

MADAGASCAR 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Madagascar is a constitutional democracy. In October 2013 and December 2013, presidential and legislative elections were held 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. Hery Rajaonarimampianina, who won the presidency with 53 percent of the vote, was inaugurated on January 25. The first session of the national assembly, which began on February 18, 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). 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 abuses, including unlawful killings, and mob violence.

Other human rights problems included harsh and life-threatening prison conditions; lengthy pretrial detention; an inefficient judiciary that lacked independence; intimidation of journalists; restrictions on freedoms of speech, press, and assembly; official corruption and impunity; societal discrimination and violence against women; child abuse; child marriage; discrimination and violence against persons with disabilities and the lesbian, gay, bisexual, and transgender (LGBT) community; trafficking in persons; and child labor, including forced child labor.

The government did not always prosecute or punish officials who committed abuses, 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 illegal cattle rustling by armed criminal groups in the southwest. Villagers sometimes supported government efforts to stem cattle rustling and were responsible for killings of cattle rustlers; sometimes they opposed security forces or one another.

On February 6, in Vangaindrano, gendarmes supported by villagers reportedly shot and killed 15 suspected cattle thieves, or “dahalos,” during an armed confrontation. The suspects were alleged members of a gang that had stolen cattle from a nearby village. Two villagers were also killed in the confrontation.

On May 21, following violent clashes between villages that resulted in multiple deaths in the rural commune of Maromby, a presidential press release announced the launch of “Coup d’Arret,” a security operation by the national gendarmerie to stem cattle theft in the southwest. By November, Coup d’Arret resulted in the surrender of 4,000 cattle rustlers, who gave up their weapons. There were some reports security forces committed human rights abuses during the operation. In July, one gendarme was reportedly sent back to the capital after villagers accused him of committing human rights violations, including unlawful killings. It was unclear what disciplinary measures authorities took in the case.

Shortly after his inauguration in January, President Rajaonarimampianina dismantled both the Special Intervention Force (FIS) and the Internal Security Service (DST), two military units that reported directly to former de facto president Rajoelina and were accused of human rights abuses during the transition regime. Despite international calls for an independent investigation into alleged FIS human rights abuses during the military’s 2012 Operation Tandroka to stem cattle rustling in the south, authorities did not release results from an internal investigation into abuses committed by FIS members, and it was unclear to what extent suspected perpetrators were held accountable.

b. Disappearance

There were no reports of politically motivated disappearances, abductions, or kidnappings.

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 press 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. For example, on January 1, in Miandrivazo, two intoxicated security force members allegedly entered a bar and opened fire on the staff. One of the victims, a 31-year-old woman, later died from her injuries. According to press reports, a mob pursued the two security force members and killed one of them.

Clashes in the south among villagers, security forces, and cattle thieves resulted in deaths, injuries, and the indiscriminate burning of villages by locals (see section 6).

Prison and Detention Center Conditions

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

Physical Conditions: As of December 2013, the country's 82 prisons and detention centers held nearly 20,000 inmates, including 793 women, 496 boys, and 32 girls; this represented nearly twice their 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. Authorities held pretrial detainees with convicted prisoners.

Severe overcrowding, due to weaknesses in the judicial system and inadequate prison infrastructure, was a serious problem. For example, Antanimora, the capital's penitentiary, 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 2012 study by Handicap International, harsh prison conditions were a source of psychological distress for 70 percent of detainees at three of the country's largest detention facilities--Vatomandry, Toamasina, and Toliary. In a number of documented cases, disease was the direct result of overcrowding, lack of hygiene and medical care, and poor nutrition. According to the study, 64 percent of detainees reported they "often felt hungry." Chronic malnutrition, which affected up to two-thirds of detainees in some prisons, was the most common cause of death. Minimum daily food rations were not always provided,

partly due to extensive cuts to penitentiary budgets in recent years. In many cases families and NGOs supplemented the daily rations of prisoners.

The total number of deaths in prisons and jails during the year was unavailable. Unlike in previous years, there were no reports guards shot and killed prisoners trying to escape.

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 ad hoc 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 if bribes were paid to 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. The ICRC was permitted to conduct visits to all main penitentiary facilities and to hold private consultations in accordance with its standard modalities. ICRC representatives also were permitted to visit detainees in pretrial or temporary detention for monitoring purposes.

Improvements: In partnership with the ICRC, health officials participated in a plague-free prison campaign, conducting pest control and widespread testing of rats in prisons and detention facilities following several cases of plague in the country.

