

MADAGASCAR 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Madagascar is a constitutional democracy. In October and December 2013, the country held presidential and legislative elections for the first time since an illegitimate civilian regime headed by former de facto president Andry Rajoelina assumed power in a military-backed coup in 2009. Both presidential and legislative elections were peaceful and deemed generally free and fair by international observers. The country inaugurated Hery Rajaonarimampianina, who won the presidency with 53 percent of the vote, in January 2014. The first session of the national assembly, which began in February 2014, officially ended the five-year political transition. The establishment of a democratic government was a critical milestone in ending the political crisis that had paralyzed the country since the 2009 coup and marked the culmination of a transitional process brokered by mediators acting on behalf of the Southern African Development Community (SADC). Civilian authorities did not always maintain effective control over the security forces.

The most important human rights abuses included the inability of the government to provide rule of law, which resulted in security force abuse, including unlawful killings and mob violence; life-threatening prison conditions; and lack of judicial independence and judicial inefficiency, resulting in lengthy pretrial detention.

Other human rights problems included intimidation of journalists and restrictions on freedoms of speech, press, and assembly; official corruption and impunity; societal discrimination and violence against women; child abuse and child marriage; discrimination against persons with disabilities and the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community; trafficking in persons; and child labor, including forced child labor.

The government did not always prosecute or punish officials who committed abuses, whether in the security forces or elsewhere in the government, and impunity remained a problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

Although no official statistics were available, there were numerous reports security forces killed criminal suspects, both while in pursuit and during arrest. Most killings occurred during security force operations to stem cattle rustling by armed criminal groups in the central, west, and southwest areas of the country. Villagers sometimes supported government efforts to stem cattle rustling and were responsible for killing cattle rustlers; sometimes they opposed security forces or one another.

On March 24, in Vangaindrano gendarmes supported by villagers reportedly shot and killed 14 presumed thieves during an armed confrontation; the thieves were part of a gang that had attacked a village in the same district, killing three villagers and stealing approximately 20 cattle.

In August the government launched “Fahalemana 2015,” a joint army-gendarmerie-national police operation to reestablish government control in 11 regions where cattle rustlers were the most active and violent. According to the government, as of September authorities had killed 114 cattle thieves, arrested more than 50, and recovered approximately 2,500 cattle. Fahalemana 2015 became increasingly violent, however, after August 27, when cattle rustlers in Ankazoabo Sud killed security force members during armed confrontations. Security forces reportedly retaliated by killing civilians, seizing cattle, and burning the shelters of thieves. On September 1, for example, soldiers shot and killed three villagers in Maevatanana and seized 70 cattle, which gendarmes in Ankazobe eventually returned to their owners. The army and gendarmerie announced in September that authorities would conduct investigations into the use of excessive force in Fahalemana 2015.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law provide for the inviolability of the person and prohibit such practices, but security forces subjected prisoners and criminal suspects to physical and mental abuse, including torture, according to nongovernmental organizations (NGOs) and media reports.

Security personnel used beatings as punishment for alleged crimes or simply as a tool of coercion. Off-duty and intoxicated members of the armed forces assaulted civilians. In most cases investigations announced by security officials did not result in prosecutions or sentences.

On February 2, police in Antsiranana arrested an ice cream seller who had refused to move his cart. Police subsequently beat the man in the police station and left him seriously injured and unconscious in the street. Authorities took no action against police by year's end.

On August 31, gendarmes arrested and beat Jean Pierre Randrianomanana, a student movement leader at the University of Antananarivo; Randrianomanana was hospitalized until his trial three days later. General Rakoto Francois Rodin, commander of the national gendarmerie, promised an investigation, and authorities subsequently dismissed Faniry Randriamahery, commander of the gendarmerie of Antananarivo. In mid-September, however, the media reported authorities took no action against the 12 gendarmes who beat the student.

On March 20, villagers of Ambahikily Toliary caught an alleged thief and suspected killer of a member of the local military unit. The villagers transferred him to members of the local military unit, who beat him to death. The local gendarmerie opened an investigation, but authorities had not arrested or charged any suspects by year's end.

Military hazing also resulted in deaths. The media reported in April that a new recruit at the gendarmerie school of Ambositra died two days after being hazed.

Security forces raped women. In early April a sergeant reportedly raped a woman and seized several cattle in Ambinda, Ampanihy Ouest District. A military commander in Toliary told the villagers that "the perpetrators of such acts must be prosecuted," but authorities took no known action.

The government arrested and imprisoned a few security force members during the year. For example, on February 6, police arrested three gendarmes suspected of theft and kidnapping the previous week. On July 21, authorities sentenced four gendarmes suspected of planning an armed attack in Maevatanana to prison.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to inadequate food, overcrowding, poor sanitary conditions, and lack of medical care.

Physical Conditions: As of December 2014, the country's 82 prisons and detention centers held nearly 20,000 inmates, including 807 women, 545 boys, and 45 girls; this figure represented nearly twice the official capacity of 10,300 inmates. Authorities did not always hold juveniles separately from adults, and some preschool-age children shared cells with their incarcerated mothers. In July a newspaper reported 34 women in Antanimora Prison, Antananarivo, were incarcerated with their babies because they had no childcare options outside the prison.

Authorities held pretrial detainees with convicted prisoners.

Severe overcrowding, due to weaknesses in the judicial system and inadequate prison infrastructure, was a serious problem. Antanimora Prison, for example, held more than 3,000 inmates, twice its official maximum capacity. One penitentiary surpassed its official capacity by nearly eight-fold. Lengthy pretrial detention was pervasive.

According to a study conducted during the year by Handicap International, harsh prison conditions were a source of psychological distress for 66 percent of detainees at three of the country's largest detention facilities--Vatomandry, Toamasina, and Toliary. In a number of documented cases, disease was a direct result of overcrowding, lack of hygiene and medical care, and poor nutrition. According to the study, 92 percent of detainees reported they "often felt hungry." In many cases families and NGOs supplemented the daily rations of prisoners.

Between January and July, the Ministry of Justice recorded 43 deaths in prisons, none of which was attributable to actions by guards or other staff.

