

Madagascar (Tier 2)

The Government of Madagascar does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Madagascar was upgraded to Tier 2. The government demonstrated overall increasing efforts by operationalizing, staffing, and providing a dedicated budget to the National Office to Combat Human Trafficking (BNLTEH) and opening a new shelter dedicated to assisting trafficking victims. The government investigated and prosecuted more suspected traffickers and provided care, assistance, and repatriations to more victims compared to the previous reporting period. The government also operationalized a new anti-corruption court whose mandate included human trafficking cases that were transnational or involved criminal networks; this court initiated prosecutions of several human trafficking cases during the reporting period. The government also adopted a national identification and referral mechanism, although implementation outside of Antananarivo was limited. However, the government did not meet the minimum standards in several key areas. The government did not convict any traffickers for the second consecutive year, contributing to a culture of impunity for offenders. Despite continued 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 or the dismissal of trafficking cases. Efforts to address internal trafficking crimes, including domestic servitude, forced begging, and sex trafficking of children remained inadequate. Although the government increased training to officials, many officials continued to lack an understanding of trafficking, impeding the government's ability to hold traffickers accountable. The government did not systematically provide services to victims, adopt strong policies to effectively regulate labor recruiters, or sign any new bilateral labor agreements with destination countries.

PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to effectively prosecute and convict suspected trafficking offenders through independent and fair trials, including complicit officials and perpetrators of internal trafficking crimes, and sentence convicted traffickers to adequate penalties. • Institutionalize the training of front-line officials on case investigation and the use of the national identification and referral

mechanism to ensure systematic identification and referral of victims to appropriate services. • Systematically and proactively identify and refer trafficking victims to appropriate care, especially for victims of internal trafficking, including domestic servitude, forced begging, and sex trafficking of children. • Establish and implement strong regulations and oversight of recruitment companies, and improve enforcement, including by prosecuting those involved in fraudulent labor recruitment. • Collaborate with destination country governments to protect Malagasy migrant workers and jointly address cases of abuse, including through bilateral labor agreements. • Increase migrant worker protections by prohibiting recruitment fees charged to migrant workers and requiring minimum salaries, pre-departure training, a mutually enforceable standard contract, a complaints mechanism for returning workers, and a public blacklist of abusive employers. • Continue to implement the expiring national action plan (NAP), including the use of a standard form for identification and referral of victims and work to adopt a new NAP. • Improve coordination between law enforcement and prosecutors/investigating judges, including regular case conferencing and conducting prosecution-led investigations. • Utilize the national centralized anti-trafficking data collection and reporting tool to improve data collection, distinguishing between trafficking and other crimes, including the number of victims identified, cases investigated and prosecuted, and the number of convictions. • Improve the national identification system, including a database and anti-fraud features, to prevent child sex trafficking through issuance of fraudulent documentation. • Increase efforts to raise public awareness of labor trafficking, including of adults subjected to forced labor.

PROSECUTION

The government maintained uneven law enforcement efforts and did not address reports of official complicity in trafficking crimes, which continued during the reporting period. Law No.2014-040 criminalized sex trafficking and labor trafficking and prescribed penalties ranging from two to five years' imprisonment and a fine of one million to 10 million Malagasy ariary (MGA) (\$288 to \$2,880) for offenses involving an adult victim, and five to 10 years' imprisonment and a fine of two million to 20 million MGA (\$576 to \$5,760) for those involving a child victim. These penalties were sufficiently stringent. For offenses involving children, with respect to sex trafficking, these penalties were commensurate with those prescribed for other serious crimes, such as rape; however, offenses involving adult

sex trafficking were not commensurate with those prescribed for other serious crimes.

