

MADAGASCAR (TIER 2 WATCH LIST)

The Government of Madagascar does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by expanding the child protection network and by working at the regional level to combat child sex trafficking. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government decreased efforts to prosecute and convict suspected traffickers. Despite increased reports of alleged complicity during the year, it did not hold any complicit officials accountable, and did not investigate reports of officials facilitating child sex trafficking. The government continued to lack formal procedures to proactively identify trafficking victims among vulnerable populations, did not systematically provide services to all victims, and did not make efforts to raise awareness. The government did not provide funding to the National Office to Combat Trafficking, the agency designated to lead national efforts, raise awareness, or operationalize the national action plan. Therefore, Madagascar was downgraded to Tier 2 Watch List.

RECOMMENDATIONS FOR MADAGASCAR

Increase efforts to prosecute and convict suspected trafficking offenders, including complicit officials; develop formal procedures for, and provide training to officials on, proactive measures to identify victims, investigate cases, and refer victims to appropriate services; adequately fund the National Office to Combat Trafficking and relevant agencies supporting anti-trafficking efforts; implement the five-year national action plan to combat trafficking; increase monitoring and regulation of recruitment agencies sending migrant workers to the Middle East; negotiate an agreement between the government, training centers, and recruiters for prospective migrant workers; collaborate with destination country governments to protect Malagasy migrant workers and jointly address cases of abuse; increase efforts to raise public awareness of labor trafficking, including of adults subjected to forced labor; and, improve data collection on law enforcement efforts, including the number of victims identified, cases investigated and prosecuted, and the number of convictions.

PROSECUTION

The government decreased anti-trafficking law enforcement efforts, while reports of alleged complicity increased during the year. Anti-Trafficking Law No. 2007-038 prescribes punishments for sex trafficking, ranging from two years to life imprisonment, which is sufficiently stringent and commensurate with those prescribed for other serious crimes such as rape. Law No. 2014-040, effective 2014, broadened the scope of the 2007 anti-trafficking law and prohibits all forms of human trafficking, to cover sexual exploitation, labor trafficking, forced labor, forced begging, and debt bondage. The 2014 anti-trafficking law imposes sufficiently stringent penalties for trafficking offenses, ranging from two to five years imprisonment and a one million to 10 million ariary (\$298-\$2,986) fine, and stiffer penalties of five to 10 years imprisonment and fines ranging from two million to 10 million ariary (\$597-

\$2,986) for trafficking crimes committed against children.

National statistics on prosecutions and convictions remained difficult to obtain and verify. The media reported that the government took action to prosecute 32 trafficking offenses; however, as the government did not confirm these reports or provide details on these cases, it is unclear whether they definitively involved sex or labor trafficking crimes. The government did not report the number of investigations, compared to 14 prosecutions and eight trafficking-related investigations in the prior reporting period. The media reported the government convicted at least three traffickers in 2016 for child sexual abuse crimes, a decrease from 10 in 2015. During the reporting year, judges and prosecutors in Fianarantsoa and Antsiranana met to discuss the anti-trafficking law. The government facilitated and led workshops, funded by an international organization, to educate judges, police, and *gendarmes* in Antananarivo, Morondava, and Fort Dauphin on the anti-trafficking law and to build law enforcement capacity for the investigation and prosecution of trafficking crimes. However, there remained a lack of coordination between agencies combating trafficking in persons and a reluctance of victims to file charges for fear of reprisals. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses despite allegations of corruption and complicity, including reports of an alleged network of government officials involved in falsification of identity documents utilized to facilitate child sex trafficking in Madagascar.

PROTECTION

The government continued modest efforts to protect victims. The government reportedly identified 117 victims, compared to 35 identified in the previous reporting period, and referred at least 41 to care. An NGO identified and assisted 415 victims; however, due to a lack of coordinated data collection at the national level, these numbers may be inexact. The government reported housing 35 child trafficking victims in a children's shelter and repatriating 70 transnational trafficking victims, six of whom received additional care; this compared to 35 sheltered and 60 repatriated in the previous year. The Government of Seychelles reported intercepting 16 potential female trafficking victims from Madagascar en route to Kuwait and coordinated with Malagasy authorities to repatriate them to Madagascar. The police reported identifying 56 victims, to whom they provided temporary shelter in police stations, given the lack of alternative options for adequate accommodation. The government also reported identifying 20 child trafficking victims from a list of 777 complaints lodged during the reporting period.

