

Madagascar Labour Migration Review

Jonathan Crush, Vincent Williams and Anil Dhakal
November 2024

FOREWORD

The Southern Africa Migration Management (SAMM) project represents a collaborative effort embodying the ONE-UN approach, uniting the expertise and resources of four prominent UN development and/or humanitarian agencies: the International Labour Organization (ILO), the International Organization for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC), and the United Nations High Commissioner for Refugees (UNHCR).

The SAMM project is dedicated to improve labour and mixed migration management in the Southern Africa and Indian Ocean region. By focusing on South-South migration flows, the project aims to uncover and enhance the positive spillover effects of international migration on regional integration and economic development (e.g. recognising the positive contribution of migrant workers to economic growth).

The SAMM project first produced a Labour Migration Stocktaking Report for the SADC region. Labour Migration Reviews (LMRs) are complementary tools aimed to enhance the capacity of Ministries of Labour, Employers' and Workers' Organizations to engage in tripartite dialogue and influence evidence-based policy formulation and implementation for fair labour migration governance. LMRs include information on at least, seven key labour migration thematic areas:

1. Gender-responsive labour migration policies and/or strategies;
2. International labour standards and national legislation on the protection of migrant workers, as well as advocacy on the contribution of migrant workers to development;
3. Bilateral labour migration agreements (BLMAs) across the region and with third countries;
4. Fair recruitment and decent employment for migrant workers including regulatory legislation on Private Employment Agencies (PEAs), and strengthening of Public Employment Services (PES);
5. Social Security Portability of Benefits for migrant workers through the SADC Guidelines on the Portability of Social Security Benefits;
6. Skills mobility (skills anticipation, skills profiling, skills matching, skills transfer and recognition of qualifications of migrant workers), as well as support to the SADC Qualifications Framework;
7. Labour migration statistics (indicators, module, inclusion in labour market information systems, etc).

The ILO believes that this publication will provide valuable insights and contribute significantly to the ongoing efforts to improve labour migration governance effectively in the SADC and IOC region. We extend our gratitude to all partners and stakeholders for their unwavering support and commitment to this crucial endeavour.

Ph.D Gloria Moreno-Fontes Chammartin

Chief Technical Advisor

Southern African Migration Management Project (SAMM)

International Labour Organisation (ILO)

ACKNOWLEDGEMENTS

The authors would like to thank colleagues at the ILO (International Labour Organization), particularly Ms. Gloria Moreno-Fontes, Mr. Theo Sparreboom, Mr. Jesse Mertens, and Ms. Hareeta Cunniah for their review and critical feedback during each stage of the research project.

We would also like to express our gratitude to Ms. Makungu Baloyi, SAMM Communications Officer for assisting with the production process and the dissemination of the report.

TABLE OF CONTENTS

FOREWORD	i
ACKNOWLEDGEMENTS.....	ii
1 INTRODUCTION	1
2 MIGRATION DATA SOURCES	1
3 MIGRATION PROFILE	2
3.1 Migrant Stock.....	2
3.2 Countries of Migrant Origin	2
3.3 Age and Sex Profile of Migrant Population.....	3
4 MIGRANT EMPLOYMENT.....	5
5 POLICY AND LEGAL FRAMEWORK.....	7
5.1 Madagascar Constitution of 2010	7
5.2 Act No. 2003-044 on the Labour Code	8
5.3 Immigration Laws and Regulations	9
6 LABOUR MARKET INSTITUTIONS	10
6.1 Labour Inspectors	10
6.2 Works Council	10
6.3 National Labour Council.....	10
6.4 National Labour Institute	11
7 RATIFICATION OF INTERNATIONAL INSTRUMENTS	11
8 BILATERAL LABOUR AGREEMENTS.....	12
9 FAIR RECRUITMENT OF MIGRANT WORKERS	13
10 SKILLS RECOGNITION OF MIGRANT WORKERS	13
11 SOCIAL PROTECTION OF MIGRANT WORKERS	14
REFERENCES	15

1 INTRODUCTION

Madagascar is known more as a country of emigration rather than immigration and has a substantial diaspora population, especially in France. Several thousand migrants from Madagascar also work in other Indian Ocean Island countries, including Comoros and Reunion. Madagascar does not yet have a national migration policy (IOM, 2021). A 2017 Road Map on Labour Migration in Madagascar was developed by an interministerial committee, but no strategic policy has been adopted by Government for its implementation. With the assistance of the ILO, a process to develop a National Labour Migration Policy has been initiated, with a view to the drafting of national labour migration legislation. A workshop was held during which the draft policy document was presented to stakeholders for the purpose of consultation and subsequent validation. The contents of the document are not available in the public domain and the process of further consultation, validation, and eventual adoption is ongoing.