National statistics on prosecutions and convictions remained difficult to obtain and verify, and the government did not maintain a national database for trafficking crimes. The government reported initiating trafficking investigations involving at least 74 possible suspects in at least 34 cases; however, as smuggling and trafficking were frequently conflated, this figure may include investigations of smuggling crimes as well. For comparison, the government initiated investigation of at least 32 suspects in 32 cases in the previous reporting period. The government reported initiating the prosecution of 56 suspected traffickers in 20 cases—charging the majority of these suspects under the anti-trafficking law, compared to the prosecution of 15 alleged traffickers in 2017. The government did not convict any traffickers during the reporting period, nor did it convict any traffickers in the prior reporting period. The Central Unit of Specialized Investigation and Fight Against Documentary Fraud within the National Police reported investigating 39 suspects for fraudulently recruiting Malagasy women for work in China; traffickers forced the women to marry Chinese men and were subsequently subjected to involuntary servitude upon arrival in China. However, efforts to investigate and prosecute internal trafficking crimes, including domestic servitude, forced begging, and sex trafficking of children, remained inadequate compared to the scale of the problem. The government operationalized an anti-corruption court whose mandate included trafficking cases that were transnational, involved criminal networks, or fraudulent documentation; the court had initiated several prosecutions during the reporting period.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. There were allegations that a high-level law enforcement official was complicit in trafficking, which allegedly led to the official's removal from his position; however, the government did not report taking law enforcement actions against this official. Reports indicated some government officials may have helped Malagasy nationals obtain fraudulent travel documentation to circumvent the 2013 travel ban. Sources allege that a network of government officials was involved in the falsification of identity documents used to facilitate child sex trafficking; however, the government did not report initiating

an investigation into these continued allegations. During the year, reports emerged that a corrupt high-level official facilitated the dismissal of trafficking cases by placing a working-level employee in a position to purposely assign trafficking cases to judges unfamiliar with the crime, frequently leading to case dismissal; the government did not report investigating these allegations. There remained a lack of coordination between agencies combatting trafficking in persons and a reluctance of victims to file charges due to fear of reprisals. The government facilitated and led eight trainings in seven cities, funded by an international organization, to educate 158 law enforcement officials, judges, civil society members, and the new Anti-Corruption Court on the use of the national victim identification and referral mechanism. The government also facilitated and led trainings, funded by an international organization, to educate 106 officials in the National Gendarmerie Academy of Moramanga and the Police Inspectors Academy of Antsirabe on victim-centered investigations. However, despite these training efforts, the government did not institutionalize anti-trafficking training and some police, immigration officers, prosecutors, and judges continued to lack a clear understanding of trafficking, which hampered law enforcement and victim identification efforts. Coordination and information sharing between the public prosecutor's office and police was inadequate and continued to hinder case progression; neither prosecution-led investigations nor case conferencing between the police and the public prosecutors occurred during the reporting period. Judges sometimes received high-level instructions to release accused sex offenders, some of whom may have been traffickers, who were often, but not always, foreign citizens. With support from an international organization, the government had access to a national centralized anti-trafficking data collection and reporting tool since 2016; however, the government has never utilized this tool.

PROTECTION

The government increased efforts to protect victims; however, efforts to address, identify, and assist child victims of domestic servitude, forced begging, and sex trafficking remained inadequate compared to the scale. Due to a lack of coordinated data collection at the national level, the government did not report comprehensive data. The government reportedly identified 85 victims and 64 potential victims who officials identified prior to their departure to Kuwait, China, and Saudi Arabia where officials determined they would be vulnerable to trafficking; this compared to 86 identified in the previous reporting period. In

addition, the government facilitated the repatriations of 177 trafficking victims back to Madagascar, including funding the repatriations of 46 adult women from Kuwait—an increase compared to 12 repatriated victims in the previous year. The government reportedly provided various forms of assistance to at least 221 trafficking victims, an increase compared to 57 assisted last reporting period. These efforts included providing temporary housing for 14 repatriated victims at its new Mitsinjo trafficking shelter for adults; vocational services to 35 children; medical, security, and reintegration assistance to 46 repatriated victims from Kuwait; psychological support from a government social worker, and with assistance from an international organization, medical, legal assistance, and financial support to 140 repatriated victims; as well as airport transportation to an unknown number of repatriated victims. NGOs and international organizations reported identifying and assisting 1,362 victims, providing 79 victims with social reintegration assistance, and providing 46 victims with hotel accommodations. Last reporting period, an international organization reported there may be as many as 200 Malagasy women still in a rural region of China, who were victims of a trafficking scheme in which deceptive or coercive brokers defrauded and sold women into marriages to Chinese men allegedly for the purpose of involuntary servitude; no additional information was available on these women or whether they were provided assistance or repatriated.