A deteriorating prison infrastructure that often lacked sanitation facilities and potable water resulted in disease and infestations of insects and rodents. Access to medical care was limited, particularly for detainees held at Tsiafahy, the country's high-security detention center. Ventilation, lighting, and temperature control in facilities were either inadequate or nonexistent.

Administration: Prison recordkeeping remained inadequate and poorly coordinated with police and judicial authorities. Information was not available on whether authorities used alternatives to sentencing for nonviolent offenders. There

was no provision for ombudsmen to advocate on behalf of prisoners or detainees. While a formal process exists to submit complaints of inhuman conditions to judicial authorities, few detainees used it due to fear of reprisal. Ministry of Justice officials conducted intermittent inspections of facilities. Officials authorized prisoners and detainees to receive weekly visits from relatives and permitted religious observance. Visits outside the scheduled days were reportedly possible by bribing guards and penitentiary agents. NGOs reported bribes could purchase small privileges, such as allowing family members to bring food for prisoners.

Independent Monitoring: Authorities generally permitted independent monitoring of prison conditions by the International Committee of the Red Cross (ICRC), several local NGOs, and some diplomatic missions. Authorities permitted the ICRC to conduct visits to all main penitentiary facilities and to hold private consultations in accordance with its standard modalities. Authorities also permitted ICRC representatives to visit detainees in pretrial or temporary detention.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but authorities did not always respect these provisions. Authorities arrested persons on vague charges and detained suspects for long periods without trial.

Role of the Police and Security Apparatus

The national police, under the authority of the Ministry of Public Security, are responsible for maintaining law and order in urban areas. The gendarmerie, under the Ministry of National Defense, is responsible for maintaining law and order in rural areas.

The government did not have effective control over matters relating to rule of law outside the capital. Security forces at times failed to prevent or respond to societal violence, particularly in rural areas (see sections 1.a. and 6).

Government institutions lacked any effective means to monitor, inspect, or investigate security forces, and impunity was a problem. Victims may lodge complaints in the local court of jurisdiction, although this rarely occurred.

The law provides traditional village institutions the right to protect property and public order. Some rural areas used an informal, community-organized judicial system, or “dina,” to resolve civil disputes between villagers over such issues as alleged cattle rustling. Although the dina system provided the only rule of law in some villages and isolated regions of the country, it at times imposed harsh sentences without due process. The dina system also served as a means to exploit villagers. For example, dina leaders in Tsaratanana required villagers who lost cattle to pay money for the dina to intervene, although such intervention rarely resulted in the return of stolen cattle.

The Ministry of Justice, in collaboration with the UN Development Program, provided training sessions on human rights to the gendarmerie, police, and military, as well as to penitentiary agents.

Arrest Procedures and Treatment of Detainees

Although the law requires arrest warrants in all cases except those involving hot pursuit, authorities often detained persons based on accusations. The law requires authorities to charge or release criminal suspects within 48 hours of arrest, but authorities often detained individuals for significantly longer periods before being charged or released. Defendants have a general right to counsel, and the law entitled those who could not afford a lawyer to one provided by the state. Many citizens were unaware of this right, however, and few requested attorneys. Defendants have the right to know charges against them, but authorities did not always respect this right. A bail system exists, but authorities frequently denied bail without justification. Magistrates often resorted to a “mandat de depot” (retaining writ) under which defendants were held in detention for the entire pretrial period. The law limits the duration of pretrial detention and regulates the use of the writ. Regulations limit the duration of detention based on the type of crime, with a theoretical maximum of eight months for criminal cases, but authorities held detainees for longer periods. Family members generally had access to prisoners, although authorities limited access for prisoners in solitary confinement or those arrested for political reasons.

Arbitrary Arrest: Security forces arbitrarily arrested demonstrators (see section 2.b.).

Pretrial Detention: According to the Ministry of Justice, as of February approximately 58 percent of the prison population was in pretrial detention; 69 percent of female prisoners and 87 percent of juvenile prisoners were pretrial

detainees. Pretrial detention ranged from several days to several years. Poor recordkeeping, an outdated judicial system, insufficient magistrates, and lack of resources contributed to the problem. The length of pretrial detention often exceeded the maximum sentence for the alleged crime.

Amnesty: At the Presidential New Year's Reception in January, the president announced a series of sentence reductions, such as three months instead of a one-year sentence. Sentence reductions did not apply to persons convicted of public fund embezzlement, money laundering, rosewood traffic, smuggling of other natural resources, killing, rape, and kidnapping.

As of September the temporary special commission appointed in 2012 by the Supreme Court had granted amnesty to 33 persons involved in political events between 2002-09; 94 requests have been submitted. The commission was responsible for ruling on certain types of amnesty cases, including those recommended by the Malagasy Reconciliation Committee, established in 2012 in accordance with the SADC Roadmap to recommend amnesty for specific individuals involved in political events between 2002-09.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judiciary was susceptible to executive influence at all levels, and corruption remained a serious problem. There were instances in which the outcome of trials appeared predetermined, and authorities did not always enforce court orders. Lack of training, resources, and personnel hampered judicial effectiveness, and case backlogs were "prodigious," according to Freedom House.

The law reserves military courts for the trials of military personnel and they generally follow the procedures of the civil judicial system, except that military jury members must be military officers. Defendants in military cases have access to an appeals process and generally benefit from the same rights available to civilians, although their trials are not public. A civilian magistrate, usually joined by a panel of military officers, presides over military trials.

Trial Procedures

The law provides for a presumption of innocence, but authorities often ignored this right. Defendants have the right to be informed promptly and in detail of the charges against them, and the law provides free interpretation as necessary.

Defendants have the right to a fair trial without undue delay. Authorities, however, did not always enforce these rights, resulting in prolonged incarceration of suspects without charge, denial of bail, and postponed hearings.

Trials are public, and defendants have the right to legal counsel at every stage of proceedings. Many citizens were unaware of their right to counsel, however, and authorities did not systematically inform them of it. Defendants who did not request or could not afford counsel generally received very limited time to prepare their cases. Only labor disputes used juries. Defendants have the right to be present at their trials, to receive information regarding the charges against them, to present and confront witnesses, and to present evidence. Authorities generally respected such rights if defendants had legal representation. Attorneys have access to government-held evidence, but this right does not extend to defendants without attorneys. Legislation outlining defendants' rights does not specifically refer to the right not to be compelled to testify or not to confess guilt. It does include the right to assistance by another person during the investigation and trial. Defendants have the right to appeal convictions.

