



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All Migrant
Workers and Members of Their Families**

**Initial report submitted by Madagascar under
article 73 of the Convention, due in 2016^{*}, ^{**}**

[Date received: 8 August 2018]

* The present document is being issued without formal editing.
** The annexes to the present report are on file with the Secretariat and are available for consultation.



Contents

Page

List of tables

I.	General information	4
A.	Geographic information	4
B.	Demographic information	5
C.	Political and legal information	5
D.	Economic information	5
E.	Social information	6
F.	Legal framework	7
G.	Acceptance of international norms	7
H.	Cooperation	7
I.	Preparation of the report	8
II.	Replies to the list of issues	9
	Section I	9
A.	Information of a general nature	9
B.	Information in relation to the articles of the Convention	14
	Section II	25
	Section III	25

List of tables

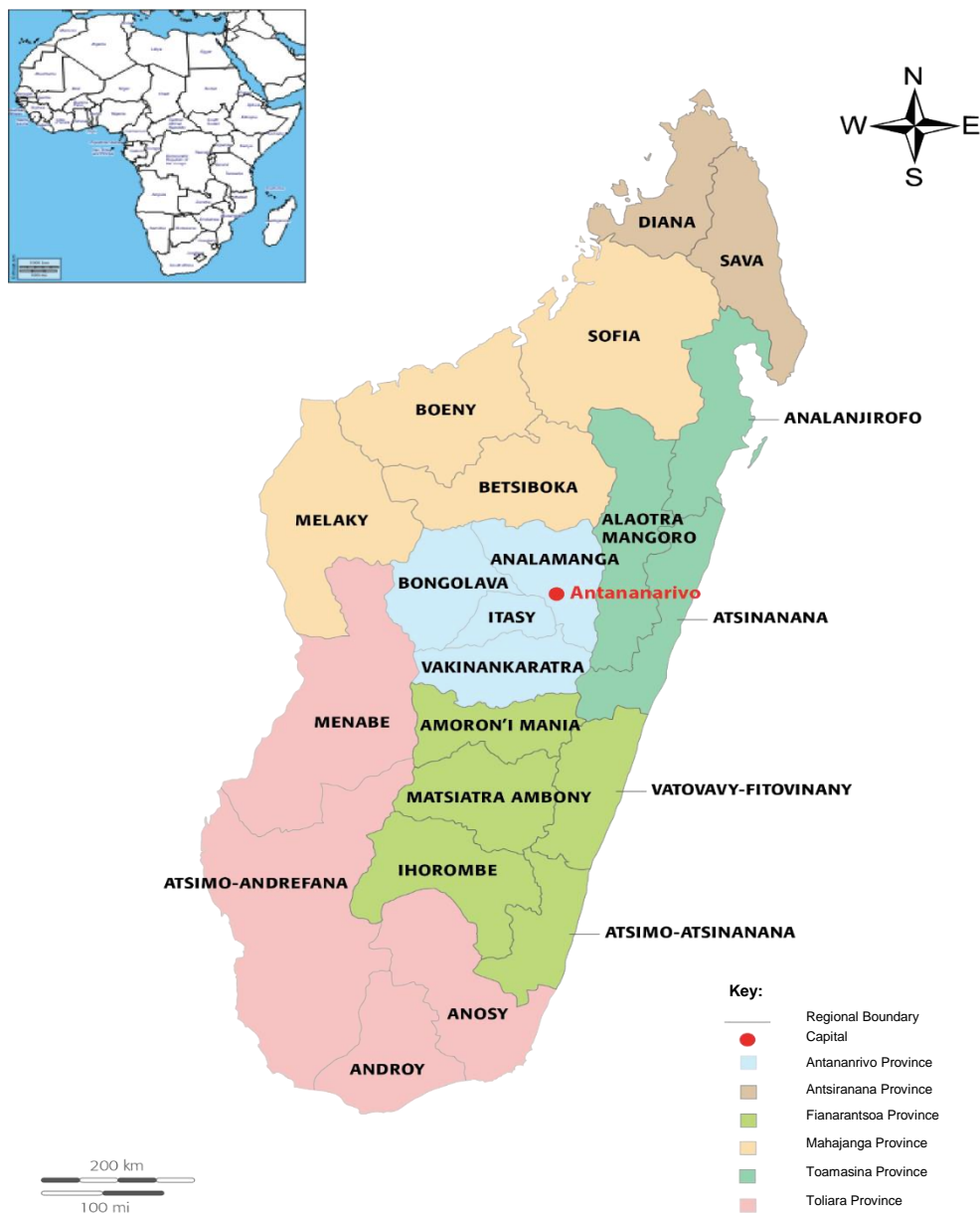
	<i>Page</i>
Table 1: Nominal and real gross domestic product (GDP) and the rate of inflation.....	6
Table 2: Exports covered by the African Growth and Opportunity Act.....	6
Table 3: Evolution in the number of employment contract visas (2015–2018).....	11
Table 4: Annual statistics on foreign nationals removed from Madagascar in 2015, 2016, 2017 and 2018	11
Table 5: Number of complaints from migrant workers in difficulty	14

I. General information

A. Geographic information

1. Madagascar is, by size, the largest island in the Indian Ocean and the fourth largest in the world, with a surface area of 587,295 km², a length of 1,580 km, a breadth of 580 km and 5,000 km of coastline. It is located 400 km from the coast of Southern Africa, across the Mozambique Channel.
2. The country has a highly diverse tropical climate, with a hot and humid season and a cooler, much less rainy season. Temperatures vary according to elevation and by season.
3. Madagascar is divided into 6 provinces, 22 regions, 119 districts, 1,695 communes and 17,485 *fokontany*.

Map 1
Territorial divisions of Madagascar



B. Demographic information

4. According to the demographic projection of the National Statistics Institute, in 2015, the population was estimated to be 23,040,065 people. The annual growth rate stands at 2.7 per cent. The Third General Population and Housing Census is due to be completed this year, in 2018.

5. The population is young, with children under 5 years of age accounting for more than 20 per cent and under 15 years of age accounting for 49 per cent. The ratio of males to females is 98 per cent.

6. According to the 2012–2013 National Survey on the Follow-up to the Millennium Development Goals, 17 per cent of the Malagasy population lives in urban areas and 83 per cent in rural areas.

C. Political and legal information

Political system

7. Madagascar has been an independent and democratic republic since 1960.

8. There have been four Malagasy republics, under different regimes. The transition to the Fourth Republic was preceded by a sociopolitical crisis in 2009. Afterwards, a transitional authority governed the country for five years.

9. To bring this crisis to an end, on 17 September 2011, 11 political parties signed a road map, under the auspices of the international community. This road map was incorporated into the domestic legal system by Act No. 2011-014 of 28 December 2011.

10. In 2013, combined presidential and legislative elections funded by the Project to Support the Electoral System of Madagascar were held by an independent electoral body known as “CENI-T”, with the participation of national and international observers.

11. Following the voting, Mr. Hery Martial Rajaonarimampianina Rakotoarimanana was elected President of the Fourth Republic and took office on 25 January 2014.

