

Département d'Etat des Etats-Unis - Office To Monitor and Combat Trafficking in Persons

Trafficking in Persons - Report 2012

MADAGASCAR (Tier 3)

Madagascar is a source country for women and children subjected to forced labor and sex trafficking. Reports indicate that sex and labor trafficking of Madagascar's citizens has increased, particularly due to a lack of economic development and a decline in the rule of law since the current political crisis began in March 2009. An estimated 4,000 Malagasy women are employed as domestic workers in Lebanon. Many are single mothers that come from rural areas and are illiterate or poorly educated, making them vulnerable to deception and abuse at the hands of recruitment agencies and employers. At least five deaths were reported in this population during the year. Trafficking victims returning from Lebanon also reported rape, psychological abuse, physical torture and violence, sexual harassment and assault, harsh working conditions, confinement to the home, confiscation of travel documents, and withholding of salaries. Recent reports indicate that Malagasy citizens are fraudulently recruited for jobs in China, only to be forced into marriage or debt bondage upon their refusal to marry.

Malagasy children, mostly from rural areas, are subjected to domestic servitude, prostitution, forced begging, and forced labor in mining, fishing, and agriculture within the country. In addition, children are used in the commission of crimes, such as drug trafficking. Most child trafficking occurs with the involvement of family members, but friends, transport operators, tour guides, and hotel workers also facilitate the exploitation of children. Parents in the southern regions send girls to local markets without money for groceries, forcing them to prostitute themselves in what is known as Tsenan'Ampela or "girls market" to earn enough to buy food for the family. In a practice known as Miletra, parents in the northeastern regions force their daughters into prostitution, directly negotiating the price and duration in advance. A child sex tourism problem exists in coastal cities, including Tamatave, Nosy Be, Diego Suarez, and Majunga, as well as the capital, Antananarivo. Some children are fraudulently recruited for work in the capital as waitresses, maids, and masseuses before being coerced into prostitution on the coast. Most child sex tourists are French nationals with some reports of German and Italian nationals. The main clients of prostituted boys and girls, however, are Malagasy men.

The de facto Government of Madagascar does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Since the March 2009 coup, combating human trafficking has not been a priority, despite the growing size of the problem both internally and transnationally. Anti-trafficking efforts remained negligible during the year. Despite widespread allegations of child sex tourism and sex trafficking, the government failed to prosecute or convict trafficking offenders and did not identify or refer victims to necessary services. Pervasive corruption and minimal capacity throughout the entire justice system, lack of awareness of the anti-trafficking law, and official complicity in trafficking crimes, including allegations of police protection of clients of children in prostitution, contributed to the dismal state of anti-trafficking law enforcement efforts in Madagascar. The de facto government for a third year did not engage the Government of Lebanon regarding protection of and legal remedies for exploited Malagasy workers and failed to coordinate the repatriation of Malagasy citizens from Lebanon during the reporting period.

Recommendations for Madagascar: Utilize the anti-trafficking law, including at the provincial level, to investigate and prosecute trafficking offenses, including those involving forced labor and public officials suspected of trafficking-related complicity; amend the anti-trafficking law to provide sufficiently stringent penalties for labor trafficking; open a dialogue with the Government of Lebanon on improving protections for Malagasy workers and jointly addressing cases of abuse; consider establishing a consulate in Lebanon to provide consular and, when needed, protective services to Malagasy workers; institute a process for law enforcement officials to document trafficking cases, interview potential victims, and refer trafficking victims for assistance; increase efforts to raise public awareness of labor trafficking; and provide anti-trafficking training to law enforcement, labor, and social welfare officials.

