

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 operationalizing a new Morals and Child Protection Unit (SPEM), coordinating with law enforcement of a foreign government to investigate a trafficking network, and referring more victims to care. However, the government did not demonstrate increasing efforts compared to the previous reporting period. 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. The government continued to lack formal procedures to proactively identify trafficking victims, and did not systematically provide services to victims. For the second consecutive year, the government did not provide funding to the National Office to Combat Trafficking, inhibiting its ability to lead national efforts, raise awareness, and operationalize the national action plan. Therefore Madagascar remained on Tier 2 Watch List for the second consecutive year.

RECOMMENDATIONS FOR MADAGASCAR

Increase efforts to 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; replace the general suspension of recruitment agencies sending migrant workers abroad with strong regulations that are consistently enforced; 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 national level data collection on law enforcement efforts, distinguishing between trafficking and other crimes, including the number of victims identified, cases investigated and prosecuted, and the number of convictions.

PROSECUTION

The government slightly decreased law enforcement efforts and reports of alleged official complicity continued during the year. Law No.2014-040 criminalized sex

and labor trafficking, including sexual exploitation, labor trafficking, forced labor, forced begging, and debt bondage. It prescribed penalties ranging from two to five years imprisonment and financial penalties; child trafficking convictions were subject to penalties of five to 10 years imprisonment and financial penalties. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape.

National statistics on prosecutions and convictions remained difficult to obtain and verify, as there was no national database for trafficking crimes. The government reported initiating 32 trafficking investigations, an increase from the previous reporting period for which the government did not report the number of investigations. The government reported initiating the prosecution of 15 alleged traffickers, charging the majority of these suspects under the anti-trafficking law; this is compared with the prosecution of 32 alleged traffickers in 2016. The government also prosecuted 36 alleged traffickers for attempted human trafficking under the 2014 anti-trafficking law for trying to send migrant workers abroad, but it is unclear whether these cases involved attempted trafficking in persons. The government did not report the number of convictions, a decrease from three reported convictions in 2016. The Central Unit of Specialized Investigation and Fight Against Documentary Fraud (SCESLFD) within the National Police reported investigating six cases in which Malagasy women were fraudulently recruited for work on Chinese tea plantations, but instead were forced to marry Chinese men and were subjected to involuntary servitude. In a separate case, the SCESLFD police unit cooperated with law enforcement officials from China to investigate a trafficking network suspected of sending women and children to China for sex trafficking and forced labor. Once alerted, the Chinese police located and arrested the suspected trafficker—a Malagasy woman—and extradited her to Madagascar, where the investigation remained ongoing. The SCESLFD also investigated 16 recruitment companies, some of whom may have been fraudulently recruiting workers to send to Kuwait. In partnership with an international organization, the government operationalized SPEM to investigate crimes involving children in rural areas, including trafficking; it investigated five cases of trafficking during the reporting period. The Police Service's Morals and Protection of Minors (MPPM) unit continued to lead anti-trafficking law enforcement efforts in the capital.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses despite allegations of corruption and complicity, including continued reports of an alleged network of

government officials involved in falsification of identity documents used to facilitate child sex trafficking. 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 facilitated and led workshops, funded by an international organization, to educate law enforcement and civil society in Antananarivo, Mahajanga, Sambava, Fianarantsoa, Antsiranana, and Toliara on the enforcement of the anti-trafficking laws and victim identification and referral.

PROTECTION

The government maintained uneven efforts to protect victims. The government reportedly identified 86 victims, a decrease compared to 117 identified in the previous reporting period. The government reportedly referred at least 57 to care during the reporting period, an increase compared to 41 last reporting period. An NGO identified and assisted 147 victims. However, due to a lack of coordinated data collection at the national level, this data may not be comprehensive. The government reported housing 35 child trafficking victims in a children's shelter and repatriating 12 transnational trafficking victims; this compared to 35 sheltered and 70 repatriated victims in the previous year. The police reported identifying 70 potential victims, to whom they provided temporary accommodation in police stations, given the lack of alternative shelter options across the country. The government reported identifying 16 Malagasy women in China and facilitated, but did not fund, the repatriation of 12, with some receiving travel documents and basic assistance from the Malagasy embassy in China, and all receiving care upon return. An international organization reported there might be as many as 200 Malagasy women still in a rural region of China, who were also victims of the same trafficking scheme where deceptive or coercive brokers defrauded and sold women into marriages to Chinese men for the purpose of involuntary servitude. An NGO in China reported identifying at least two trafficking victims, helped them pursue legal action, and then coordinated their repatriation. The Ministry of Population assisted 10 trafficking victims that returned from Gulf countries where traffickers exploited them as domestic servants; the government provided all the victims with psychological support and medical care, and five victims additionally received financial aid for their socioeconomic reinsertion and vocational training.

The government remained without formal national procedures to proactively identify trafficking victims or refer victims for care; however, an international organization had previously supported the creation of a trafficking victim identification and referral manual, which the government updated during the

reporting period and disseminated to 80 stakeholders in Antananarivo, Mahajanga, Sambava, Fianarantsoa, Antsiranana, and Toliara. 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 700 child protection networks across the country, a decrease from 780 in the prior reporting period. 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. However, during the reporting period, the networks' ability to provide protective services were inadequate, as they generally referred victims to NGOs to receive care. 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, but the government did not report how many children it placed in foster families during the reporting period. 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 PMPM; the city, in partnership with an international organization, provided food, lodging, psychological and medical aid, and educational services.

The foreign ministry had the responsibility to systematically inform the Ministry of Population when victims were in the process of repatriation; in turn, the Ministry of Population would contact the victims upon their return and offer assistance, but reports indicated most victims were reluctant to work with the government to accept assistance. 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. 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 national procedures to identify trafficking victims, some victims might have remained unidentified in the law enforcement system. The government would sometimes require the testimony of identified trafficking victims as a condition of using the police station as temporary shelter. To prevent retaliation from suspected traffickers, trafficking trials might 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 in the reporting period. Further, while the 2014 anti-trafficking law entitled victims to restitution, for the fourth consecutive year, the government did not implement this provision.

PREVENTION

The government maintained efforts to prevent trafficking and coordinate national-level anti-trafficking measures. 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. The government continued to employ a national toll-free hotline to report child abuse, including child trafficking. The Ministry of Justice continued its anti-trafficking awareness campaign to educate the public on the 2014 anti-trafficking law through weekly national radio broadcasts.

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 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 continued to leave migrant workers vulnerable to blackmail and human trafficking. The government did not make progress on the effort to set up a tripartite agreement between the government, placement agencies, and vocational training centers. The government did not collaborate with destination country governments to protect Malagasy migrant workers and jointly address cases of abuse.

The government made some efforts to reduce the demand for sex tourism; in 2017, the Ministry of Tourism, in partnership with international organizations, facilitated approximately 1,000 tourism operators in 12 regions to accede to the Tourism

Code of Conduct against Commercial Child Sexual Exploitation and Sex Tourism. The Ministry of Tourism conducted hotel inspections, reminding hotels of their obligation to display posters publicizing the prohibition of child sexual exploitation in their reception areas; the government also maintained such billboards at airports as a warning for tourists. However, despite the 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 its troops prior to their deployment abroad as part of international peacekeeping missions.

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. 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. Some children are fraudulently recruited for work in Antananarivo as waitresses and masseuses before being exploited in child sex trafficking. Malagasy men exploit the majority of child sex trafficking victims. Reports suggest child sexual exploitation is also prevalent in tourist destinations 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. 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.