12. In Madagascar, democratic freedoms are recognized and guaranteed by law. Legislation has been adopted since 2011 governing political parties, the status of the opposition and elections.

Legal system

13. Judicial authority is exercised by the Constitutional Court, the Supreme Court and the three courts (the Court of Cassation, the Council of State and the Court of Auditors) and the High Court of Justice.

14. The Malagasy judiciary operates according to the double-hearing principle.

D. Economic information

15. In order to revitalize the Malagasy economy, the Government devised the National Development Plan 2015–2019, which covers the following five strategic areas:

- Governance, rule of law, security, democracy and national solidarity
- Macroeconomic stability and support for development
- Inclusive growth and local development
- Human capital for the development process
- Promotion of natural resources and resilience to disaster risks

16. This strategic document covering the period 2015–2019 was devised as part of the General State Policy and takes into account the Sustainable Development Goals.

17. In order to meet the objectives of the National Development Plan, an implementation plan was drawn up to guide the actions to be taken by the relevant institutions and ministries.

18. In 2016, the country's economic growth was estimated to be 4.2 per cent, compared with 3.1 per cent in 2015, an increase of 1.1 percentage points.

19. The changes in the country's macroeconomic data from 2011 to 2016 are shown below.

Table 1

Nominal and real gross domestic product (GDP) and the rate of inflation

<i>Year</i>	<i>Nominal GDP (billions of MGA)</i>	<i>Real GDP (billions of MGA)</i>	<i>Increase (per cent)</i>	<i>Inflation (per cent)</i>
2016	31 773	710	4.1	6.7
2015	28 585	685	3.1	7.4
2014	25 775	663	3.3	6.1
2013	23 397	642	2.3	5.8
2012	21 774	627	3.0	5.8
2011	20 034	609	1.5	9.5

Source: National Statistics Institute/DSY/MEP.

E. Social information

20. In Madagascar, unemployment is a predominantly urban phenomenon; 75.3 per cent of unemployed persons are young people under 30 years of age, and 58.5 per cent are women.¹ According to the definition of "unemployment" used by the International Labour Office, the unemployment rate stood at 1.3 per cent in 2012.

21. In 2012, the local labour market was characterized by a massive underemployment rate of 81.2 per cent and by disguised unemployment.²

22. Generally speaking, the informal sector is a source of employment. In 2012, 93 per cent of employed persons performed their main jobs in the informal agricultural and non-agricultural sectors.

23. Since Madagascar regained its status under the African Growth and Opportunity Act on 26 June 2014, more than 7,000 export products have benefited from preferential access to the United States market.

24. In addition, of 35 companies that have received eligibility certificates, 20 have already become operational, creating a total of 39,073 jobs.

Table 2

Exports covered by the African Growth and Opportunity Act

	<i>2015</i>	<i>2016</i>	<i>January–October 2017</i>
Export volume (kg)	3 561 030.83	6 992 024.22	9 661 976.98
Export value (US\$)	16 569 193.89	47 570 026.90	53 699 795.95

Source: Ministry of Industry and Private Sector Development.

¹ Source: National Survey on Employment and the Informal Sector.

² Persons of working age who, for reasons beyond their control (insufficient qualifications, no birth certificate, in an irregular situation, illness ...), remain economically inactive.

Nationality

25. Madagascar is home to various nationalities, including citizens of France, China, India and Pakistan, African countries, the Philippines, the Comoros, the United States of America and Italy, as well as stateless persons.

F. Legal framework

Constitution

26. The Constitution of the Republic of Madagascar reaffirms the country's commitment to respecting fundamental rights and freedoms. It enshrines the equality of all persons in law without discrimination of any kind.

27. It also guarantees rights for all, without any form of discrimination, the right to work and the right to freely choose one's work.

G. Acceptance of international norms

28. In addition to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, Madagascar is a State party to the core international legal instruments on human rights and the related optional protocols.

29. In addition, Madagascar has ratified:

- The International Labour Organization (ILO) Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
- The ILO Labour Inspection Convention, 1947 (No. 81).
- The ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).
- The ILO Minimum Age Convention, 1973 (No. 138); in Madagascar the minimum working age is set at 15 years.
- The ILO Abolition of Forced Labour Convention, 1957 (No. 105).
- The ILO Equal Remuneration Convention, 1951 (No. 100).
- The ILO Migration for Employment Convention (Revised), 1949 (No. 97), excluding the provisions of Annex III on the importation of the personal effects, tools and equipment of migrants for employment.
- The ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129).
- The ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111).
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

30. At the regional level, Madagascar is a State party to:

- The African Charter on Human and Peoples' Rights
- The African Charter on the Rights and Welfare of the Child
- The African Charter on Democracy, Elections and Governance

31. In 2004, Madagascar signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

H. Cooperation

32. In terms of cooperation, Madagascar enjoys the support of the technical and financial partners present in the country. These include a number of agencies from the United Nations system (the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), ILO, the United Nations Population Fund, the World Health Organization, the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Educational, Scientific and Cultural Organization), the European Union, the African Union, the Southern African Development Community, the International Organization of la Francophonie and the International Organization for Migration (IOM), whose work covers all areas of human rights, migration, the fight against trafficking, health, education and the environment.

I. Preparation of the report

33. As to the preparation and submission of reports to the treaty bodies, in 2003 Madagascar established, by Decree No. 18600/2003, an interministerial committee responsible for drafting national reports for the treaty bodies and the universal periodic review. The Decree was amended by Decree No. 28-775/2017 of 21 November 2017, which established a drafting committee for initial and periodic reports on human rights.

34. The drafting committee, which is composed of 54 representatives of the Senate, the National Assembly, relevant ministries and civil society organizations working in the field of human rights, has the following mandate:

- To prepare the initial and periodic reports of Madagascar on human rights
- To monitor the implementation of the recommendations made by treaty bodies, the Working Group on the Universal Periodic Review and the special rapporteurs

35. In preparing this report, the drafting committee produced a first draft based after collecting data in response to the list of issues prior to submission of the initial report of Madagascar (CMW/C/MDG/QPR/1), which was transmitted on 22 May 2017, before producing the final text. Two workshops involving representatives of the relevant ministries who were members of the committee, representatives of civil society organizations working in the field of migration and a representative of the National Independent Human Rights Commission were organized by the Ministry of Justice, in partnership with OHCHR. The report follows the harmonized guidelines in document HRI/GEN/2/Rev.2/Add.1 of 6 May 2005 on the form and content of initial reports to be submitted by States parties under article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

36. As to cooperation with the treaty bodies, Madagascar is continuing its efforts to meet its reporting obligations.

37. For example, in April 2015, it submitted:

- Its combined sixth and seventh periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women
- Its two initial reports under the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

38. In July 2017, Madagascar submitted its fourth periodic report on the implementation of the International Covenant on Civil and Political Rights to the Human Rights Committee.

39. Madagascar also submitted reports to the Human Rights Council's Working Group on the Universal Periodic Review in 2010 and 2014.

40. Similarly, pursuant to the commitments made by its representatives to the United Nations system, Madagascar prepared and submitted a universal periodic review midterm

report in 2017. The document has been used to evaluate the implementation of the recommendations of the Working Group on the Universal Periodic Review at the halfway point.