According to IOM (2021) migration data is not systematically collected and published. Although line ministries tasked with managing migration collect statistics on migration, they do not coordinate data-sharing. As a result, it is uncertain how many labour migrants there are in the country. UN DESA tracks the migrant stock at five-year intervals but uses a formula rather than an actual count to estimate the numbers. For example, UN DESA claims that the proportion SADC country migrants in Madagascar is the same in 2019 as it was in 1990 (at 34%). As a result, the migration stock of Madagascar appears to have remained relatively stable for decades, both in terms of overall numbers and source countries. The development of an accurate and reliable migration database for the country is thus highly recommended.

One migration corridor about which there is more information is between China and Madagascar. Migratory flows from China began during the French colonial era (Guccini and Zhang, 2021; Razafindrakoto et al., 2020), and there has been a post-colonial wave starting in the 1970s through to the present (Julien, 2021; Schiller, 2013; Tremann, 2013; Zhang, 2018). Madagascar is one of four SADC countries (South Africa, Madagascar, Mauritius, and Réunion) that witnessed both the colonial and post-colonial waves of Chinese migration to the continent (Schiller, 2013).

2 MIGRATION DATA SOURCES

The main data sources for migration to Madagascar include the following:

- Madagascar DHS report 2022 through ILOSTAT
- UNICEF Migration and Displacement Country Profile (MCDP) (UNICEF, 2023)
- UN DESA Migrant Stock by Origin and Destination 2019 Update

3 MIGRATION PROFILE

3.1 Migrant Stock

According to UN DESA data, there were 34,934 migrants in Madagascar in 2019, an increase of 2,859 since 2015. Of these, an estimated 11,932 were from other SADC countries. The data does not include minority immigrant groups that arrived long ago and have not obtained citizenship status in Madagascar. For instance, the Karana people, who arrived in Madagascar from India and are now believed to number at least 20,000, do not have a national identity. The residential card provided by the Madagascar government marks their nationality as 'undetermined' (UNHCR, 2017). Therefore, a significant number of people from ethnic minority groups remain stateless according to Madagascar's law (UNHCR, 2017). As of 2021, there were also 330 people of concern in Madagascar according to UNHCR (2021). However, there is no information about the number of refugees or asylum seekers in the country.

Table 1 - Migration Trends and Share of SADC Migrants, 1990-2019

	Total Migrants	Increase/ Decrease	SADC Migrants
1990	23,917		8,179
1995	21,177	-2,740	7,242
2000	23,541	+2,364	8,050
2005	26,058	+2,517	8,910
2010	28,905	+2,847	9,876
2015	32,075	+3,170	10,953
2019	34,934	+2,849	11,932

Source: UN DESA data

3.2 Countries of Migrant Origin

The migrant population in Madagascar comes from four main countries: Comoros, China, India, and France. This suggests that the migrant population in the country is less diverse than in most other SADC countries. UN DESA data shows that SADC-origin African migrants come only from Comoros, comprising over one-third of the total migrant stock (Table 2). However, 12% of migrants count as "Other South" which may include migrants from other Francophone SADC countries. France is the only European country with a substantial population in Madagascar. According to UN DESA, the country also receives Asian migrants from China and India, with the total number of Asian migrants slightly above 11%. However, some studies estimate that there may be as many as 50,000 to 100,000 ethnic Chinese in Madagascar (descendants of those who came in the colonial period plus more recent migrants.)