The government adopted formal national procedures to proactively identify trafficking victims and refer them for care; however, these procedures neither included a list of assistance organizations nor outlines the organizations to which victims should be referred. However, the government did not distribute these procedures and their use was limited outside of Antananarivo. The Ministry of Population, in collaboration with an international organization, continued to coordinate approximately 700 child protection networks across the country. These networks were mandated to protect children from various forms of abuse and exploitation, as well as to ensure access to medical and psychological services for victims of crime, including trafficking. However, due to lack of resources, child protection networks only provided basic assistance through public hospitals and health units and generally referred the victims to international organizations and NGOs for additional assistance. Through referral from the child protection networks, an international organization assisted 990 children (641 girls and 349 boys), including victims of sexual exploitation and the worst forms of child labor, which included various forms of child trafficking. The government opened a new

trafficking-specific shelter for repatriated adult victims; the Mitsinjo Center was a temporary shelter, owned by the government, which could hold a maximum of 12 victims and sheltered 14 total during the reporting period, with support from an international organization. Four government hospitals had “one-stop” victim support centers that offered assistance to child victims of various abuses, including sex trafficking; the one-stop support centers were located in Antananarivo, Toamasina, Mahajanga, and Nosy Be and offered victims medical assistance, psychological support, and access to the police and social workers, but the government did not report how many victims received assistance at these facilities. The Ministry of Population in Nosy Be continued to operate a foster care program for exploited children in partnership with an international organization; the program included 10 participating families who received funding from the government and hosted 18 children during the reporting period, five of which had been removed from situations of exploitative domestic labor. 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 by the Morals and Protection of Minors Police Service (PMPM); the city, in partnership with an international organization, provided food, lodging, psychological and medical aid, and educational services.

The Ministry of Foreign Affairs (MFA) had the responsibility to systematically inform the Ministry of Population when victims were in the process of repatriation; in turn, the Ministry of Population continued to contact victims upon their return and offer assistance, but reports indicated some victims were reluctant to work with the government. The 2014 anti-trafficking law required authorities to consider legal alternatives for foreign trafficking victims who believe they may face hardship or retribution if returned to their country of origin; but the government did not report providing this protection to victims during the reporting period. There were occasional reports that the government arrested or punished trafficking victims for unlawful acts traffickers compelled them to commit; police would sometimes arrest underage girls for prostitution without screening for trafficking and would sometimes temporarily keep potential transnational labor trafficking victims in police stations due to a lack of alternative accommodations. To prevent retaliation from suspected traffickers, trafficking trials could be held in private or

by camera for the sake of the victim or witness' confidentiality and privacy; however, the government did not report doing so during the reporting period. Further, while the 2014 anti-trafficking law entitled victims to restitution, for the fifth consecutive year, the government did not implement this provision.

PREVENTION

The government maintained mixed efforts to prevent trafficking and coordinate national-level anti-trafficking measures. The National Office to Combat Human Trafficking, intended to lead national efforts, received a dedicated budget for 2019 of 370 million ariary (\$106,620) for administrative costs and 90 million ariary (\$25,940) for operations. The government appointed an Executive Secretary to the BNLTEH and also provided six personnel during the reporting period; however, the BNLTEH did not demonstrate leadership in driving national efforts or raising awareness during the reporting period. In partnership with an international organization, the government continued operation of a national toll-free hotline to report child abuse; the government reported identifying nine cases of domestic servitude, and one case of child sex trafficking via the hotline during the reporting period; while children were usually assisted through the child protection networks, the government did not report providing these victims with assistance. The government did not conduct any national public awareness campaigns, despite the scale of trafficking within the country.