41. The combined third and fourth periodic reports of Madagascar on the implementation of the Convention on the Rights of the Child were submitted in 2012.

42. Lastly, at the regional level, Madagascar submitted its initial report on the implementation of the African Charter on the Rights and Welfare of the Child to the African Committee of Experts on the Rights and Welfare of the Child in 2015.

43. In carrying out its work, the drafting committee received technical and financial support from UNDP, OHCHR and UNICEF.

II. Replies to the list of issues

Section I

A. Information of a general nature

Reply to the questions raised in paragraph 1, on the domestic legal framework

44. Article 137 (4) of the Malagasy Constitution of 2010 provides that: “duly ratified international conventions take precedence over domestic law”. As a result, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which Madagascar ratified in 2015, is part of its positive domestic law.

45. Long before the ratification of the Convention, Madagascar had already espoused the principles of protection of migrant workers, through:

- Act No. 2007-036 of 14 January 2008 on investments. The Act provides guarantees to migrant workers by creating an enabling, practical and transparent environment for investment activities. It also regulates the granting of visas, work permits and foreign investors’ access to real estate.
- Act No. 2007-037 of 14 January 2008 on export processing zones and their enterprises. The Act guarantees the remittance of expatriate salaries by the State of employment.
- Act No. 2003-028 of 22 August 2003 supplements Act No. 2002-006 on access to real estate. It regulates the acquisition of real estate by investors.
- Decree No. 20307/2015/MEETFP of 11 June 2015. The Decree lays down the procedure for granting and withdrawing permits for private employment agencies, and their obligations.

46. Act No. 2003-044 of 28 July 2004 containing the Labour Code already prescribes criminal penalties for non-compliance with formalities relating to displaced workers, mandatory provisions or specifications, rights, transport costs and employment contracts for Malagasy nationals recruited in Madagascar to work abroad. It also criminalizes clandestine emigration operations moving Malagasy workers outside the country and failure by foreigners working in the country to obtain prior authorization from the Ministry of Labour.

47. Under the Convention, the framework agreement between the Republic of Madagascar and the Union of the Comoros was renewed in 2016. A bilateral employment agreement on the migration of domestic workers with Saudi Arabia has been under negotiation since 2017. This agreement, which will be transmitted to the National Office to Combat Human Trafficking and the National Independent Human Rights Commission for comments prior to its adoption by the Government Council, will serve as a model for bilateral employment agreements with other countries.

48. In addition, a bilateral employment agreement negotiated between Madagascar and Mauritius at the first ministerial session of the Joint Commission, in May 2018, is in the process of being concluded.

49. A number of other bilateral agreements have also been entered into, including:

- The general social security agreement between the Government of the French Republic and the Government of the Republic of Madagascar of 8 May 1967
- The agreement on the social security scheme for seafarers of 8 November 1969 supplementing the social security agreement of 8 May 1967 between France and Madagascar
- Cooperation agreements between the Government of the French Republic and the Government of the Republic of Madagascar, signed in Paris, and the exchange of letters regarding the continuation of the agreements of 4 August 1973 between France and Madagascar

50. These agreements cover, inter alia:

- Regulations for sending any domestic workers
- Pay
- Protection and improvement of working conditions and occupational health and safety
- State protection and assistance for migrant workers in difficulty
- Taxation and social security

Reply to the questions raised in paragraph 2, on the policies and strategies relating to the rights of migrant workers and members of their families adopted by Madagascar

51. Under the Vienna Convention on Consular Relations and the Vienna Convention on Diplomatic Relations, the Ministry of Foreign Affairs must and does provide assistance to all Malagasy nationals in difficulty and to victims of trafficking, violence and ill-treatment. To this end, the Ministry created a directorate responsible for the Malagasy diaspora in 2015 and a service responsible for protecting and assisting Malagasy nationals abroad in 2017.

52. In 2016, a project to construct a profile of the Malagasy diaspora in France was carried out jointly by the Ministry of Foreign Affairs and IOM. The aim of the project is to determine the social and vocational profile of Malagasy nationals living in France.

Reply to the questions raised in paragraph 3, on the government ministry or institution responsible for the implementation of the Convention

53. No single entity has as yet been set up for the implementation of the provisions of the Convention.

54. At present, issues relating to migrant workers fall within the purview of:

- The Ministry of Public Service, Administrative Reform, Labour and Social Laws, acting through the Directorate for Displaced Workers, which grants work permits for expatriates
- The Ministry of Employment, Technical Education and Vocational Training, acting through the Directorate for Overseas Employment and Labour, which issues employment contract visas for emigrant workers
- The Ministry of Foreign Affairs, acting through the Directorate for the Diaspora, which provides assistance to all Malagasy nationals in difficulty
- The Ministry of Population, Social Protection and the Advancement of Women, acting through the Directorate for Expatriate Support, which provides assistance and protection to returning emigrant workers

- The Ministry of Public Security and the State Secretariat for the Gendarmerie of the Ministry of National Defence, which are responsible for the control of foreign nationals and the issuance of travel documents

55. In order to monitor the emigration of workers, an interministerial committee was established within the Ministry of Employment, Technical Education and Vocational Training by Decree No. 23993/2015/MEETFP of 23 July 2015. The committee's main function is to protect the interests of Malagasy migrant workers abroad.

Reply to the questions raised in paragraph 4, on qualitative information and statistical data, disaggregated by sex, age, nationality and migration status, on labour migration flows to and from Madagascar

56. The lack of disaggregated statistical data on labour migration, unaccompanied children and children left behind by migrant parents complicates the task of assessing the level of implementation of the Convention.

57. However, statistics collected by the Ministry of Employment, Technical Education and Vocational Training provide some information on migrant workers abroad since 2015.

Table 3

Evolution in the number of employment contract visas (2015–2018)

Country	2015			2016			2017			2018		
	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total
Hong Kong	0	4	4	0	0	0	0	0	0	0	0	0
Seychelles	0	3	3	1	0	1	0	0	0	0	1	1
Mauritius	34	53	87	11	17	28	115	38	153	15	3	18
France	0	0	0	0	0	0	0	0	0	0	1	1
Total	34	60	94	12	17	29	115	38	153	15	5	20

Source: Ministry of Employment, Technical Education and Vocational Training, January 2018.

58. According to the table, the number of foreign migrant workers who obtained an employment contract visa from the Ministry of Employment, Technical Education and Vocational Training decreased significantly in 2016, from 94 in 2015 to 29.

59. In 2017, 153 foreign migrant workers obtained an employment contract visa, including 115 men and 38 women. In January 2018, the Ministry issued 20 employment contract visas.

Table 4

Annual statistics on foreign nationals removed from Madagascar in 2015, 2016, 2017 and 2018

Year	Number of foreign nationals removed	Grounds
2015	80	– Illegal stay
2016	81	– Prohibition of entry
2017	201	– Regularization of status
January 2018	10	– Lost/expired passport
		– Incorrect visa
		– Clandestine worker
		– Forgery and use of forged long-stay visa
Total	372	– Obtaining a visa by irregular means

Source: Central emigration control service.