The government remained without formal procedures to proactively identify trafficking victims or refer victims for care. While the government offered some protection services, it is unclear how many victims received these benefits. The Ministry of Population and Social Affairs, in collaboration with an international organization, continued to coordinate approximately 780 child protection networks across the country, a significant increase from 450 in the prior

reporting period. These networks are mandated to protect children from various forms of abuse and exploitation, as well as to ensure access to medical and psychological services for victims. However, the networks' protective services were at times inadequate, the standard of care was inconsistent across regions, and the government did not report whether any of the networks provided services to trafficking victims during the reporting year. A government hospital offered assistance to child victims of various abuses, including sex trafficking, in Antananarivo and another in Toamasina that opened in 2016. The government continued to operate and fund the Manjary Soa Center in Antananarivo, which received 35 children who had been removed from situations of forced labor and sex trafficking. This center provided vocational training or reintegration into the public school system. The city of Antananarivo continued to manage an emergency center for child victims of domestic servitude, generally referred to by the Morals and Protection of Minors Police Service (MPPM). Expenses, including food, lodging, psychological and medical aid, and educational services, and the salaries of personnel were funded by the city, in partnership with an international organization.

The Ministry of Population offers transnational trafficking victims psychological support through a social worker employed by the ministry, and financial and socio-economic support for reintegration in partnership with an international organization, as well as medical care and legal assistance. During the reporting period, the Ministry of Foreign Affairs facilitated, but did not fund, the repatriation of 70 transnational victims from Saudi Arabia, Kuwait, China, Comoros, and Thailand. The Ministry of Population provided six of the transnational victims with psychological and medical care, with one victim referred to a vocational training center and the other five receiving financial support, it is unclear if the remainder of repatriated victims received assistance. Such efforts represent an increase from 60 victims repatriated in the previous reporting period. In addition, the Honorary Malagasy Consul in Lebanon reportedly inflated the cost of passport renewal for Malagasy workers who had completed their work contracts or were detained in prisons for being undocumented after passport confiscation by their employers and took no action to facilitate their release and return to Madagascar. While the government initiated diplomatic discussions with Kuwait for the purpose of assisting transnational trafficking victims in domestic servitude, such efforts had limited effect in facilitating the protection of and legal remedies for exploited Malagasy workers in Kuwait and other destination countries. An NGO reported that trafficking victims continued to return from the Middle East, where they had been subjected to various forms of abuse while working in domestic service. Upon repatriation, the vast majority of Malagasy trafficking victims arrived destitute and in need of psychological and medical services. The Ministry of Foreign Affairs systematically informs the Ministry of Population of the repatriated victims, who will contact the victims upon return and refer them to NGOs for assistance, but reports indicate most victims are reluctant to accept assistance.

The 2014 anti-trafficking law provides foreign trafficking victims with legal alternatives to their removal to countries where they may face hardship or retribution. There were no reports the

government arrested or punished trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking; however, without formal procedures to identify trafficking victims, it is likely. As a legal matter, trafficking trials may be held in private for the sake of the victim's confidentiality and privacy; however, the government did not report doing so in the reporting period and most cases were not prosecuted under the trafficking laws. Further, while the 2014 anti-trafficking law provides that victims are entitled to restitution for the third consecutive year this provision was not implemented.