Table 2 - Global Regions and Countries of Migrant Origin, 2019

	Total Migrants	% of Total
Africa		
Comoros	11,932	34.2
Sub-Total	11,932	34.2
Asia		
India	1,721	4.9
China	2,155	6.2
Sub-total	3,876	11.1
Europe		
France	9,747	27.9
Sub-Total	9,747	27.9
Other		
Other South	4,168	11.9
Other North	5,211	14.9
Sub-Total	9,379	26.8
Total	34,934	100.0

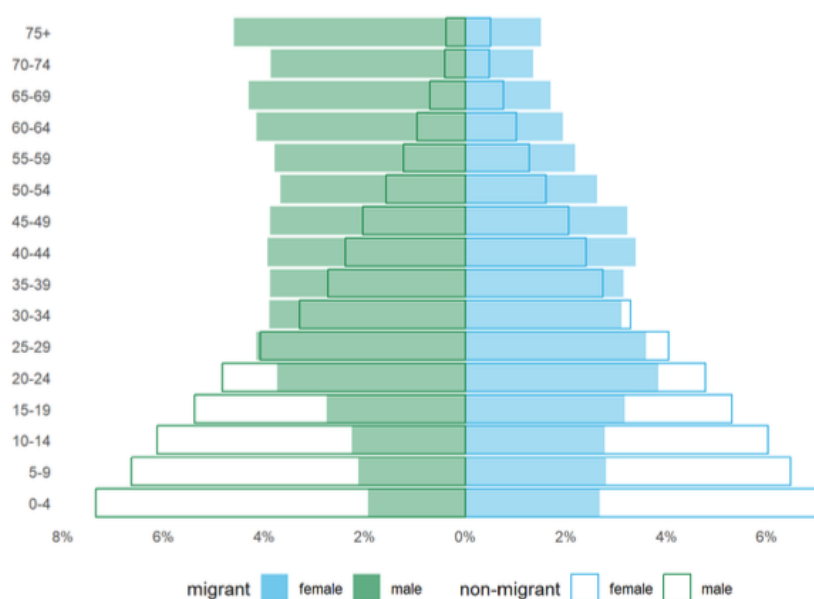
Source: UN DESA 2019 update

3.3 Age and Sex Profile of Migrant Population

UNICEF (2023) provides an age and gender population pyramid comparing migrants to non-migrants in Madagascar in 2020 (Figure 1). While the local population has the classic pyramid shape with a high proportion of young people and children, the migrant population is dominated by adults of all ages. The data show a higher proportional distribution of male and female migrants in all age groups over the age of 30 compared to male and female non-migrants. This situation is reversed for age groups under 25 with significantly more young non-migrants than migrants.

The sex ratio of migrants shows clear male dominance, with males comprising 57% and females 43% of the migrant stock in 2019. Table 3 displays the sex ratio by migrant region and country of origin. In almost every case, males constitute over 55% of the migrant population. Madagascar has one of the lowest levels of female migrants in Sub-Saharan Africa at only 43% overall.

Figure 1 - Age Pyramid of Migrants and Non-Migrants, 2020



Source: UNICEF (2023)

Table 3 - Sex of Migrant Population by Regions and Countries of Origin, 2019

	Total Migrants	% of Total	No. of Females	No. of Males	% Female	% Male
Africa						
Comoros	11,932	34.2	5138	6,794	43.1	56.9
Sub-Total	11,932	34.2	5,138	6,794	43.1	56.9
Asia						
China	2155	6.2	944	1211	43.8	56.2
India	1721	4.9	741	980	43.1	56.9
Sub-total	3876	11.1	1685	2191	43.5	56.5
Europe						
France	9,747	27.9	4,191	5,556	43.0	57.0
Sub-Total	9,747	27.9	4,191	5,556	43.0	57.0
Other						
Other South	4,168	11.9	1787	2236	42.9	53.6
Other North	5211	14.9	2381	2975	45.7	57.1
Sub-Total	9,379	26.8	4,168	5,211	44.4	55.6
Total	34,934	100	15,182	19,752	43	57

Source: Compiled from UN DESA 2019 update

4 MIGRANT EMPLOYMENT

The Ministry of the Interior and Decentralization (MID) is responsible for issuing long-term visas and residence permits in Madagascar (ILO, 2021). Immigrants intending to work in Madagascar need to obtain a work permit or employment authorization issued by the Ministry of Labour, Employment, Public Services, and Social Legislation (MTEFPLS) (IOM, 2021). However, there is no official data on the number of work permits issued to foreign nationals.