Reply to the questions raised in paragraph 5, on the establishment of the National Independent Human Rights Commission

60. The National Independent Human Rights Commission was established by Act No. 2014-007 of 2 July 2014. It has been operational since 13 October 2016, when its members were sworn in. This new human rights institution complies with the Paris Principles, as its members are independent and most of its membership is composed of representatives of civil society organizations working in the field of human rights and elected by their peers; the institution takes orders from no one and has its own budget, which figures in the financing and budget legislation.

61. The National Independent Human Rights Commission is competent to receive complaints from individuals concerning human rights violations. It examines such complaints with a view to issuing an opinion or a recommendation.

62. The Commission is also competent to conduct visits to places of detention, including places where migrant workers are detained.

63. To make the Commission operational, the Ministry of Finance and Budget provided it with a building to serve as its headquarters. A secretary-general, an accounting officer and procurement staff have also been appointed to ensure the smooth running of the institution.

64. The Commission has already conducted activities to promote and protect human rights. Since 2016, awareness-raising campaigns and regional visits have been conducted and radio and television programmes have been broadcast.

Reply to the questions raised in paragraph 6, on efforts to promote and publicize the Convention and to increase the visibility of its provisions

65. Various activities have been undertaken by different entities.

66. Information sessions to publicize ratified conventions were held on the day for senior members of the judiciary organized by the Ministry of Justice in 2017.

67. Actions to publicize the Convention by involving public and private media have been undertaken by the Ministry for Communications and Institutional Relations. For example, on 8 March 2015, International Women's Day, a special programme on the situation of Malagasy workers abroad was broadcast on the Malagasy National Radio Service with the participation of the Ministry of Population, Social Protection and the Advancement of Women, the Ministry of Public Service, the airport and border police and the Association of Professional Social Workers.

68. The provisions of the Convention relating to the protection of migrant workers' rights were also publicized on the Malagasy National Radio Service and the Malagasy Television Service in July 2016 and published in a number of daily newspapers at the initiative of the Ministry for Communications and Institutional Relations.

Reply to the questions raised in paragraph 7, on training programmes on the human rights of migrant workers

69. Related data are not yet available.

Reply to the questions raised in paragraph 8, on the cooperation and interaction between the Government and civil society

70. Civil society organizations working in the field of migrant worker protection and the National Independent Human Rights Commission have played an active role in initiatives to protect the rights of migrant workers and members of their families, particularly in the areas of awareness-raising, dissemination of texts and the provision of care and support for victims.

71. Civil society organizations have also been involved in producing and collecting the data necessary for the preparation of this report.

Reply to the questions raised in paragraph 9, on private employment agencies

72. Article 248 of Act No. 2003-044 of 28 July 2004 containing the Labour Code provides for the introduction of specialized employment and placement services, or private employment agencies. Under this provision, the Government adopted Decree No. 2005/396 of 28 June 2005 laying down the conditions for establishing such services and the procedure for their operation.

73. Before 2015, 54 private employment agencies had been registered. In order to combat any kind of unlawful sending or exploitation of migrants, the Ministry of Employment, Technical Education and Vocational Training revoked all employment agency permits through Decree No. 20308/2015/MEETFP, of 11 June 2015. Since that date, no further permits have been granted.

74. Pursuant to Decree No. 20307/2015/MEETFP of 11 June 2015 laying down the procedures for granting and revoking permits for private employment agencies and their obligations, private employment agencies must conclude a partnership agreement with a corresponding employment agency or service abroad. Such partnership agreements are to set out the rights and obligations of both parties. In addition, article 5 (2) of the above-mentioned Decree stipulates that candidates who are sent abroad remain under the responsibility of the employment agency until they return to Madagascar. Private employment agencies are also obliged to provide quarterly and annual reports on job offers, requests for employment and placements, by sector and occupational group.

75. Permits for private employment agencies are issued in response to applications by the agencies. The list of documents to be supplied appears in article 2 of the Decree:

- A request on plain paper addressed to the Minister of Employment
- A photocopy of the notification of the opening of the employment agency certified as compliant by a district or commune with the relevant jurisdiction
- The curricula vitae of all staff, together with certified photocopies of their diplomas, particularly those of the vocational counsellors
- A description of the services provided and/or the procedure used.
- The cost of each service provided by the private employment agency
- A detailed plan of the private employment agency's premises
- A permit authorizing the recruitment of Malagasy workers.
- A certificate attesting to the existence of the company or employment agency in the host country
- A partnership agreement between the private employment agency in Madagascar and the partner employment agency or company abroad

76. The permit is granted for a period of two years, renewable. The Ministry of Employment, Technical Education and Vocational Training may revoke the permit if the private employment agency commits any irregularities or offences.

77. As to the roles and responsibilities of recruitment agencies and their joint responsibilities, in accordance with article 2 of the above-mentioned Decree, they must be specified in the partnership agreement concluded between private employment agencies in Madagascar and the partner agency or company abroad.

78. Regarding insurance for migrant workers, article 5 of the Decree stipulates that candidates sent abroad remain under the responsibility of the employment agency until they return to Madagascar.

B. Information in relation to articles of the Convention

1. General principles: articles 83 and 84

Reply to the questions raised in paragraph 10 on whether the Convention has been directly applied and/or invoked directly before the courts

79. Duly ratified conventions may be invoked at all stages of court proceedings.

80. Efforts have been made by domestic judges to ensure that the Convention is duly applied. At the event for senior members of the judiciary held in 2017, specific activities were conducted in an effort to raise the awareness of judges of the applicability of such conventions. In addition, a meeting on mutual cooperation took place on 1 February 2018 between the Ministry of Justice and the judges of the Court of First Instance of Antananarivo, during which judges were encouraged to apply the conventions duly ratified by Madagascar. This exercise will be undertaken in all the courts of first instance of Madagascar.

81. In 2015, the Migrant Workers Service, which is attached to the Directorate for Expatriate Support, was set up within the Ministry of Population, Social Protection and the Advancement of Women. It has a mandate to receive complaints from migrant workers and members of their families, who can benefit from the information, advice and guidance services provided by it in all regions of Madagascar, particularly information on available remedies.

82. Since 2017, the Ministry of Population, Social Protection and the Advancement of Women has received four complaints, filed by family members of migrant workers in difficulty in Mauritius, Kuwait and China. They were referred to the Directorate for the Diaspora of the Ministry of Foreign Affairs for processing and follow-up.

83. The table below shows the number of complaints filed by family members of migrant workers in difficulty and received by the Ministry of Population, Social Protection and the Advancement of Women.

Table 5

Number of complaints from migrant workers in difficulty

<i>Total number</i>	<i>Sex</i>	<i>Destination</i>	<i>Departure date</i>
4	M	Mauritius	23 February 2017
	F	Kuwait	15 June 2017
	F	China	14 November 2017
	F	China	February 2016

84. The Ministry of Foreign Affairs serves all Malagasy migrant workers, even those in an irregular situation. In a State party, foreign migrant workers in irregular situations are the responsibility of the diplomatic or consular representatives of their countries.