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. In January, President Rajaonarimampianina dismantled the FIS and the DST, two military units allegedly associated with human rights abuses during the transition regime.

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. In the past these sentences included beheadings, although a more common practice was to exile the convicted individual from the district where the crime occurred.

The ministry of justice, in collaboration with the UN Development Program (UNDP), provided training sessions on human rights to the gendarmerie, police, and military.

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 mandates authorities charge or release criminal suspects within 48 hours of arrest, although authorities often detained individuals for significantly longer periods before

charging or releasing them. Defendants have a general right to counsel, and those who could not afford a lawyer were entitled to one provided by the state. Many citizens were unaware of this right or were too afraid to request an attorney. Defendants have the right to be informed of charges against them, but this right was not always respected. 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; however, the law was not always respected. Family members generally had access to prisoners, although access was more limited for certain prisoners, such as those in solitary confinement or those arrested for political reasons.

Arbitrary Arrest: Security forces arbitrarily arrested journalists, demonstrators, and political opponents.

On October 13, authorities arrested and detained former president Marc Ravalomanana without formal charge, following his unauthorized return from forced exile in South Africa; the government deemed his subsequent press statements “provocative.” On the basis of a 1960 ordinance outlining legal procedures for individuals who commit “subversive acts,” a presidential decree placed Ravalomanana under house arrest indefinitely in the northern town of Antsiranana to “ensure public order and his own personal safety.” On December 29, following a national reconciliation summit of the current and former presidents organized by the Interdenominational Council of Christian Churches, authorities transferred Ravalomanana to his home in Antananarivo. He remained under house arrest at year’s end as reconciliation talks continued.

Authorities placed Jean Marc Koumba, Ravalomanana’s former bodyguard, and four agents of the Civil Aviation Authority of Madagascar under committal order at the main Antsiranana Prison for alleged complicity in Ravalomanana’s return on board an aircraft that landed without authorization. On December 17, the five were temporarily released with charges pending.

Pretrial Detention: The Ministry of Justice reported approximately 53 percent of the prison population was in pretrial detention and 60 percent of female prisoners and 80 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. Many detainees spent longer in preventive detention than they would have spent incarcerated following a maximum sentence for charges they faced.

Amnesty: As a result of the president's national day announcement on June 26, 2,500 detainees received reduced sentences. Of those, 800 were immediately released, and 1,700 had their sentences reduced by two years to six months. Detainees ages 70 years or older who had not been convicted of a serious crime were also to be released, although there were no prisoners in that category due to a similar amnesty in 2013.

During the year the temporary special commission appointed by the Supreme Court in 2012 granted amnesty to 14 persons involved in political events between 2002 and 2009. The commission rejected amnesty in 22 other cases. The commission was responsible for ruling on amnesty cases, including those recommended by the Malagasy Reconciliation Committee, which was established in 2012 in accordance with the SADC Roadmap to recommend amnesty for specific individuals involved in political events between 2002 and 2009, excluding those involving crimes against humanity, war crimes, crimes of genocide, and other serious violations of human rights and fundamental freedoms.

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 court orders were not always respected or enforced. A lack of training, resources, and personnel hampered judicial effectiveness, and case backlogs were "prodigious," according to Freedom House.

Military courts are reserved for the trials of military personnel and generally follow the procedures of the civil judicial system, except military officers make up the juries. 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 this was often ignored. Defendants have the right to be informed promptly and in detail of the charges

against them, and the law provides for free interpretation as necessary. Defendants have the right to a fair trial without undue delay. Authorities, however, did not always enforce these rights. Trials are public. The constitution and law provide defendants with the right to a full defense at every stage of the proceedings; however, many citizens were unaware of their right to legal counsel, and authorities did not systematically inform defendants of it. Defendants who did not request or could not afford counsel generally were given very limited time to prepare their cases. While the law provides that juries can be used in all cases, they were used only in labor disputes. Defendants have the right to be present at their trials, to be informed of the charges against them, to present and confront witnesses, and to present evidence. Such rights were generally respected when defendants had legal representation, which was not always the case. 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 be assisted by another person during the investigation and trial. Defendants have the right to appeal convictions.

Although the law extends them to all citizens without exception, these rights were not always respected as officials, at times, prolonged incarceration of suspects for weeks without charge and postponed hearings while denying bail.