Prosecution

The Malagasy de facto government's anti-trafficking law enforcement efforts diminished over the year, as it completed no investigations or prosecutions of trafficking offenders. Anti-Trafficking Law No. 2007-038 prohibits all forms of human trafficking but prescribes punishments only for sex trafficking. Penalties for violation of the law range from two years' to life imprisonment and are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 262 of the labor code criminalizes labor trafficking, for which it prescribes insufficiently stringent penalties of one to three years' imprisonment. Decree 2007-563 prohibits and prescribes insufficiently stringent punishments of up to two years' imprisonment for various forms of child trafficking, including prostitution, domestic servitude, and forced labor.

The de facto government has never used its anti-trafficking law to punish traffickers. Authorities neither investigated nor prosecuted cases of forced labor during the reporting period and, despite widely publicized allegations against two French child sex tourists during the year, made minimal efforts to investigate allegations of sex trafficking. Public officials' complicity in human trafficking remained a significant problem. In May 2011, one French national resident paid and procured two girls for another French national resident of Madagascar and later sold film footage of the girls engaged in sex acts. Despite public calls for the investigation of the case, authorities apprehended only one suspect whose current location cannot be confirmed. Credible reports indicate that the other suspect met with the de facto Minister of Justice, who assigned police officers to guard his residence to prevent his arrest. In remote parts of Madagascar, local authorities reportedly procured underage girls for sexual exploitation by visiting Malagasy dignitaries. Corrupt police permitted organized child prostitution rings to operate, particularly in Nosy Be. Local police generally remained hesitant to pursue child sex trafficking and child sex tourism offenses because of deep-rooted corruption, pressures from the local community, or lack of knowledge of the anti-trafficking law. The regime reported no efforts to investigate, prosecute, convict, or sentence public officials complicit in human trafficking.

Protection

The de facto Malagasy government made negligible efforts to protect victims. One of the few de facto government officials to demonstrate commitment to working on trafficking, the de facto Minister of Population and Social Affairs who formerly coordinated the repatriation of victims from Lebanon, died in an accident in August 2011. Following the March 2011 repatriation of 85 women, government officials – including the honorary Malagasy consul in Lebanon – failed to organize any additional repatriations or support repatriations organized by NGOs during the year. In March 2011, over 600 Malagasy awaited repatriation from Lebanon, 140 of which were classified as victims in need of emergency repatriation. In 2011, an NGO organized the repatriation of 427 Malagasy citizens, 153 of whom reported physical, psychological, or sexual abuse. For a third year, the de facto government did not engage the Government of Lebanon regarding the protection of and legal remedies for exploited workers. Madagascar's honorary consul in Beirut was ineffective in addressing the needs of Malagasy trafficking victims, often encouraging victims to return to their employment agencies and not advocating for victim protection or investigations into allegations of abuse.

The de facto government lacked procedures to proactively identify trafficking victims among vulnerable populations and did not provide services or refer victims for care in a systematic way. NGOs provided counseling, legal services, and medical care to victims, and referred them to government hospitals. The de facto government provided medical and psychiatric care on a case-by-case basis at one public hospital in Befelatanana. No other hospitals provide such services free of charge. Services and facilities are insufficient and often nonexistent in areas beyond Antananarivo. The de facto government may arrest and punish internal trafficking victims for unlawful acts committed as a direct result of being trafficked. It did not encourage victims to assist in the investigation and prosecution of their exploiters.

Prevention

The de facto government made negligible efforts to prevent trafficking during the reporting period. It maintained the suspension of several employment agencies implicated in human trafficking and continued the November 2009 ban on sending domestic workers to Lebanon. However, many agencies reportedly continued to send workers directly to Lebanon, and unofficial networks now reportedly send Malagasy migrant workers through Mauritius, South Africa, Kuwait, Egypt, France, or the Seychelles to circumvent the ban. The de facto government officially began a labor recruitment program to send Malagasy garment sector workers to Jordan and Kuwait. Although conditions were reported to be acceptable, the de facto government did not make an effort to improve its oversight of recruitment agencies before beginning the new program.

Source : <http://www.state.gov/j/tip/rls/tiprpt/2012/192367.htm>