85. Under articles 6, 7 and 8 of the Vienna Convention on Consular Relations, the Government of Madagascar may take responsibility for foreign nationals in difficulty when they have no access to diplomatic representation or consular services.

86. At the same time, migrant workers, even those in an irregular situation in Madagascar, may benefit from the legal and regulatory provisions for the protection of vulnerable persons.

87. Providing legal assistance is part of the role of consular officers, who are called upon to provide legal advice or to support the person concerned in all necessary legal and administrative procedures. In the case of migrant workers in irregular situations who are arrested by the authorities, criminal investigation officers are obliged to inform their consulate or diplomatic representatives and to provide an interpreter.

Redress and compensation for victims

88. As to redress and compensation, the Ministry of Foreign Affairs provides mediation services and facilitates procedures for victims who have been wronged by their employers.

89. Migrant workers in Madagascar are covered by the provisions on redress and compensation of Act No. 2003-044 of 10 June 2004 containing the Labour Code. Article 199 stipulates that “Any worker or employer may request the labour inspectorate to settle the dispute amicably ...”.

90. In order to obtain redress or compensation for damages resulting from a rights violation, a worker who is victim must take legal action, in accordance with the provisions of article 204, which provides that:

“The labour inspector shall determine the rights of the complainant worker provided by the relevant legislation and shall order, accordingly, the restoration of those rights and the payment of the sum due to the injured worker pursuant to the applicable legal and regulatory provisions, in the event of:

- Failure to issue a dismissal letter
- Non-payment of salary
- Non-payment of compensation for unused leave
- Non-payment for a period of notice
- Non-payment of severance pay, if appropriate
- Non-issuance of a provisional employment certificate or a work certificate

Failure to pay or to reinstate the worker concerned shall result in a direct action being brought before the competent judicial body.”

2. Part II of the Convention: article 7

Reply to the questions raised in paragraph 11, on the rights of migrant workers under domestic legislation

91. Even before Madagascar ratified the Convention in 2015, all forms of discrimination were prohibited. Article 6 of the 2010 Constitution guarantees the equality of all persons and the enjoyment of fundamental rights and freedoms by all persons without discrimination of any kind.

92. The Labour Code and the Criminal Code likewise prohibit all discriminatory practices.

93. The Labour Code is applicable to all employers and all workers, irrespective of their nationality, status or the sector to which their employment contract pertains in Madagascar. Foreign migrant workers in Madagascar thus benefit from the same protection afforded by the provisions of the Labour Code.

3. Part III of the Convention

Articles 8 to 15

Reply to the questions raised in paragraph 12, on the exploitation of migrant workers

94. In Madagascar, the majority of migrant workers are employed in the areas of trade and industry. To date, no foreign migrant workers employed in the agricultural or domestic service sectors have been identified in Madagascar.

95. As to the measures taken to bring domestic legislation into line with the ILO Forced Labour Convention, 1930 (No. 29) and ILO Convention No. 105, Act No. 2014-040 of 20 January 2015 on combating trafficking in persons, criminalizes forced labour and slavery-like practices, the subject of these Conventions.

96. In addition, Decree No. 2007-563 on child labour was adopted in accordance with the provisions of these ILO conventions.

97. This Decree prohibits all forms of forced or compulsory labour, including the sale and trafficking of children, the use of children as collateral to pay off family debt, slavery and forced or compulsory recruitment of children for use in armed conflicts.

Reply to the questions raised in paragraph 13, on the protection of Malagasy workers abroad following their departure from Madagascar

98. Consular officers provide legal assistance to Malagasy workers abroad. They provide advice and support them in all the necessary legal and administrative procedures.

99. Pursuant to Decree No. 2013/594 suspending the sending of migrant workers to high-risk countries, attempts to send 140 migrant workers were thwarted between 2015 and 2017.

100. Moreover, border management and control have been strengthened. Since 2016, the Government, in partnership with IOM, has been implementing a project on integrated border management, the aim of which is to improve the coordination of the activities of all those involved in border management in Madagascar and to create a platform for the exchange of information.

101. In the long term, the project also provides for the deployment of modern materials and equipment at border posts (airports and ports) to enhance safety and strengthen security. The following bodies are involved in the implementation of this project for the period 2016–2019: the Ministry of Public Security, the State Secretariat for the Gendarmerie, the Ministry of Public Health, the Customs Service and the Maritime and River Port Agency.

102. In order to strengthen border protection, the Maritime Information Fusion Centre was established in 2015, pursuant to Decree No. 2015-998 of 23 June 2015.

103. The Centre's mandate includes cooperation with international and regional organizations in the fields of security and the fight against illicit trafficking, including the smuggling of migrants.

104. In 2016, advanced coastal surveillance squads were set up within the Gendarmerie to help combat irregular migration.

105. The squads are located in coastal locations owing to the vulnerability and the persistence of trafficking cases in these areas and are already operational in the regions of Sava, Diana, Analanjirofo, Atsimo-Atsinanana and Anosy.

106. The squads have been allocated speedboats under partnership agreements concluded between the Government of Madagascar and the Governments of China and the United States.

Articles 16 to 22

Reply to the questions raised in paragraph 14, on the criminalization of immigration-related offences

107. Ordinance No. 62-041 of 19 September 1962 on general provisions of domestic and private international law provides for the enjoyment by foreign nationals of the same rights as nationals, with the exception of those expressly denied them by law. This provision is, however, subject to reciprocity.

108. With regard to the exchange of prisoners, Madagascar does not yet have statistics on migrant workers. However, a list of the names of foreign prisoners is kept by the Prison Service. Available statistics show that 41 foreign nationals were detained in April 2014, 48 in September 2014, 30 in October 2017, and 23 in June 2018.

109. Under the partnership agreement on the transfer of persons sentenced to deprivation of liberty between Mauritius and Madagascar, 21 detainees, including 4 men and 17 women, were transferred from Mauritius to Madagascar in 2016 and 2017.

110. Articles 12, 18, 19, 20 and 21 of Act No. 62-006 of 6 June 1962 laying down the arrangements for the organization and control of immigration criminalize immigration-related offences such as:

- Irregular entry
- Refusal to leave the country on expiry of lawful stay
- Fraudulent entry, either by making false statements to obtain the necessary documents or by using false documents
- Aiding and abetting illegal entry into the country
- Employment of a foreign national who does not possess a work permit or who holds a permit valid for another occupational category

Access to a lawyer and an interpreter in situations involving the investigation, arrest, detention or deportation of migrant workers and members of their families for immigration-related offences

111. Access to a lawyer is guaranteed by article 53 bis of the Code of Criminal Procedure, which obliges the judge “during the initial hearing of persons charged with an offence” to “advise them, if they have not designated counsel, of their right to choose a defence counsel from among the trainee lawyers who are members of the Madagascar Bar or a business agent or any other person of their choosing, subject to the legislation in force”. A detained person facing charges may, immediately after his or her first appearance, communicate freely with counsel. The prohibition on communication does not apply to the latter under any circumstances.