ILOSTAT provides data on migrant employment by economic sector for 2022. The survey records that 20,900 migrants are employed in the services (40%) and agriculture sectors (52%) (the Service sector includes Trade, Transportation, Accommodation and Food, Business and Administrative Services; and Public Administration, Community, Social, and other Services and Activities). The data show that female exceed male migrant workers in the services sector, and vice versa in the commercial agriculture sector. Employment data for the industrial manufacturing sector (primarily in the EPZ) are not available.

Table 4 - Employment by Economic Sector and Sex

Sector	No. of Migrants Employed	Migrants as % of Total	Male No.	% Male	Female No.	% Female
Services	8,800	40.2	4,000	45.5	4,800	54.5
Agriculture	11,300	51.6	6,500	57.5	4,800	45.5
Industry	NA	NA	NA	NA	NA	NA
Total	20,900		11,300	54.1	9,600	45.9

Source: Compiled from ILOSTAT

Chen and Landry (2016) document the extensive involvement of Chinese companies in the commercial agriculture, manufacturing, and mining sectors in Madagascar. Since 2007, for example, a Chinese state-owned corporation (SINLANX) has been managing three of Madagascar's five major sugar plantations (Zhang, 2018). The corporation started recruiting sugar refinery specialists and interpreters from China's hinterland provinces soon after closing the deal with the Malagasy government. A number of Chinese managers, supervisors and technical staff work in sugar plantations and refineries. Chinese companies are also involved in many projects throughout the island in manufacturing, mining, and infrastructure construction. While their labour force is mainly local, the managerial and supervisory positions are often occupied by Chinese migrants. Landry and Chen (2021) suggest that Chinese firms and trainers are also involved in knowledge-transfer through technical training.

BOX: Chinese Migrants in Anjava, Madagascar

Coming from small rural towns in mainland China, many of the Chinese workers I spoke with have been struggling for years to create better lives for their families, and most of them decided to work in Anjava in pursuit of higher salaries than they might earn at home. Before coming to Madagascar, most had been working, since the 1990s, for a Chinese state-owned collectivist sugar factory in their home province. With recent socio-economic reforms in China, the production and profit of the sugar company employing them went downhill, and many of them lost their lifelong guaranteed “iron bowl” (*tie fan wan*) jobs when the company was privatized in 2005. Forced to navigate the job market again in their mid-30s or 40s, with families to support but not much education or experience, they jumped at the opportunity to work with SINLANX in Madagascar, especially thrilled by the prospect of the extra bonuses provided as a reward for working overseas. ... Although most of their family members understand that taking this job means that they have no choice but to endure long-term separation from their loved ones, they still support their work in Madagascar, believing that the job will fundamentally improve the family’s living conditions. They hope that the money will gradually allow them to join the club of China’s burgeoning middle class, or “new rich.” Many of my interlocutors proudly mentioned to me that after they started to work in Anjava, their wives in China were able to afford a car, that they were able to get a loan from the bank to buy a nice apartment in a bigger city, and that their children could be sent to more prestigious schools....Chinese people in Anjava have no intention of staying in Madagascar longer than their contracts require. In fact, they remain connected to their lives in China, even as they live most of their lives in Madagascar (Zhang, 2018).

Madagascar’s Export Processing Zones (EPZs) employ over 180,000 (mainly female) local workers in apparel production for the North American and European markets. As Table 6 shows, there are almost 70 apparel export firms in Madagascar of which 31 are local and 38 foreign-owned. Over half of the local firms are migrant owned. No data are available on how many labour migrants are employed in the EPZs but is likely to be confined to managerial and technical support.

Chinese migrants are also involved in other sectors of the economy (Tremann, 2013; Veeck and Dop, 2013). For example, China sends annually several medical teams with over 40 to 50 medical workers and supplies to Madagascar. In addition, the Chinese government provides construction teams to build and resurface roads and erect low-cost housing, commercial buildings, and hospitals. Chinese migrants in Madagascar are also involved in wholesale and retail trade including renting and managing shopping complexes.