Law enforcement authorities also selectively shortened the duration of investigations and expedited judgments in politically sensitive cases, such as that of Jean Pierre Randrianomanana, a student leader sentenced to a six months' suspended prison sentence only four days after his arrest.

Political Prisoners and Detainees

Observers believed the country had no political prisoners.

Civil Judicial Procedures and Remedies

The judiciary deals with all civil matters, including human rights cases, and individuals or organizations may seek civil remedies for human rights violations. Courts lacked independence, were corrupt, and often encountered difficulty in enforcing civil judgments.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports the government failed to respect these provisions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, but the government restricted these rights, although less so than in previous years. In January, President Rajaonarimampianina stated during an event with journalists at the presidential palace that press freedom had limits; he cited threats to public order, dignity of the state, and freedom and decency of others.

Freedom of Speech and Expression: Although the law provides for freedom of speech, the penal code provides sanctions against individuals who make speeches that incite hatred toward the government, and the law restricted individuals in their ability to criticize the government publicly. Authorities and their supporters harassed and intimidated opponents, resorting to legal action, including arrest, when threats failed to dissuade critics.

For example, on April 27, authorities convicted Armand Marozafy--a tourist guide and member of an ecological association--of criminal defamation and sentenced him to six months in prison and a 12 million ariary (\$3,650) fine after he sent a confidential report on illegal rosewood logging to the NGO partners of his conservation association. Anonymous actors subsequently posted the report on Facebook. On September 23, authorities released Marozafy after the appeals court reduced his sentence to four months but retained the same fine, which was 12 times the maximum amount allowed under the penal code for criminal defamation.

Press and Media Freedoms: The country had no communications code to protect press freedom, and authorities could prosecute journalists under libel law and the criminal code if they considered reporting offensive. Unlike in the previous year, however, there were no reports that this occurred.

The country had numerous independent newspapers. More than 300 radio and television stations operated in the country, although many shifted to live call-in shows in recent years to distance themselves from editorial responsibility for content.

Violence and Harassment: On April 21, authorities tried Gerard Rakotonirina--president of the Journalists Union and publication manager of a local newspaper--in civil court after a local fuel company charged him with criminal defamation; Rakotonirina's newspaper had reported on a dispute between managers of a gas station and the fuel company. On June 9, the court dismissed the charges.

In June a village chief threatened Ilakaka private radio journalist Fernand Cello with a firearm. Cello was investigating suspected illicit mining within a protected area. After the intervention of the local population and police, the tribunal of Ihosy issued an arrest warrant against the village chief.

Censorship or Content Restrictions: Journalists practiced self-censorship, and authors generally published books of a political nature abroad.

Libel/Slander Laws: Unlike in the previous year, there were no reports that government authorities used libel laws to suspend licenses or arrest journalists.

Internet Freedom

The government did not restrict or disrupt access to the internet, and there were no credible reports the government monitored private online communications without appropriate legal authority. In June 2014, however, the national assembly passed a cybercrime law that includes a provision to prohibit insulting or defaming a government official online. The government claimed it designed the law primarily to combat underage child pornography. According to Reporters Without Borders, “the law’s failure to define what is meant by ‘insult’ or ‘defamation’ leaves room for very broad interpretation and major abuses.” The law provides for punishment of two to five years’ imprisonment and a fine of two million to 100 million ariary (\$608 to \$30,400) for defamation. Following criticism from the media and international community, the government promised to revise the law to bring it into line with proposed revisions to the communication code, which authorities had not adopted by year’s end.

Public access to the internet was limited mainly to urban areas. According to the International Telecommunication Union, 2.2 percent of individuals in the country used the internet in 2013.

Political groups, parties, and activists used the internet extensively to advance their agendas, share news, and criticize other parties. Observers generally considered the internet among the more reliable sources of information, as many internet servers were outside the country and the government could not regulate them.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, but authorities restricted this right. Security forces regularly impeded opposition gatherings throughout the country and used excessive force to disperse demonstrators or resorted to legal procedures for unrelated crimes to dissuade movement leaders.

Several times during the year, security forces used tear gas to disperse demonstrations by university students in Antananarivo and other places. Students generally retaliated by throwing stones at security forces, which often resulted in injuries and arrests. Security forces characterized the arrested students as troublemakers and not real students.

In March security forces arrested Alain Ramaroson, a frequent organizer of antigovernment protests, for organizing an unauthorized march and refusing to turn over his vehicle papers to security forces at a traffic checkpoint. Ramaroson, who authorities released three days later, awaited trial at year's end.

Freedom of Association

The constitution and law provide for the right of association, but the government did not always respect this right. Opposition parties were regularly restricted spontaneously.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Authorities cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian agencies in providing protection and assistance

to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Exile: The constitution does not explicitly prohibit forced exile, and the government used it selectively. On May 2, President Rajaonarimampianina announced the lifting of house arrest for former president Ravalomanana, who returned from exile in South Africa without authorization in October 2014.

Internally Displaced Persons

In February and March, approximately 30,000 persons left their homes in Antananarivo due to flooding during the rainy season. Authorities lodged them in a state-owned facility in Andohatapenaka for six weeks, after which they returned to their homes. Authorities provided them with food and medical assistance.

According to the media, unknown perpetrators raped a displaced girl during this time.

Protection of Refugees

Access to Asylum: The law does not include provisions for granting asylum or refugee status, but the government provides protection to refugees. Authorities cooperated with UNHCR and other humanitarian organizations in assisting the small number of refugees in the country.

Stateless Persons

A complicated system of citizenship laws and procedures resulted in a large number of stateless persons in the minority Muslim community, many belonging to families living in the country for generations. Muslim leaders estimated the laws affected as many as 5 percent of the approximately two million Muslims in the country.