112. The legislation in force in Madagascar sets out the fundamental procedural guarantees related to the exercise of the right to a defence. All persons in the territory of Madagascar, including migrant workers, benefit from these guarantees. With regard to access to a lawyer, article 53 of the Code of Criminal Procedure provides that “during the initial hearing of any person suspected of having committed an offence or a crime, the criminal investigation officer shall advise the suspect of his or her right to choose a defence counsel from among the lawyers who are members of the Madagascar Bar or a business agent or any other person of his or her choosing, subject to the legislation in force”.

113. Access to an interpreter is guaranteed to all persons under investigation. It is the responsibility of the criminal investigation officer to call for a person to translate before the start of any hearing.

114. Criminal investigation officers, in cooperation with the Ministry of Foreign Affairs, must also notify the diplomatic or consular representation of immigrant workers immediately after their arrest.

Reply to the questions raised in paragraph 15, on the situation of Turkish teachers and businesspersons in Madagascar

115. The Turkish teachers have refugee status under the Convention relating to the Status of Refugees. The Central Service for Territorial Surveillance, having received a judicial information note, arrested the 13 Turkish teachers on the grounds of their irregular stay in Madagascar. As they were found to be in possession of false visas, their passports were confiscated. Their cases were then referred to the public prosecutor’s office, which released them pending trial. In spite of this judicial decision, the Ministry of the Interior issued an expulsion order against them. In the meantime, they have applied for refugee status.

Article 23

Reply to the questions raised in paragraph 16, on the systems in place in embassies, consulates and labour attachés to assist and protect Malagasy migrant workers

116. All Malagasy migrant workers, even those in irregular situations, are entitled to receive services from the Ministry of Foreign Affairs.

117. Articles 5, 6, 7 and 8 of the Vienna Convention on Consular Relations of 1963 provide for protection and assistance for nationals, regardless of their status in the territory of the receiving State, and the provision of help and assistance to natural and legal persons of the sending State; “a consular officer may, in special circumstances, with the consent of the receiving State, exercise his functions outside his consular district”; “the sending State may, after notifying the States concerned, entrust a consular post established in a particular State with the exercise of consular functions in another State, unless there is express objection by one of the States concerned” and “upon appropriate notification to the receiving State, a consular post of the sending State may, unless the receiving State objects, exercise consular functions in the receiving State on behalf of a third State”.

Measures in place to facilitate outreach to vulnerable Malagasy migrant workers in destination countries, particularly where the State party does not have diplomatic or consular representation

118. Prior to departure, all migrant workers receive training to raise their awareness of their rights and obligations in the State of employment, the culture of the country of destination and the language of the country of employment.

Articles 25 to 30

Reply to questions raised in paragraph 17, on legal and labour protection and labour law enforcement mechanisms

119. Article 1 of Decree No. 69-145 of 8 April 1969 containing the Social Security Code provides that persons hired by employers and similar persons (as defined by the different compensation schemes managed by the Social Security Fund who, in Madagascar, employ one or more of the persons³ referred to in article 3 of Ordinance No. 62-078 of 29 September 1962) enjoy legal protection, regardless of their age, sex, family status and nationality.

120. Article 5.4 of Act No. 2007-036 of 14 January 2008 on export processing zones and their enterprises in Madagascar provides that “every export processing enterprise is required to pay the social security contributions provided for in the Labour Code and the Social Security Code to the authorities concerned. No discriminatory measures in respect of rates or scales of contributions may be applied to expatriate staff. Nevertheless, they may, on request, be exempted from this obligation and no longer enjoy the rights and benefits arising from the payment of these contributions, by providing proof of actual payment of the contributions due to the foreign social security organization.”

Reply to the questions raised in paragraph 18, on the conformity of domestic labour legislation with ILO Convention No. 100 and ILO Convention No. 111

121. Malagasy labour legislation is in conformity with ILO Convention No. 100 and ILO Convention No. 111.

122. Article 1 of Act No. 2004-044 of 28 July 2004 containing the Labour Code states that “the Act applies to all employers and workers whose employment contract, regardless

³ Article of Ordinance No. 62-078 of 29 September 1962 establishing the National Fund for Family Allowances and Accidents at Work:

“The National Fund benefits:

- (1) Workers within the meaning of article 1 of Ordinance No. 60-119 of 1 October 1960 containing the Labour Code and its implementing regulations;
- (2) The seafarers referred to in Ordinance No. 60-047 of 22 June 1960 containing the Merchant Marine Code;
- (3) Farmers employed under article 11 of Ordinance No. 60-002 of 24 July 1962 establishing the reciprocal relationships between tobacco growers and the farmers employed by them;
- (4) All persons referred to in article 3 of Decree No. 57-245 of 24 February 1957 on reparation and the prevention of occupational accidents and occupational diseases.

The extension of these benefits to any other category of person shall be determined by law.”

of its form, is performed in Madagascar. As such, all employers, regardless of nationality, status or sector of activity, shall be subject to the provisions of this Act”, which is in keeping with articles 2 and 4 of ILO Convention No. 100.

123. In addition, article 53 of the Labour Code stipulates that “given equivalent professional qualifications, the same job and work of equal value, wages shall be equal for all workers regardless of origin, colour, ethnicity, sex, age, trade union membership, opinions or status, subject to the conditions set out in this Chapter”.

Unemployment benefits

124. There is no unemployment benefit scheme in Madagascar.

Discrimination

125. In accordance with ILO Convention No. 111, article 5 of the Labour Code stipulates that no employees may be subject to penalties, discrimination in their career or their work, or dismissal, for resisting harassment by an employer, an employer’s representative or any other persons who, in abuse of the authority conferred upon them by virtue of their duties, workplace relationships or position in the company, have given instructions, made threats, imposed restrictions or exerted pressure of any kind on an employee in order to obtain favours of a sexual or other nature for his or her benefit, or for the benefit of a third party.

Administrative measures for wage setting

126. The most representative workers’ organizations and employers’ groups enter into negotiations with a view to establishing the minimum wage scale to be applied. Following the negotiations, the National Labour Council issues its opinion, and the State ratifies the wage by decree.

Reply to the questions raised in paragraph 19, on the national programme for the rehabilitation of civil status

127. Any child born in the national territory has the right to be registered at birth and to a nationality.

128. Madagascar has just updated its nationality policy to allow Malagasy mothers to transmit their nationality to their children pursuant to Act No. 2016-038 of 25 January 2017.

129. This new law provides that women have the ability to transmit their nationality to their children in the same manner as Malagasy men, regardless of their marital status, in order to ensure respect for the principle of gender equality.

130. It also provides that children born to a father or mother who is a Malagasy national acquire that nationality regardless of their status as legitimate children or as children born out of wedlock, thus preserving the right of all children to a nationality.

131. In addition, a bill to revise Act No. 61-025 of 9 October 1961 on civil status records was adopted by Parliament during its May 2018 session. The bill provides for, inter alia:

- Digitalizing the civil registry
- Establishing national and local civil registry centres
- Extending the deadline for birth registration to 30 days
- Granting community leaders the power to receive birth notifications
- Strengthening penalties related to civil registration

132. If the State concerned has diplomatic or consular representation, the child’s birth may be registered with such authorities.