PREVENTION

The government demonstrated limited efforts to prevent trafficking and coordinate national-level anti-trafficking measures. The PMPM, despite resource constraints, worked at the regional level to combat child sex trafficking in Toamasina, Nosy Be, Toliara, and the Sava and Amoron'i Mania regions. The National Office to Combat Trafficking, intended to lead national efforts, did not receive funding or demonstrate leadership in driving national efforts or raising awareness and did not undertake steps to operationalize the national action plan nor allocate funds to do so, unlike prior years. The government continued to employ a national toll-free hotline to report child abuse, including child trafficking; during the reporting period, the hotline received 1,475 calls related to child abuse, but it was unclear if any of these related to child trafficking crimes. The Ministry of Justice continued its anti-trafficking awareness campaign through weekly national radio broadcasts and in person in Mahajanga, Antsiranana, and Nosy Be, to educate the public on the 2014 anti-trafficking law. The Ministry of Tourism regional authorities, during routine hotel inspections, continued to include specific reminders and information on the fight against child sexual exploitation and required that posters against child sexual exploitation be visible in the hotel reception area.

The government did not make any discernable efforts to reduce the demand for forced labor or commercial sex acts during the reporting period. A 2013 ban on domestic worker travel to Gulf countries remained in place; however, illicit recruitment agencies circumvented the ban by sending workers through Mauritius, Kenya, Comoros, and South Africa. In an attempt to address this issue and identify agencies involved in fraudulent recruitment, in April 2016, the Ministry of Employment suspended all existing accreditations for placement agencies and established new conditions for placement agencies to become accredited. While nine agencies have completed applications under the new process, the government had not issued any accreditations by the close of the reporting period, consequently inhibiting legal recruitment of migrant workers. Ministry of Employment officials reported ongoing efforts to set up a tripartite agreement between the ministry, placement agencies, and vocational training centers that would encourage training centers to develop training programs for departing migrant workers, with the costs to be borne by the placement agencies. In partnership with an international organization, the government held several working group meetings with stakeholders, reviewed labor migration assessments, and began development of a training program for departing migrant workers.

In 2016, the Ministry of Tourism, in partnership with international organizations, disseminated the Tourism Code of Conduct against Commercial Child Sexual Exploitation and Sex Tourism to approximately 900 tourism operators in 12 regions who signed onto the Code and regional/tourism authorities in eight of the 12 regions created regional action plans to address child sexual exploitation and sex tourism. However, the government did not operationalize the tourist police branch in Ranohira Isalo, established in the previous reporting period, to protect against commercial sexual exploitation of children. The government provided general guidance to diplomatic personnel on preventing trafficking.

TRAFFICKING PROFILE

As reported over the past five years, Madagascar is a source and destination country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Malagasy children, mostly from rural and coastal regions, and from impoverished families in urban areas, are exploited in child sex trafficking, domestic servitude, and forced labor in mining, fishing, and agriculture across the country. Most child sex trafficking occurs with the involvement and encouragement of family members; however, tourist operators, hotels, taxi drivers, massage centers, and local adults in prostitution also facilitate this crime. Some children are fraudulently recruited for work in Antananarivo as waitresses and masseuses before being exploited in child sex trafficking. Reports suggest child sexual exploitation is most prevalent in tourist destinations and surrounding formal and informal mining sites. NGOs previously reported government officials' complicity in obtaining falsified national identity cards facilitates the child sex trafficking in Madagascar and forced labor in domestic servitude of Malagasy women abroad. Previous reports indicated child sex trafficking of boys was becoming more prevalent. Child domestic labor continues to be a problem and informal employment agencies recruit child domestic workers who Malagasy men exploit as child sex trafficking victims, while most child sex tourists are French and Italian nationals, and to a lesser extent, other Westerners and Comorians.

Many Malagasy women are employed as domestic workers in Lebanon, Kuwait, and Saudi Arabia, and the media reports that informal placement agencies are still attempting to circumvent the 2013 ban against sending workers to the Middle East by routing them via Mauritius, Seychelles, Comoros, and Kenya using tourist visas. Malagasy women are sent by persons acting as informal placement agents to China with falsified identity cards and exploited in forced labor and sold as brides. Reports state that Malagasy men in the Middle East may endure forced labor in the service and construction sectors and may endure forced domestic servitude in China. Recently, migrant workers are increasingly targets for blackmail or solicitation of bribes, largely consequences of the suspension of accreditation of placement agencies. Reports indicate Malagasy workers in Lebanon are victims of various forms of abuse by their employers, such as physical violence and confiscation of passports, which might have been a factor in their subsequent imprisonment.