Table 5-Ownership of Apparel Export Firms in Madagascar

Ownership	Total ^a	Integrated (textile and apparel)	Apparel	Apparel Sub-contracting
Local firms	31	1	20	10
French-origin	9		8	1
Indian-origin	7	1	4	2 ^b
Indigenous	13		6	7
Chinese-origin	1		1	
Vietnamese-origin	1		1	
Foreign firms	38	3	32	3
Mauritian	16	1	12	3
French	4		4	
Other European	2		2	
Hong Kong	3		3	
Chinese	6		6	
Other Asian	3		3	
US	3	1	2	
South African	1	1		
Total	69	4	52	13

Source: Whitfield and Staritz (2021)

5 POLICY AND LEGAL FRAMEWORK

5.1 Madagascar Constitution of 2010 ¹

Article 6 of the Madagascar Constitution of 2010 states that:

All individuals are equal before the law and enjoy the same fundamental freedoms protected by the law without discrimination founded on gender, the level of instruction, wealth, origin, religious belief or opinion.

Title II (Part 2) has the heading Freedoms, Rights and Duties of Citizens and in Sub-Title I (Articles 7 – 16), sets out the Civil and Political Rights and Duties, which include the right to:

- Life
- Liberty
- Freedom of expression
- Information, and the
- Right to freely constitute associations

Concerning freedom of movement (which is of relevance to labour migration), Article 12 makes a clear distinction between the rights of Malagasy residents and other individuals, as follows:

¹ https://www.constituteproject.org/constitution/Madagascar_2010.pdf?lang=en

- Any resident Malagasy has the right to leave the national territory and to return to it within the conditions established by the law.
- All individuals have the right to circulate and to establish themselves freely on all the territory of the Republic within respect for the rights of others and the prescriptions of the law.

The phrasing of Article 12 suggests that only citizens of Madagascar have the right to freedom of movement and that the rights of migrants, including migrant workers, may be restricted by law.

Sub-Title II (Articles 17 – 39), sets out the Economic, Social and Cultural Rights and Duties and provides for the following rights, amongst others:

- Health care
- Education
- Work and professional training (**citizens only**)
- Fair remuneration (**citizens only**)
- Access to housing (**citizens only**)

Articles 28, 31 and 32 are of relevance to migrant workers and stipulate that:

Article 28: No one may be prejudiced in their work or in their employment for reason of gender, of age, of religion, of opinions, of origins, of belonging to a trade-union or of political convictions.

Article 31: The State recognizes the right of every worker to defend their interests through syndical action and in particular through the freedom to form a trade-union. The affiliation to a trade-union is free.

Article 32: Every worker has the right to participate, notably by the intermediary of their delegates, to the determination of the rules and of the conditions of work.

While Article 6 of the Constitution guarantees equality before the law, there are specific rights that only citizens are entitled to, as indicated above.

5.2 Act No. 2003-044 on the Labour Code ²

Act No. 2003-044 on the Labour Code establishes the general principles applicable to all workers whose employment contract is executed in Madagascar except for supervised state officials and workers governed by the Code of Merchant Marine; and to all

² Translated from the origina: Title: Loi n°2003-044 portant Code du Travail available at <https://www.global-regulation.com/translation/madagascar/5961034/law-no.-2003-044-on-the-labour-code.html>

employers regardless of their nationality, status, or industry. The Labour Code is based on respect for fundamental rights provided by International Labour Conventions as well as the need to promote social dialogue at all levels (bipartite or tripartite) between the main actors of the world of work: the employer, the worker, and the State.

The Labour Code provides for the following:

- Contracts of Employment
- Working conditions
- Prohibition of Forced Labour
- Occupational Health and Safety
- Industrial Relations
- Vocational Training
- Dispute Resolution
- Labour Inspection System

In the Labour Code, a worker is defined as anyone who is committed to their professional activity, remuneration, under the direction and authority of another person or entity, public or private, regardless of sex or nationality.