Articles 31 to 33**Reply to the questions raised in paragraph 20, on the right of migrant workers and members of their families to transfer their earnings and savings upon termination of their stay**

133. Article 5.5 of Act No. 2007-036 of 14 January 2008 on export processing zones and their enterprises in Madagascar provides that the State ensures and guarantees the freedom of expatriates working in enterprises in an export processing zone to transfer the wages that they have in fact received in Madagascar.

134. In order to increase investment in Madagascar, the Government adopted Decree No. 2006-382 of 31 May 2006, establishing the Economic Development Board of Madagascar and laying down its statutes. The Board was restructured in 2014 pursuant to Decree No. 2014-1822 of 4 December 2014, which revised its statutes. In terms of facilitating investment, the Board serves as a single wicket for services provided by the various ministries and is responsible, inter alia, for granting visas to foreign investors and work permits and visas to foreign workers.

135. In addition, article 3 of Decree No. 2009-048 relating to the Foreign Exchange Code stipulates that all financial transactions between natural or legal persons residing in Madagascar and persons residing abroad must be declared to the Finance Minister. This Decree applies to the repatriation of profits abroad.

136. Article 9 of the same Decree stipulates that the nature of the different payments made, in this case the profits of a gainful activity conducted on Malagasy soil, must be communicated to the banking institution carrying out the repatriation. According to the legislation in force, any professional activity generating income in Madagascar is subject to income or corporate taxes. In order to avoid double taxation, this income is no longer taxable after it has been transferred abroad.

137. In Madagascar, any transfer of funds abroad must be declared to the Finance and Budget Minister. In the case of a transfer to an account located in a European Union member State, a funds transfer statement must be drawn up. Since the amount transferred is already taxed in Madagascar, it is no longer taxable in Europe.

Procedure for the repatriation of profits

138. If the profits in question are transferred to a European Union member State, they are no longer taxable, since they have already been taxed in Madagascar.

139. A funds transfer statement must nevertheless be submitted to the tax authorities of the country to which the funds are transferred. Although the transferred funds are not taxable, the statement makes it possible to readjust the income tax or wealth tax of the person concerned.

Reply to the questions raised in paragraph 21, on the type of information and assistance provided to migrant workers by the Service of Migration Management

140. Information on the procedure for obtaining a visa or residence permit, the required documentation, the competent authority, fees and the time frame for processing applications is available from the Ministry of the Interior and Decentralization directly and on its website.

141. The Economic Development Board of Madagascar has also created a public website (www.edbm.gov.mg/fr) as a vehicle for providing information about the documents to be submitted and the procedures to be followed for obtaining a long-stay workers visa or a long-stay family reunification visa and for establishing an export processing zone enterprise, issuing work permits and setting up a business. The website also includes a list of relevant provisions relating to labour, trade, tax and immigration questions.

142. In addition, article 8 of Act No. 62-006 of 6 June 1962 on immigration regulates the work activities of foreign nationals residing in Madagascar. These persons are divided into two categories: employed and self-employed.

143. The regulated work activities are divided into three categories:

- Agricultural work
- Industrial work and crafts
- Trade

144. Foreign nationals may be prohibited from exercising certain professions or required to obtain authorization in the form of a decree from the President of the Republic, who is the Head of Government.

4. Part IV of the Convention

Article 37

Reply to the questions raised in paragraph 22, on the training of emigrant workers

145. Prior to departure, Malagasy nationals must undergo training at a vocational training centre approved by the Ministry of Employment, Technical Education and Vocational Training. Vocational training centres must obtain accreditation to provide such training, the granting of which is contingent upon the adoption of a curriculum related to the type of work in question. Such curricula include, inter alia, information on emigrant workers' rights and obligations in the State of employment and on the culture of the country of destination. Training in the language of the country of employment is also provided to the workers.

146. Currently, the Antsirabe vocational training centre for new communication technology is accredited for the domestic service sector.

Training programmes

147. Training programmes are conducted by the vocational training centre for women in Tsimbazaza in cooperation with private employment agencies (table in annex 2).

Article 40

Reply to the questions raised in paragraph 23, on the trade union rights of migrant workers

148. The right to form, join or lead an association or trade union is guaranteed by the Constitution. The purpose of joining a trade union association is to be able to safeguard the interests of and represent both Malagasy nationals and migrant workers in the country.

149. The most representative trade unions in Madagascar are joined together in the Conference of Workers of Madagascar.

Article 41

Reply to the questions raised in paragraph 24, on the participation of migrant workers in public affairs in Madagascar

150. The rights of Malagasy migrant workers and members of their families abroad are enshrined in the Constitution.

Right to participate in public affairs in Madagascar

151. Efforts have already been made to realize the right of migrant workers to participate in public affairs in their country of origin. A forum for the diaspora was held between 26 and 28 October 2017. The aim of this initiative was to increase the participation of the diaspora in the public life of Madagascar. On the economic front, a solidarity fund has been set up to support the country's development.

Exercise of their voting rights in Madagascar

152. The right to vote is recognized by the Constitution. The new Electoral Code confers the right to vote upon all Malagasy nationals, even if they are resident abroad. The issue of voting rights of Malagasy emigrants during elections was discussed at the forum for the diaspora held in 2017. Decentralized polling stations are already being set up by the Ministry of Foreign Affairs.

Right to be elected to public office in Madagascar

153. Any Malagasy national may be elected to public office in the country. However, under the revised Nationality Code, members of the diaspora must have resided in Madagascar for six months to be eligible.

154. All the eligibility criteria are set out in the Electoral Code, articles 5 and 10 of which provide that: “all Malagasy citizens, without any distinction as to sex, shall be entitled to stand for elected office, provided that they fulfil the conditions to be entitled to vote as well as those required by the rules specific to each category of election, including: 1. they appear on the electoral roll; 2. they have reached the age required by law for each elected office”; “naturalized foreign nationals are eligible only after 10 years have elapsed from the date of the naturalization decree”. This provision does not, however, apply to a naturalized person who has performed the period of active national service corresponding to his or her age group, or to a naturalized person who meets the conditions provided for in article 39 of the Nationality Code (see Act No. 2003-024 of 13 August 2003, on municipal elections).

Article 42**Reply to the questions raised in paragraph 25, on the establishment of procedures or institutions to take into account the special needs, aspirations and obligations of migrant workers**

155. Regarding the diaspora, they must be:

- Employees representative of Madagascar
- Malagasy nationals working in foreign international organizations but on behalf of Madagascar

Articles 46 to 48**Reply to the questions raised in paragraph 26, on legislation relating to import and export duties and taxes in respect of the personal and household effects of migrant workers**

156. Act No. 2007-037 of 14 January 2008 on export processing zones and their enterprises in Madagascar regulates import and export duties and taxes in respect of goods required by migrant workers.

157. The Act also allows migrant workers to transfer their earnings and savings from the State of employment to their country of origin.

5. Part VI of the Convention**Article 64****Reply to the questions raised in paragraph 27, on the promotion of international migration conditions for migrant workers**

158. These questions have already been covered, in the reply to the questions raised in paragraph 1.

Reply to the questions raised in paragraph 28, on combating irregular migration

159. The Government of Madagascar, pursuant to Decree No. 2013-594, ceased sending migrant workers to high-risk countries.