Birth to a citizen parent transmits citizenship. Birth in the country does not automatically result in citizenship. Children born to a citizen mother and noncitizen father must declare their desire for citizenship by age 18 or risk losing eligibility for citizenship. Some members of the Karana community of Indo-Pakistani origin--who failed to register for Indian, Malagasy, or French citizenship following India's independence in 1947 and Madagascar's independence in 1960--were no longer eligible for any of the three citizenships; this circumstance applied

to their descendants as well. Members of the wider Muslim community suggested that a Muslim-sounding name alone could delay one's citizenship application indefinitely. All stateless persons may apply for a foreign resident card, which precludes the right to vote, own property, or apply for a passport, thus limiting international travel. Stateless women may obtain nationality by marrying a Malagasy citizen and may request citizenship before the wedding date.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised this ability in 2013 presidential and legislative elections. These were the first elections since an unelected civilian regime led by former de facto president Rajoelina took control following a military-backed coup in 2009.

Elections and Political Participation

Recent Elections: The country held presidential and legislative elections in 2013. Despite irregularities that led to the cancellation of results by the special electoral court (CES) in four districts, international observers--including the EU, African Union, Francophonie, and Carter Center--deemed the elections generally free and fair. In January 2014 the CES announced the official results, confirming Hery Rajaonarimampianina's election as president, with 53 percent of the vote, compared with 47 percent for rival candidate Jean-Louis Robinson. In the weeks that followed, the president appointed a prime minister and cabinet, and an elected national assembly was instituted for a five-year term. The first session of the national assembly in 2013 officially ended the five-year political transition. Communal and senatorial elections, considered important milestones in the transition to democracy, still had not occurred.

On July 31, the country held municipal elections. They were marked by low turnout (25 percent) and irregularities, including the exclusion of qualified voters from the rolls, lack of independence of the CENI-T (the independent election authority), cancellation of elections in 19 communes, and other problems.

Political Parties and Political Participation: The government restricted opposition parties and denied them their right to demonstrate spontaneously.

Participation of Women and Minorities: Women participated in the government.

Although there were no official statistics on minorities, some parliamentarians were Muslim and of other ethnic backgrounds, including Indo-Pakistani and Chinese.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. Corruption was pervasive at all levels of government, and the World Bank's most recent worldwide governance indicators reflected corruption was a serious problem.

Corruption: During the year the Independent Anticorruption Bureau (BIANCO) launched corruption investigations into several high-level officials or individuals reputed to be close to the government, although few investigations resulted in conviction.

In July a BIANCO investigation resulted in charges of illicit rosewood smuggling against Johnfrince Bekasy, a ruling party candidate in municipal elections in Sambava. Authorities dropped charges in August, when the prosecutor determined the case could not proceed because authorities had not notified the Ministry of Environment of the case. After objections from international partners, authorities reinstated the case in September, and Bekasy returned to prison. In October authorities released him without explanation, and he departed the country, although subject to a travel ban.

BIANCO is a nominally independent government agency with a presidentially appointed director and oversight from the committee for the safeguard of integrity within the presidency. It is responsible for preventing, combating, and investigating corruption. A special anticorruption court prosecutes corruption cases referred by BIANCO. In 2014 BIANCO received 1,043 complaints involving corruption, of which 79 percent were deemed eligible for investigation; the bureau completed 650 corruption investigations in 2014. The largest number of corruption complaints targeted the national gendarmerie, decentralized institutions, the education sector, land management authorities, and the justice sector. These cases, however, did not reflect the full extent of corruption in the country, as citizens were less likely to report larger scale corruption cases involving influential individuals.

Financial Disclosure: The law requires regular income and asset declaration for individuals in the following positions: prime minister and other government ministers; parliamentarians; members of the high constitutional court; chiefs of regions and mayors; magistrates; civil servants holding positions of or equivalent to ministry director and above; inspectors of land titling, treasury, tax, and finances; military officers at the company level and above; inspectors from the state general inspection, army's general inspection, and national gendarmerie's general inspection; and judicial police officers. Although BIANCO may inform the prosecutor's office in cases of noncompliance, there was no indication authorities applied sanctions for noncompliance.

Between January and September, 70 parliamentarians and eight members of government, including the prime minister, had declared their assets.

Public Access to Information: There are no laws providing for public access to government information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Numerous domestic and international human rights groups generally operated without restriction, investigating and publishing their findings on human rights cases. Government officials were not always responsive to their views, but authorities allowed international human rights groups to enter the country, conduct their work, and consult freely with other groups.

There were several domestic NGOs in the country that worked on human rights, but few had the capacity to work effectively and independently. Political movements occasionally harassed or attempted to co-opt civil society organizations.

Government Human Rights Bodies: In July 2014 the government promulgated legislation creating a national independent human rights commission (CNIDH) that included democratically nominated commissioners with a mandate to investigate cases and publish reports on human rights violations. On September 22, government officials announced their intention to hold elections for CNIDH members in November so the commission would be operational by year's end. Although representatives from civil society and the media were elected, no representatives from the government, bar association, or university had been elected by year's end.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, and social status. No government institutions had designated authority to enforce these provisions.

Women

Rape and Domestic Violence: The law prohibits rape but does not address spousal rape. Penalties range from five years to life in prison, depending on factors such as the victim's age, the rapist's relationship to the victim, and whether the offender's occupation involved contact with children. Rape of a child or a pregnant woman is punishable by hard labor. Authorities may add an additional two to five years' imprisonment if the rape involves assault and battery. Authorities rarely enforced the law.

Between January and July, the Vonjy Center at Befelatanana Public Hospital, Antananarivo, received approximately 60 cases involving the rape of minor girls (see section 6, Children). Observers believed the figures greatly underestimated the extent of sexual violence nationwide, but no reliable national data were available. Between January and September 2014, the hospital received nearly 400 cases of sexual violence.

The law prohibits domestic violence, but it remained a widespread problem. Domestic violence is punishable by two to five years in prison and a fine of four million ariary (\$1,220), depending on the severity of injuries and whether the victim was pregnant. Statistics on the number of domestic abusers prosecuted, convicted, or punished were unavailable, but few women took legal action against their husbands, in part due to the cost of the required medical certificate--6,000 ariary (\$1.83). There were few shelters for battered women in the country, and many returned to the home of their parents, where parents generally pressured them to return to their abusers.

In April the media reported that the Akany Tsara Monina Center--built by NGO Enda Ocean Indien and funded by the EU--had received 13 female victims of domestic violence during its first months of operation. Victims may stay for two months, the period during which the law allows a woman to leave her husband for relevant reasons. After two months such women must return to their husbands unless they have initiated divorce proceedings.