A 2013 ban on migrant worker travel to unspecified countries the government considered high-risk remained in place; however, illicit recruitment agencies circumvented the ban by sending workers through Mauritius, Kenya, Comoros, Ethiopia, and the Seychelles. In an attempt to address this issue and identify agencies involved in fraudulent recruitment, the government continued its suspension of all existing accreditations for placement agencies and, thus, its prohibition of recruitment of workers for employment abroad. These prohibitions on migrant workers continued to leave them with no legal means to travel abroad for work, and therefore without access to protection mechanisms available through authorized travel, increasing their vulnerability to trafficking and blackmail. The Ministry of Labor, Employment, Civil Service, and Social Laws continued to oversee the process of migrant workers traveling to non-Gulf countries by requiring contract approval by the relevant Malagasy embassy. The government did not make progress on the effort to set up a tripartite agreement between the government, placement agencies, and vocational training centers. Labor inspectors

did not take adequate action during the year to prevent or address labor violations or improve working conditions and did not have jurisdiction to enter private homes to inspect conditions for domestic workers. In partnership with an international organization, the Ministries of Foreign Affairs and Labor held several workshops to develop bilateral labor agreements with Saudi Arabia, Lebanon, Kuwait, Jordan, and Mauritius, but it had not signed any new bilateral agreements with destination country governments by the end of the reporting period.

The government made efforts to reduce the demand for commercial sex, including child sex tourism, but not for forced labor. In 2018, the Ministry of Tourism, in partnership with international organizations, focused on monitoring the commitment of the approximately 1,000 tourism operators in 12 regions who had previously acceded to the Tourism Code of Conduct against Commercial Child Sexual Exploitation and Sex Tourism. The Ministry of Tourism conducted 178 compliance inspections in five regions to ensure that operators were adhering to the code, but did not report if any were in violation of the code or steps taken to rectify noncompliance. The Ministry of Tourism conducted hotel inspections, reminding hotels of their obligation to display posters in their reception areas publicizing the prohibition of child sexual exploitation; the government also maintained such billboards at airports as a warning for tourists. The Ministry of Tourism, in partnership with NGOs, handed out pamphlets to tourists reminding them that child sex trafficking was illegal. However, despite the continued prevalence of sex tourism, the government did not report any prosecutions or convictions for sex tourism, and reports of official complicity in such crimes continued. The government did not provide anti-trafficking training to diplomats.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Madagascar, and traffickers exploit victims from Madagascar abroad. Traffickers exploit Malagasy children, mostly from rural and coastal regions, and from impoverished families in urban areas, in child sex trafficking, domestic servitude, and forced labor in mining, fishing, and agriculture across the country. The prevalence of child forced begging has increased in Antananarivo; reports indicated that children, including disabled children, are forced to work for long hours and in dangerous conditions, frequently at the behest of their parents. 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. Traffickers fraudulently recruit some children for work in Antananarivo as waitresses and masseuses before exploiting them in child sex trafficking. Traditional practices of arranged marriage, bride purchase, and girl markets continued to leave girls vulnerable to child sex trafficking. Uneducated women from rural areas were the most vulnerable to trafficking abroad, while girls from poor, single-parent, or unstable families were the most vulnerable to trafficking domestically. Malagasy men exploit the majority of child sex trafficking victims. Reports suggest child sexual exploitation is also prevalent in tourist destinations, urban cities, vanilla growing regions, and surrounding formal and informal mining sites. The majority of child sex tourists are French and Italian nationals, and to a lesser extent, other Westerners and Comorians. NGOs previously reported government officials' complicity in obtaining falsified national identity cards facilitates 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. Forced labor persisted in the context of "dinas," which were informal arrangements for payment or in response to wrongdoing and a way of resolving conflicts or paying debt; these arrangements persisted because authorities did not effectively enforce the law.

Many Malagasy women are employed as domestic workers in Lebanon, Kuwait, China, 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. Traffickers acting as agents in labor recruitment agencies send Malagasy women to China with falsified identity cards where they are then 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 Gulf States 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.