5.3 Immigration Laws and Regulations

According to the IOM *Migration Governance Indicators* (IOM, 2021), Madagascar has several laws, decrees and regulations and accompanying institutions that provide for the management of migration, including labour migration. These include:

- Law No. 62-006 determining the organization and control of immigration (1962) establishes a basic framework for migrants and stateless persons;
- Decree No. 94-652 establishing the new implementing modalities for Law No. 62-006 on the organization and control of immigration (1994);
- Interministerial Decree No. 8421/97 (1997), on the application of Decree No. 94-652 (1994)¹¹ establishing the terms and conditions for granting entry and resident visas for non-immigrant foreigners and immigrants (1997);
- The Ministry of Labour, Employment, Public Services and Social Legislation (MTEFPLS) is responsible for establishing the country's labour migration policy and Decree No. 2019-072 (2019) tasks the Directorate for Labour Migration with studying and assessing employment possibilities abroad and with processing permit applications for private recruitment agencies placing Malagasy citizens
- Article 42 of Law No. 2003-044 on the Labour Code (2004) stipulates that all labour contracts signed by Malagasy citizens for employment abroad must be submitted by the contracting party to the Ministry for verification.
- The Interministerial Committee on Emigration was set up by the Ministry of Employment, Technical Education and Vocational Training by Order No. 23993/2015 on the establishment of an interministerial committee to monitor

labour emigration (2015). It is tasked with regulating emigration of Malagasy citizens and protecting their interests.

- The Diaspora Directorate, which was established by Order No. 2019-AE of 1 February 2019 on the missions and structure of the Ministry's Central Services, oversees the implementation of the National Policy for Engagement with the Malagasy Diaspora (2019).

6 LABOUR MARKET INSTITUTIONS

6.1 Labour Inspectors

Under the auspices of the Ministry of Labour, Labour Inspectors ensure the implementation of laws and regulations related to conditions of work and protection of workers in the exercise of their function, such as provisions on working hours, wages, safety, hygiene, and well-being, as well as the provisions of a collective agreement. It is the responsibility of the inspector to provide information and technical advice to employers and workers on the most effective means of complying with legal provisions in force and to bring to the attention of the competent authority defects or abuses, which are not specifically covered by existing laws and regulations.

The Labour Code authorizes the Labour Inspector to enter the workplace at any time during the day or night without previous notice to:

- Carry out examinations, test or inquiry;
- Interview anyone;
- Ask for or take a copy of any prescribed book/register, record, or other document;
- Take or remove samples.

Labour inspectors are also authorized to prescribe measures to eliminate defects observed in a plant layout or work methods if they have reasonable cause to believe it constitutes a threat to health or safety of workers.

6.2 Works Council

The Works Council is a bipartite consultative body and a platform of negotiation, dialogue, and stakeholder collaboration in the enterprise. It is consulted and gives its opinion on all questions concerning the lives of workers including working conditions; social and cultural affairs; health; safety in the work environment; individual or collective dismissal for economic reasons; and labour disputes.

6.3 National Labour Council

The National Labor Council is a tripartite body for consultation, dialogue, and monitoring. It provides a framework for consultation and negotiation between the social

partners on wages and working conditions and an information framework on all matters included in its jurisdiction.

6.4 National Labour Institute

The National Labor Institute's mission is to ensure the continuous training of workers to enable them to participate actively in the economic and social life of the company and the country, and fully ensure the effective functioning of their trade union representatives. It aims to:

- Develop human resources;
- Strengthen the capacity of employer and worker organizations on the promotion of social dialogue;
- Provide leaders, union officials and workers, technical assistance, and general training in the areas of labour, business management, economics, and working conditions.

7 RATIFICATION OF INTERNATIONAL INSTRUMENTS

Madagascar has ratified 47 ILO Conventions, of which 42 are in force.³ Concerning fundamental rights covering all workers in the country, including migrant workers (regardless of migration status), the following Conventions have been ratified:

	Convention No	Title	Date of Ratification
Fundamental Conventions	C029	Forced Labour Convention, 1930 (No. 29)	01 Nov 1960
	C087	Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	01 Nov 1960
	C098	Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	03 Jun 1998
	C100	Equal Remuneration Convention, 1951 (No. 100)	10 Aug 1962
	C105	Abolition of Forced Labour Convention, 1957 (No. 105)	06 Jun 2007
	C111	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	11 Aug 1961