Sexual Harassment: Sexual harassment is against the law, and penalties range from one to three years' imprisonment and a fine of one to four million ariary (\$304 to \$1,220). The penalty increases to two to five years' imprisonment, plus a fine of two to 10 million ariary (\$608 to \$3,040), if criminals forced or pressured the victim into sexual acts or punished the victim for refusing such advances. Authorities did not enforce the law, and sexual harassment was widespread.

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of their children and to have the information and means to do so free of discrimination or coercion. In 2007 public health clinics began a policy of providing free contraceptives and family planning information to adults, but such services often were unavailable due to inadequate resources. Religious organizations, NGO clinics, and other private sector organizations provided such services, although minor citizens had difficulty accessing family planning information and services. Social and cultural barriers, as well as resource problems, also impeded the use of contraceptives.

According to the 2012-13 Madagascar Millennium Development Goal Monitoring Survey (ENSOMD), the modern contraceptive usage rate was 33 percent, and the proportion of deliveries in health facilities was estimated at 38.8 percent. Observers estimated skilled attendance during childbirth at 44 percent but lower in rural areas, where there were few trained health workers.

The ENSOMD estimated the maternal mortality rate at 478 maternal deaths for 100,000 live births. Major factors that contributed to high maternal mortality included the distance from and high cost of health centers, low quality of hospital services, chronic maternal malnutrition (including anemia), lack of adequate spacing between pregnancies, and the high rate of unsafe abortions. Increasing rates of adolescent pregnancy also contributed to the high incidence of maternal deaths.

Discrimination: While women enjoyed the same legal status and rights as men in some areas, there were significant differences. Women experienced discrimination in employment (see section 7.d.) and inheritance. While widows with children inherit half of joint marital property, a husband's surviving kin have priority over widows without children, leaving them eighth in line for inheritance if there is no prior agreement. Families did not always observe these provisions. A tradition known as "the customary third" provides the wife with the right to only one-third

of a couple's joint holdings upon dissolution of the marriage, and families occasionally observed the tradition.

A number of NGOs focused on the civic education of women and girls, publicizing and explaining legal protections for women. Illiteracy, cultural traditions, societal intimidation, and lack of knowledge prevented many women from lodging official complaints or seeking redress when authorities violated their rights.

Children

Birth Registration: Citizenship derives from one's parents, although children born to a citizen mother and a foreign father must declare their desire for citizenship by age 18. The country had no uniformly enforced birth registration system, and unregistered children historically were not eligible to attend school or obtain health-care services. The UN Children's Fund (UNICEF) worked with the government to provide birth certificates for newborn children and children who did not receive a certificate at birth. According to a 2010 UNICEF study, 80 percent of children under age five had their births registered. The Ministries of Interior, Health, and Justice worked with UNICEF to reduce the number of unregistered children in targeted regions.

Education: The constitution provides for tuition-free public education for all citizen children and makes primary education until age 16 compulsory. Nevertheless, parents were increasingly required to pay various registration and other fees to subsidize teacher salaries and to cover the cost of basic supplies and furnishings. As a result education was inaccessible for many children. According to UNICEF boys and girls generally had equal access to education, although girls were more likely to drop out during adolescence. In September the World Food Program--in collaboration with the government--launched School Canteens in Urban Areas to establish food canteens in all public primary schools in Antananarivo.

Child Abuse: Child abuse was a problem, including the rape of babies and toddlers. The press reported more than 20 cases of child rape, with most victims under age 14; the youngest was five months old. During 2014 the Union of Social Workers reported 425 cases of sexual abuse (most involving children) and 398 other cases of child abuse in Antananarivo alone. The victims were between three months and 18 years of age. Government efforts to combat child rape were limited, focusing primarily on child protection networks, which addressed the needs of victims and helped raise public awareness.

In March authorities inaugurated the Vonjy Center in the maternity wing of Befelatanana Public Hospital. Funded by UNICEF the center receives and treats minor victims of rape. The center also offered medical consultation, coverage for medical expenses and delivery in case of pregnancy, and treatment for psychological problems incurred by the rape. The center encouraged victims to persuade their parents to file charges against perpetrators.

On March 13, during the celebration of Women's Day, the Ministry of Public Health announced that 83 doctors had received specialized training to assist rape victims by providing primary care and collecting samples and tests for use as evidence in legal proceedings.

Early and Forced Marriage: The legal age for marriage without parental consent is 18 years for both boys and girls. Nevertheless, according to the UN Population Fund, child marriage remained very common, particularly in rural areas and in the south. An estimated 48 percent of women between ages 20 and 24 were married before 18, and 14 percent were married before 15, according to 2000-09 UNICEF data. As confirmed by the UN special rapporteur on modern forms of slavery during her mission to the country in 2012, early forced marriage remained a concern in many communities, where parents forced girls as young as age 10 to marry. She noted, "Victims of such arrangements are also likely to be victims of domestic servitude and sexual slavery."

In collaboration with UNICEF and UNFPA, the government launched a national campaign in June to raise awareness about the dangers of early marriage.

In December 2014 the government passed updated antitrafficking legislation that broadens the scope of the previous legislation to cover sexual exploitation, labor trafficking, forced labor, forced begging, and debt bondage. Penalties for trafficking offenses range from two to five years' imprisonment and a fine of one to 10 million ariary (\$304 to \$ 3,040). Trafficking crimes against children are punishable by five to 10 years' imprisonment and a fine of two million to 10 million ariary (\$608 to \$3,040).

According to a 2013 report by the UN special rapporteur, the practice of "moletry," in which girls are married off at a younger age in exchange for oxen received as a dowry, continued. The parents of a boy (usually around age 15) look for a spouse for their son (girls may be as young as age 12), after which the parents of both children organize the wedding. The parents hold a written agreement for one year

that they may prolong. If a child is born after the first year and the marriage contract has expired, the girl--or, if she is very young, her mother--will be responsible for raising the child. If the girl has been unfaithful or the marriage does not last the full year, parents return the dowry, without any stigma for either side. The wife must stay the contracted year, even in the case of domestic violence, in which case the girl's parents receive more money or jewels.

