document*, 11. See also U.S. Department of State, "Country Reports- 2006: Madagascar," Section 6d.

<sup>2626</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, project document*, i.

<sup>2627</sup> *Ibid.*, 43.

<sup>2628</sup> U.S. Department of State, "Country Reports- 2006: Madagascar," Section 6d.

<sup>2629</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, November 16, 2006.

<sup>2630</sup> U.S. Embassy- Antananarivo, *reporting*, March 6, 2007.

<sup>2631</sup> U.S. Mission to Madagascar and the Comoros, *U.S. Ambassador Launches Anti-Trafficking Program*, press release, September 26, 2006; available from <http://www.usmission.mg/prtraffickeng.htm>. See also U.S. Embassy- Antananarivo, *reporting, August 23, 2005*.