160. At the initiative of the Ministry of Population, Social Protection and the Advancement of Women, and in partnership with FAO, OHCHR, the National Independent Human Rights Commission, IOM and Helvetas, a dialogue among all those working to protect Malagasy migrant women against violence by promoting their right to decent work was organized in Andapa on 29 and 30 September 2017. The aim of the dialogue was to raise awareness of the adverse impact of clandestine migration.

161. The dialogue produced a number of recommendations related to the protection of the rights of migrant women.

Reply to the questions raised in paragraph 29

162. Data on the situation of children left behind by parents who travel abroad are not available, as children are generally left in the care of family members and not in the care of the State.

Article 67**Reply to the questions raised in paragraph 30 on measures taken for the benefit of migrant workers who decide to return to the country or who are in an irregular situation**

163. The Government, with the support of IOM or the Ambassador of the State of employment, takes responsibility for the repatriation of its citizens who are in an irregular situation.

164. Regarding the free movement of nationals and foreigners, article 2 of Act No. 91-025 of 12 August 1991 on coordinating and monitoring the movement of nationals abroad provides that “subject to the provisions of article 9 of this Act, any Malagasy citizen is free to leave and return to the national territory”. This provision applies to workers in the State of employment, regardless of their situation.

165. No measures of prohibition on entry may be imposed on Malagasy citizens if they wish to return to the country.

166. In practice, those who wish to return to the country can use their travel document, regardless of whether that document has expired. Otherwise they can request a laissez-passer travel document from the diplomatic mission of Madagascar in the State of employment. This is typically the case for the children of migrant workers born abroad.

Article 68**Reply to the questions raised in paragraph 31 on combating human trafficking**

167. In order to effectively prevent and combat trafficking in persons, especially women and children, programmes and measures of cooperation have been developed with specialized international organizations, including UNDP, UNICEF and IOM.

168. This cooperation involves technical and financial support for: the implementation of public awareness activities; the dissemination of the anti-trafficking law; the production of procedural manuals and support guidelines; and the training of those involved in combating human trafficking.

169. In addition, programmes for the conclusion of bilateral agreements are included in the Government’s strategy, with a view to establishing cooperation in criminal matters to facilitate mutual legal assistance and extradition between Madagascar and countries of transit or destination.

Act No. 2014-040 of 20 January 2015 on combating human trafficking

170. In the context of the effective implementation of Act No. 2014-040 of 20 January 2015 on combating human trafficking, since 2015, trafficking cases have been registered and tried at the court of first instance in Antananarivo (see annex 4: statistical table of trafficking cases heard by the court of first instance in Antananarivo).

National Office to Combat Human Trafficking

171. The Government is keen to consolidate internal coordination links and synergies between all stakeholders involved in preventing and combating human trafficking, by establishing the National Office to Combat Human Trafficking.

172. Under the auspices of the Office of the Prime Minister, the National Office is mandated to:

- Develop a national policy to combat human trafficking
- Harmonize and coordinate actions for prevention of trafficking and for the protection of victims
- Centralize information and data on human trafficking and use them to develop a national policy to prevent trafficking-related crime
- Monitor the implementation of the national action plan to combat trafficking
- Act in an advisory capacity, providing opinions, recommendations or proposals and reports on any issues linked to combating human trafficking to the executive branch, the legislature, the judiciary, the police and any other relevant body, either on its own initiative or at the request of the authority concerned

173. The National Office to Combat Human Trafficking issues proposals to facilitate judicial, police and diplomatic cooperation with a view to effectively combating transnational trafficking.

174. It is also responsible for strengthening collaboration between courts and tribunals, the criminal investigation police and those directly involved in the migratory chain, including the air and border police, the customs service and the International Criminal Police Organization (INTERPOL).

175. If necessary, the National Office can intervene on its own initiative with the specialized services responsible for combating trafficking.

176. Funding for the National Office is provided under the financing and budget legislation.

177. An executive secretariat will be established to ensure the implementation of the decisions of the National Office.

National Action Plan

178. The Minister of Justice, in partnership with UNDP and the French division of the civil society organization network, End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes, has implemented awareness-raising and publicity campaigns on the law for civil society organizations and law enforcement officials in Nosy Be and Tuléar (in 2015); Fort-Dauphin and Morondava (in 2016) and; Majunga, Diego, Nosy Be, Ambositra and Fianarantsoa (in 2017).

179. In addition, the Ministry of Justice, in partnership with IOM, has developed a procedural manual to assist persons working in the criminal justice system in detecting and prosecuting cases of trafficking in persons and ensuring protection and access to justice for victims.

180. Furthermore, a pool of trainers specialized in human trafficking was established in July 2017. This pool, consisting of senior officers of the criminal investigation police and criminal investigation officers, is responsible for conducting training sessions in target

regions. The aim is to provide the necessary legal tools for the prosecution and suppression of trafficking and related offences.

181. In the same vein, the Ministry of Population, Social Protection and the Advancement of Women, with support from IOM:

- Developed a handbook on caring for victims
- Provided training for non-governmental agencies, to strengthen the role and functions of each entity working in this field.

182. The Government of Madagascar is also responsible for mitigating the impact of trafficking on victims by means of measures for social rehabilitation, reintegration, and return.

Section II

Legislation and regulations, policies, programmes, action plans and ratified human rights instruments relating to the protection of migrant workers and members of their families

183. Information on the protection of migrant workers and members of their families, including with regard to legislation and regulations, policy, programmes and action plans covering migration and their scope and financing, and on recently ratified human rights instruments and other relevant instruments, including the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the ILO Domestic Workers Convention, 2011 (No. 189), can be found in the common core document and the first part of this report.

184. With regard to recent in-depth studies on the situation of migrant workers and members of their families, a study describing the Malagasy diaspora in France was conducted in 2016 by the Malagasy Ministry of Foreign Affairs, in partnership with IOM and France, and with the collaboration of FORIM (Forum des Organisations de Solidarité Internationale issues des Migrations).

Section III

Data, official estimates, statistics and other information, if available

185. The lack of national statistical data covering all areas related to the promotion and protection of the rights of migrant workers and members of their families is one of the challenges Madagascar faces in implementing the provisions of the Convention.

186. In view of the lack of reliable statistical data in several areas, the Government intends to improve the data-collection systems of the relevant departments and centralize that task with the National Statistics Institute. In that respect, the Third General Population and Housing Census began in June 2018.

187. In relation to justice, the Ministry, in partnership with UNDP, organized a workshop in June 2015 to determine the codification methods for criminal cases with a view to maintaining reliable statistical data and up-to-date information on the cases that have been handled.

188. The principal objective is to implement a mechanism for the collection and processing of data, disaggregated by age and sex, for the provision of information on the criminal cases that have been handled involving violations of rights and on access to justice.

189. It also makes it possible to ascertain the number of vulnerable people, especially women and young people, who have been provided free access to judicial services, as well as the percentage of women and young people receiving legal aid and advice, including migrant workers and members of their families.

190. With regard to combating human trafficking, the Antananarivo court of first instance has kept statistics on the prosecution and sentencing of perpetrators and their accomplices since 2015.