The UN special rapporteur also criticized the practice of “valifofo,” or arranged marriage. She noted in places like Ihorombe, in the Bara community, when a girl reaches age 10, she is separated from other family members and may receive male visitors without obtaining approval from her male relatives. In the Bara community, the parents betroth a girl at birth, and the parents receive 10 oxen. The man may take the girl at age seven or ask her parents to raise her until she is age 12, at which time parents take her to the husband's home.

Other Harmful Traditional Practices: Several cultural and traditional practices resulted in the sexual exploitation of young women and girls. For example, in some remote areas, the traditional practice of “Tsenan'ampela” (girl markets) continued. Starting at age 13, girls go to cattle markets, where they try to attract cattle owners and negotiate a price for a “marriage,” which can last for a night or the duration of the market (from Friday to Monday), according to the UN special rapporteur's 2013 report. Such girls generally were paid up to 10,000 ariary (\$3) a night and returned home after the market.

Sexual Exploitation of Children: In general recruitment and incitement to prostitution carry a penalty of two to five years' imprisonment and a fine of up to 10 million ariary (\$3,040). Antitrafficking legislation passed in December 2014, however, provides a penalty of forced labor for the recruitment and incitement to prostitution involving a child under age 18, the sexual exploitation of a child under 15, and the commercial exploitation of a child under 18. Both the penal code and antitrafficking laws address pornography, specifying penalties of two to five years' imprisonment and fines up to 10 million ariary (\$3,040). Authorities rarely enforced the provisions. There is no minimum legal age for consensual sex.

The sexual exploitation of children, sometimes with the involvement of parents, remained a significant problem. The problem was particularly acute in Antananarivo and coastal cities, including Toamasina, Nosy Be, Diego Suarez, and Mahajunga. During her 2013 mission, the UN special rapporteur called the “exponential growth” of child prostitution and sex tourism in the country “alarming.”

In 2013 the NGO Ending Child Prostitution and Trafficking in Madagascar documented 1,132 children in prostitution in Antananarivo; more than one third claimed to have been initiated into prostitution during the previous year. The NGO also reported criminals initiated most children in prostitution in the coastal cities of Mahajanga and Nosy Be into sexual activity between ages 13 and 15. In 40 percent of the cases, the children had their first sexual encounter as sex workers, and their parents often were aware of their activities.

Employers often abused and raped young rural girls working as housekeepers in the capital. If they left their work, employers typically did not pay them, so many remained rather than return empty-handed to their families and villages.

The Ministry of Population and Social Affairs operated approximately 450 multisector networks covering 22 regions throughout the country to protect children from abuse and exploitation. The ministry collaborated with UNICEF to identify child victims and provide for their access to adequate medical and psychosocial services. In collaboration with the gendarmerie, the Ministry of Justice, and the Ministry of Population and Social Affairs, UNICEF trained local law enforcement officials and other stakeholders in targeted regions on the rights of children.

Infanticide or Infanticide of Children with Disabilities: Media reports documented several deaths of newborns abandoned in gutters and dumpsters. A traditional taboo in the southeast against giving birth to twins also contributed to the problem.

In February the gendarmerie of Ambohimanga, Antananarivo, summoned approximately 140 young women for investigation and examination by a midwife after authorities discovered the body of a newborn baby. A 16-year-old girl confessed, saying she had to get rid of the baby after her boyfriend abandoned her.

Displaced Children: Although child abandonment is against the law, it remained a significant problem. There were few safe shelters for street children, and governmental agencies generally tried first to place abandoned children with parents or other relatives. Authorities placed many children in private and church-affiliated orphanages outside the regulated system.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For

information see the Department of State's report on compliance at travel.state.gov/content/childabduction/english/legal/compliance.html.

Anti-Semitism

The Jewish community was small, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities, although there is no specific mention of sensory and intellectual disabilities. Legislation broadly defines the rights of persons with disabilities and provides for a national commission and regional subcommissions to promote their rights. By law persons with disabilities are entitled to receive health care and education and have the right to training and employment; the law does not address air travel. Educational institutions are "encouraged" to make necessary infrastructure adjustments to accommodate students with disabilities. The law also specifies the state "must facilitate, to the extent possible, access to its facilities, public spaces, and public transportation to accommodate persons with disabilities."

Authorities rarely enforced the rights of persons with disabilities, and the legal framework for promoting accessibility remained perfunctory. According to a comprehensive study commissioned by a local NGO, key themes such as accessibility, autonomy, personal mobility, equality, access to justice, the ability to participate in public life and politics--in addition to the specific rights of women and children with disabilities--are all excluded from the current legal framework covering disability rights.

On January 3, gendarmes from the territorial brigade Farafangana arrested a man with mental disabilities for having insulted a colonel in the gendarmerie. On January 4, the gendarmes battered the man to death after he reportedly tried to strangle one of the gendarmes in the station.

Access to education and health care for persons with disabilities also was limited, due to lack of adequate infrastructure, specialized institutions, and personnel.

Nevertheless, disability advocates reported there were more than 60 integrated classrooms across the country that included children with mental disabilities. Local officials also accommodated students with disabilities during official high school exams.

Persons with disabilities were at increased risk of discrimination in the workforce (see section 7.d.). They were also more likely to become victims of abuse, sometimes perpetrated by their own relatives. For example, the leader of an association of women with disabilities reported that two of their members had forcible tubal ligations ordered by their parents to prevent them from having more children since the parents considered them burdens for their families.

Some persons with disabilities chose not to vote in recent elections due to the inaccessibility of voting stations. The presence of stairs, uneven pavement, potholes, and the fear of standing in line for long periods were significant deterrents. The electoral code provides that individuals with disabilities be assisted in casting their ballots, but it contains no other provisions to accommodate voters with disabilities. Despite the law's ambiguity, disability association leaders reported that during the July municipal elections, voters with disabilities of all types received accommodation at polling stations.

The Ministry of Population and Social Affairs is responsible for protecting the rights of persons with disabilities. In partnership with Handicap International, local governments also actively participated in an inclusive communal development program. The communes of Toamasina and Tulear significantly improved the accessibility of markets and other public places for persons with disabilities.