³ https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102955

	C138	Minimum Age Convention, 1973 (No. 138)	31 May 2000
	C182	Worst Forms of Child Labour Convention, 1999 (No. 182)	04 Oct 2001
Governance Conventions	C81	Labour Inspection Convention, 1947 (No. 81)	21 Dec 197
	C122	Employment Policy Convention, 1964 (No. 122)	21 Nov 1966
	C144	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	22 April 1997
Technical Conventions	C97	Migration for Employment Convention (Revised), 1949 (No. 97)	14 Jun 2001
	C143	Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	11 Jun 2019
	C181	Private Employment Agencies Convention, 1997 (No. 181)	11 Jun 2019
	C189	Domestic Workers Convention, 2011 (No. 189)	11 Jun 2019

Madagascar ratified the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 24 September 2014.⁴ There have been some studies of poor working conditions in the EPZs but these focus on conditions for local workers not migrants (ILO, 2023; Marslev and Whitfield, 2023).

8 BILATERAL LABOUR AGREEMENTS

A report to the OHCHR Committee on the Rights of Migrant Workers in September 2018 notes that Madagascar has concluded or was in the process of negotiating bilateral labour agreements with Comoros, Lebanon, Mauritius, and Saudi Arabia.⁵ In the case of Lebanon and Saudi Arabia, the agreements are mainly related to the recruitment of domestic workers. However, IOM (2021) notes that “Madagascar has not concluded bilateral agreements or memorandums of understanding on migration issues with other countries.” According to IOM (2021), the Government has endeavoured to finalize

⁴ https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=103&Lang=en

⁵ <https://www.ohchr.org/en/press-releases/2018/09/committee-rights-migrant-workers-considers-madagascars-initial-report#:~:text=The%20inter%2Dministerial%20committee%20on%20migrants%20had%20so%20far%20established,had%20the%20right%20to%20nationality.>

bilateral labour agreements with the main countries of destination for Malagasy migrants: the Comoros, Lebanon, Mauritius, and Saudi Arabia. ILO (2022) notes that several BLAs and MOUs between Madagascar and Mauritius, Saudi Arabia, Kuwait, and Lebanon are in the draft stages of development. The specific details of the proposed draft agreements are not available.

9 FAIR RECRUITMENT OF MIGRANT WORKERS

ILO (2022) notes the following about fair recruitment in Madagascar:

- Madagascar responded to reports about abusive practices and trafficking in persons in countries in the Arab States with a ban on labour migration to “high risk” countries in 2013.
- In 2019, a Decree was issued, banning departures to countries where Madagascar has no diplomatic representation.
- In 2015, a Decree invoked a nationwide ban on the operation of private employment agencies (PEAs) by revoking all licenses of PEAs.

The ILO notes that these effective bans had the impact of pushing workers into irregular migration channels and leaving workers who choose to migrate particularly vulnerable without access to services and assistance.

Regarding regulation of PEAs and recruitment fees and costs, following the 2015 ban on licensing and operations of PEAs, unlicensed and informal brokers became more widespread and despite prohibition on payment of fees and expenses by workers in the Labour Code, the practice is systemic.

The IOM (2021) *Migration Governance Indicators* report notes that measures have been adopted to protect the rights of Malagasy citizens seeking to work abroad. Malagasy migrant workers are protected under Article 42 of Law No. 2003-044 of the Labour Code, which stipulates that foreign employers seeking to hire Malagasy citizens must submit the work contracts to the Ministry of Labour, Employment, Public Services and Social Legislation (MTEFPLS) for approval, and they must bear the costs of travel. Procedurally, the Directorate for Labour Migration at MTEFPLS approves a contract only once the foreign employer has obtained a work permit and a certificate of residence for the employee. The authorization to hire requires the employer to provide housing and take responsibility for the worker’s medical care.