National/Racial/Ethnic Minorities

None of the 18 tribes in the country constituted a majority. There were also minorities of Indo-Pakistani, Comoran, and Chinese heritage. Ethnicity, caste, and regional solidarity often were factors in hiring and were exploited in politics. A long history of military conquest and political dominance by highland ethnic groups of Asian origin, particularly the Merina, over coastal groups of African ancestry contributed to tension between citizens of highland and coastal descent, particularly in the political sphere.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law provides for a prison sentence of two to five years and a fine of two to 10 million ariary (\$608 to \$3, 040) for acts that are “indecent or against nature with an individual of the same sex under the age of 21.” Members of the LGBTI community reportedly were unaware of the risk of arrest for “corruption of a minor,” and arrests occurred, although there were no official statistics. In past years underage individuals who were aware of the law but were seeking to extort money sometimes lured LGBTI persons into sexual encounters.

There are no specific antidiscrimination provisions that apply to LGBTI persons. No laws prevent transgender persons from identifying with their chosen gender.

There were reports of official discrimination and that local officials, particularly law enforcement personnel, either abused LGBTI persons or failed to protect them from societal violence. Health officials also reportedly denied services to LGBTI persons or failed to respect confidentiality agreements.

Sexual orientation and gender identity were not widely discussed, with public attitudes ranging from tacit acceptance to violent rejection, particularly of transgender sex workers. Members of this community faced considerable social stigma and discrimination, often within their own families and particularly in rural areas. Relatives ostracized many and refused them burial in the family tomb. LGBTI individuals often faced discrimination in hiring.

LGBTI individuals were vulnerable to violence and discrimination, and attackers killed at least three gay men during the year. For example, on October 24, unknown persons in Manerinerina reportedly burned alive a gay man.

HIV and AIDS Social Stigma

Providers in the health-care sector subjected persons with HIV/AIDS to stigma and discrimination. HIV/AIDS patients have the right to free health care, and the law specifies sanctions against persons who discriminate against or marginalize persons with HIV/AIDS (see section 7.d.). Apart from the National Committee for the Fight against AIDS in Madagascar, national institutions--including the Ministries of Health and Justice--did not effectively enforce the law.

Other Societal Violence or Discrimination

Mob violence occurred in both urban and rural areas, in large part due to crime and lack of public confidence in police and the judiciary. Crowds killed, beat, burned, or otherwise injured suspected criminals, and media reported more than 65 mob killings between January and September. Authorities sometimes arrested the perpetrators.

On March 1, angry villagers lynched six men in Mananara Nord after surrounding the police station where authorities held the men. Police detained the victims for suspected armed attacks against a local cloves producer. The mob surrounded the police station, and police acceded to their demands to release the presumed thieves. Police subsequently arrested eight villagers who presumably took part in the lynching.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides that public and private sector workers may establish and join labor unions of their choice without prior authorization or excessive requirements. Civil servants and maritime workers have separate labor codes. Essential workers --including police, military, and firefighters--may not form unions. The maritime code, which governs workers in the maritime sector, does not specifically provide the right to form unions.

The law generally allows for union activities and provides most workers the right to strike, including workers in export processing zones (EPZs). Authorities prohibit strikes, however, if there is a possibility of “disruption of public order” or if the strike would endanger the life, safety, or health of the population. Workers must first exhaust conciliation, mediation, and compulsory arbitration remedies, which may take eight months to two and one-half years. Magistrates and workers in other “essential services” (not defined by law) have a recognized but more restricted right to strike. The law requires them to maintain a basic level of service and to give prior notice to their employer. The labor code also provides for a fine, imprisonment, or both for the “instigators and leaders of illegal strikes,” even if the strike is peaceful.

The law prohibits antiunion discrimination by employers. In the event of antiunion activity, unions or their members may file suit against the employer in civil court. The law does not accord civil servants and public sector employees legal

protection against antiunion discrimination and interference. The labor code does not address reinstatement of workers fired for union activity.

The law provides workers in the private sector, except for seafarers, the right to bargain collectively. Public sector employees not engaged in the administration of the state, such as teachers hired under the auspices of donor organizations or parent associations in public schools, do not have the right to bargain collectively. According to union representatives, authorities did not always enforce applicable laws, including effective remedies and penalties, and procedures were subject to lengthy delays and appeals. Larger international firms, such as in the telecommunications and banking sectors, more readily exercised and respected collective bargaining rights. These rights, however, were reportedly more difficult to exercise in EPZs and smaller local companies. Union representatives reported workers in such companies often were reluctant to make demands due to fear of reprisal.

The government generally respected freedom of association and collective bargaining. The law provides that unions operate independently from government and political parties, which generally occurred. Labor organizations, however, argued the practice of subcontracting by large mining companies created a precarious situation for workers. Union representatives also indicated there were subtle attempts by employers to dissuade or influence unions, which often prevented workers from organizing or criticizing poor working conditions.

Strikes occurred throughout the year, including by universities, employees of the electricity and water utilities, employees of the national airline, and employees of the land ownership department. These movements were not always related to labor conditions, and some officials suggested strikers intended such actions to “destabilize” the country. The government sometimes resorted to legal prosecution to intimidate movement leaders, sometimes using unrelated charges.

On June 27, authorities detained Rado Rabarilala, the leader of the national airline’s employee movement, after the secretary general of the Ministry of Transportation and Tourism lodged a complaint for criminal conspiracy, spreading false news, and “crime against economy.” On June 30, authorities released him on bail after his hearing at the tribunal of Antananarivo. A few days later the government dismissed several board members of the airline as a concession to the striking employees, and the new company CEO lifted disciplinary sanctions against striking employees and withdrew all charges.

The EPZ law restricted worker rights by allowing labor laws in EPZs to vary from the country's standard labor code. EPZ labor contracts may differ in terms of contract duration, restrictions on the employment of women during night shifts, and the amount of overtime permitted. This law initially authorized women to work during night shifts not exceeding six hours per week. The decree of enforcement adopted in July, however, provides that employers require the personal consent of the worker and that before introducing night shifts for women, companies must consult with labor unions to identify the most appropriate conditions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, but it was a significant problem among children in the informal sector. Forced labor also persisted in the context of "dinas," informal arrangements for payment or in response to wrongdoing (see section 1.d.). In some communities dinas were an accepted way of resolving conflicts or paying debt. These arrangements persisted because authorities did not effectively enforce the law. In December 2014 parliament adopted antitrafficking legislation with associated penalties, which provides a broader definition of trafficking (to include forced labor).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law regulates working conditions of children, defines the worst forms of child labor, identifies penalties for employers, and establishes the institutional framework for implementation. The legal minimum age for employment is 15. The law allows children to work a maximum of eight hours per day and 40 hours per week with no overtime, and it prohibits persons under age 18 from working at night and at sites where there is an imminent danger to health, safety, or morals. Employers must observe a mandatory 12-hour rest period between shifts. Occupational health and safety regulations include requirements for parental authorization and a medical exam before hiring. The law prohibits hazardous occupations and activities for children but does not prohibit hazardous occupations and activities in all relevant child labor sectors, including agriculture.

The government did not effectively enforce the law. The Ministry of Civil Services and Labor is responsible for enforcing child labor laws. It also operated

the Manjarisoa Center in Antananarivo, which offered services to 35 victims of exploitative child labor. Although labor inspectors were generalists, they received training on child labor and could conduct child labor inspections; however, they also did not operate in the large informal sector where child labor occurred.

In June, Minister of Labor Maharante Jean de Dieu announced during the official commemoration of the World Day against Child Labor that authorities would authorize labor inspectors to conduct home visits to identify potential cases of children involved in domestic labor. Authorities had not officially implemented the system by the end of the year, although inspectors conducted unofficial home visits to sensitize employers to the issue of child labor.

Child labor was a widespread problem. Centers operated by NGOs in Antananarivo, Toamasina, and Tulear received children, including victims of trafficking and forced labor. Children in rural areas worked mostly in agriculture, fishing, and livestock herding, while those in urban areas worked in domestic labor, transport of goods by rickshaw, petty trading, stone quarrying, artisanal gemstone mining, bars, and as beggars. Children also worked in the vanilla sector, salt production, deep sea diving, and the shrimp industry. Some children were trafficked internally for the purposes of forced labor, including child prostitution.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

Labor laws prohibit discrimination on the basis of race, gender, religion, political opinion, origin, and disability in the workplace. A special decree related to HIV in the workplace addresses prohibition of discrimination based on serology status. The law does not prohibit discrimination based on sexual orientation, gender identity, age, or language. Discrimination remained a problem. Employers subjected persons with disabilities and LGBTI individuals to hiring discrimination.

There was little societal discrimination against women in urban areas, where many women owned or managed businesses and held management positions in private businesses or state-owned companies. In rural areas, however, where most of the population engaged in subsistence farming, traditional social structures tended to favor entrenched gender roles. While there was little discrimination in access to employment and credit, women often did not receive equal pay for substantially similar work. Employers did not permit women to work in positions that might

endanger their health, safety, or morals. According to the labor and social protection codes, such positions included night shifts in the manufacturing sector and certain positions in the mining, metallurgy, and chemical industries. During the country's universal periodic review in November, officials reported the government increased inspectors to overcome gaps in the verification system regarding discrimination against women and worked to promote equal employment opportunities in the EPZs.

e. Acceptable Conditions of Work

On May 6, the government raised the monthly minimum wage to 133,013.40 ariary (\$40) for nonagricultural workers and 134,920.00 ariary (\$41) for agricultural workers. The official estimate for the poverty income level was 44,600 ariary (\$14) per month.

The standard workweek was 40 hours in nonagricultural and service industries and 42.5 hours in the agricultural sector. The law limits workers to 20 hours of overtime per week and requires 2.5 days of paid annual leave per month. If the hours worked exceed the legal limits for working hours (2,200 hours per year in agriculture and 173.33 hours per month in other sectors), employers are legally required to pay overtime in accordance with a labor council decree, which also denotes the required amount of overtime pay. If more than five hours of overtime are required in addition to the regular 40-hour workweek, employers must request authorization from a labor inspector before imposing additional overtime. Overtime may not exceed 20 hours per week. The law applies to all workers, although it is the responsibility of the labor inspector to define the kind of work that a worker may perform under such an authorization.

The government sets occupational safety and health standards for workers and workplaces, but the labor code does not define penalties for noncompliance, which only requires an inspection before a company may open. Workers, including foreign or migrant workers, have an explicit right to leave a dangerous workplace without jeopardizing their employment, as long as they inform their supervisors. Labor activists noted that standards, dating to the country's independence in some cases, were severely outdated, particularly regarding health and occupational hazards, and classification of professional positions. There was no enforcement in the large informal sector.

The Ministry of Civil Services and Labor is responsible for enforcing minimum wage and working conditions, but this did not always occur. The ministry, which

had approximately 120 labor inspectors on the ground and another 10 in training, had only enough to monitor effectively conditions in the capital, although it continued to train more inspectors in partnership with the International Labor Organization. The national fund for social welfare, the country's social security agency, conducted inspections and published reports on workplace conditions, occupational health hazards, and workplace accident trends. Apart from increasing the minimum wage and conducting an insufficient number of inspections, authorities reportedly took no other action during the year to prevent violations and improve working conditions.

In February authorities detained three foreign managers of a company in Ivato at the gendarmerie station for 48 hours. Authorities gave them two months to improve the working conditions of their employees. The three had prevented an unannounced inspection from the Labor Ministry while sequestering more than 100 workers within the company compound. An intervention of the gendarmerie allowed the ministry delegation to conduct the inspection, which revealed poor hygiene and security in the workplace as well as violations of the minimum wage law.

Violations of wage, overtime, or occupational safety and health standards were common in the informal sector and in domestic work, where many worked long hours for less than minimum wage. Although most employees knew the legal minimum wage, employers did not always pay those rates. High unemployment and widespread poverty led workers to accept lower wages. Employers often required employees to work until they met production targets. In some cases this overtime was unrecorded and unpaid. Employers did not always respect the right to remove oneself from a dangerous workplace.

EPZ companies generally respected labor laws, as many foreign importers required good working conditions in compliance with local law before signing contracts with EPZ companies. Labor organizations, however, reported a shift in recent years from paying hourly wages to a piece-rate payment system that negatively affected the conditions of laborers in the textile sector, who primarily were female. The practice, designed to increase productivity, reportedly led to an increase in work-related accidents and negatively affected the health of women. Observers declared many of them unsuitable to occupy these positions by age 40.