10 SKILLS RECOGNITION OF MIGRANT WORKERS

The IOM (2021) *Migration Governance Indicators* report notes that Madagascar has no formal criteria for the recognition of foreign qualifications and does not participate in any common qualification framework. Madagascar also does not have a National

Qualifications Framework. In partnership with and through the Capacity Development for Education (CapED) programme, UNESCO is supporting Madagascar to systematically improve the quality and efficiency of technical and vocational education and training at the national level through a modern certification system, drawing on international standards.⁶

11 SOCIAL PROTECTION OF MIGRANT WORKERS

The following regulations are applicable to social security benefits for workers in Madagascar:⁷

- The 2004 Labour Code provides for
 - medical benefits, including hospitalisation, medicine, transportation and rehabilitation expenses;
 - disability/work injury benefit
- Decree No. 69-145 of 8 April, on the Social Insurance Code and Law No. 94-026 of 17 November, on the Social Protection Code provide for
 - pension rights;
 - dependents/survivors' benefit;
 - invalid benefits

The law and regulations do not provide for unemployment insurance and benefits. It is not clear whether and the extent to which these laws and regulations are applicable to migrant workers. However, given the equality before the law provision of the Constitution, as well as the non-discrimination clauses of the Labour Code, it is quite likely that migrant workers benefit from the social security measures provided for in the law and regulations.

⁶ <https://www.unesco.org/en/articles/recognizing-prior-learning-madagascar>

⁷ <https://wageindicator.org/documents/decentworkcheck/africa/madagascar-english.pdf>

REFERENCES

Chen, Y. and Landry, D. (2016). Where Africa Meets Asia: Chinese Agricultural and Manufacturing Investment in Madagascar. Working Paper No. 2016/5. China-Africa Research Initiative, Johns Hopkins University, Washington DC. .

Guccini, F. and Zhang, M. (2021). Being ‘Chinese’ in Mauritius and Madagascar: Comparing Chinese Diasporic Communities in the Western Indian Ocean. *Journal of Indian Ocean World Studies*, 4(2), 91-117.

ILO (2022). Madagascar Alignment of Labour Code to Newly Ratified Conventions. ILO Brief. At: https://www.ilo.org/global/topics/fair-recruitment/publications/WCMS_840213/lang--en/index.htm

ILO (2023). *Study on Decent Work in the Textile and Clothing Industry in Madagascar* (Geneva: ILO).

IOM 2021. *Migration Governance Indicators Profile 2021: Republic of Madagascar*. Geneva: IOM.

Julien, R. (2021). The Chinese Newcomers from Behoririka. *Asian Journal of Sociological Research*, 4(1), 7-21.

Landry, D. and Chen, Y. (2021). Can Chinese Investment Lead to Knowledge and Technology Transfers? The Case of Madagascar. *Journal of Chinese Economic and Business Studies*, 19(4), 315-334.

Marslev, K. and Whitfield, L. (2023). *Working Conditions in Madagascar’s Apparel Industry: Comparing Export and Domestic Market Firms*. CBDS Working Paper No. 2023/2, Copenhagen.

Razafindrakoto, M., Roubaud, F. and Wachsberger, J-M. (2020). *Puzzle and Paradox: A Political Economy of Madagascar* (Cambridge: Cambridge University Press).

Schiller, C. (2013). China and Madagascar: Engagement, Perceptions, and Developmental Effects. PhD Thesis, University of London.

Tremann, C. (2013). Temporary Chinese Migration to Madagascar: Local Perceptions, Economic Impacts, and Human Capital Flows. *African Review of Economics and Finance*, 5(1).

UNHCR (2017). Stories: Madagascar's Karana People Still Waiting Nationality. At: <https://www.unhcr.org/africa/news/stories/madagascars-karana-people-still-awaiting-nationality>

UNHCR (2021). South Africa Multi-Country Office: 2021 Year-End Report - Population Trends. At: <https://reporting.unhcr.org/south-africa-multi-country-office-2021-year-end-report-population-trends>

UNICEF (2023). *Migration and Displacement Country Profiles: Madagascar*. At: <https://data.unicef.org/resources/migration-and-displacement-country-profiles-mdcp/>

Veeck, G. and Diop, S. (2013). Chinese Engagement with Africa: The Case of Madagascar. *Eurasian Geography and Economics*, 53(3), 400-418.

Whitfield, L. and Staritz, C. (2021). Local Supplier Firms in Madagascar's Apparel Export Industry: Upgrading Paths, Transnational Social Relations and Regional Production Networks. *Environment and Planning A: Economy and Space*, 53(4), 763-784.

Zhang, M. (2018). ""Being Chinese" in Madagascar." PhD Thesis, Western University.



www.sammproject.org
samm-project@ilo.org