Political Prisoners and Detainees

In 2012 local human rights activists identified 35 individuals who remained in detention as “political prisoners” for alleged participation in plots against the de facto regime, some dating back to 2009. Since then, many detainees reportedly were released, acquitted, or granted amnesty. The majority of the remaining prisoners, estimated at 20 by the press during the year, were military officers allegedly involved in mutiny attempts. In the context of national reconciliation, nine such prisoners were granted presidential pardons and released at the end of the year, although charges against them were not necessarily dropped, according to official statements. Pardoned prisoners included individuals who previously were granted amnesty by the special commission appointed by the Supreme Court, but who had been kept behind bars by the former de facto regime.

Political prisoners generally received treatment equal to that of other prisoners, and international humanitarian organizations were granted access to them.

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 enforcing judgments in civil cases.

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. Unlike in the previous year, there were no reports security forces conducted warrantless searches of the homes or workplaces of opposition group members or punished family members for offenses allegedly committed by relatives.

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 continued to restrict these rights, although less so than in previous years. On May 3, Press Freedom Day, newly named Minister of Communications Cyrille Reboza promised his ministry would “do its best to create a favorable environment for press freedom in Madagascar.” In July, however, the president said there were “limits” to press freedom and warned journalists to “be on their guard.” During the same month, the prime minister asked journalists to stop putting “difficult questions” to the president. A cybercrime law drafted by the former coup regime was adopted in June, providing prison sentences for insulting or defaming a state representative online.

Freedom of Speech: Although the law provides for freedom of speech, individuals were restricted in their ability to criticize the government publicly. Authorities and their supporters intimidated opponents and resorted to imprisonment and legal action when threats failed to dissuade critics.

In 2013 the court imposed a two-year suspended prison sentence on traditional leader and environmentalist Patrick Zakariasy after he alleged the involvement of former coup regime financier Mamy Ravatomanga in illicit rosewood trafficking. The judgment remained suspended pending appeal at year’s end.

Press Freedoms: The absence of a communications code protecting press freedom allowed authorities to prosecute journalists under the libel law and the criminal code whenever the content of their reporting offended them. The country had some independent newspapers, but journalists faced criminal prosecution for libel and defamation. More than 300 radio and television stations operated in the country, but many shifted to live call-in shows in recent years to distance themselves from editorial responsibility for content.

From 2010 to 2013, the former de facto minister of communications was accused of withdrawing the broadcast licenses of 80 radio and television stations and ordering them to suspend broadcasting. The ministry of communications submitted a plan to the presidency, proposing how to adjudicate many of these cases, but by year's end the government had not taken action on these recommendations, and the stations remained closed.

In December, however, the ministry of communications permitted the reconstitution of the *Ordre des Journalistes*, the main advocacy organization for journalists and a key voice for the media with the government, elections for which the previous regime had consistently blocked. A new president of the reconstituted organization was elected by members throughout the country. This was a key demand for several years by editors, publishers, and journalists as well as the international community.

Violence and Harassment: Journalists were harassed, assaulted, arrested, and imprisoned during the year.

On February 11, security forces reportedly assaulted a *Midi* photographer who was taking pictures while officers were responding to a bomb scare in the capital. The ministry of defense subsequently summoned another journalist from the same newspaper. Both incidents occurred prior to the installation of the new government.

On February 27, before installation of the new cabinet, former de facto Minister of Communications Harry Laurent Rahajason issued a warning to journalists who “ignored current laws governing journalistic ethics,” including the dissemination of “false news, offenses to the state, etc.” Shortly thereafter the ministry allegedly intimidated media outlets to dissuade them from covering news that a prominent coup financier had been prevented from departing the country pending an investigation related to illegal rosewood smuggling.

On July 21, authorities arrested and detained two journalists from daily newspaper *le Matin* on defamation charges. On July 12, the journalists had published a letter to the editor that accused Minister of State Rivo Rakotovoao, Minister of Environment Anthelme Ramparany, and Minister of Trade Narson Rafidimanana of rosewood trafficking. Both journalists were released and charges dropped, however, after the president intervened publicly in the case.

Censorship or Content Restrictions: Journalists continued to practice self-censorship and books of a political nature were generally published abroad. All journalists released on bail remained subject to re-arrest at any time.

Libel Laws/National Security: Authorities sometimes cited libel laws as a justification for suspending licenses and arresting journalists. Unlike in previous years, however, there were no reports authorities used national security as a justification to arrest journalists or suspend licenses.

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. On June 19, however, the national assembly passed a cybercrime law that includes a provision to prohibit insulting or defaming a government official online. The government claimed the law was primarily designed to combat underage child pornography. The law provides for punishment of two to five years' imprisonment and/or a fine of two million to 100 million ariary (\$800 to \$40,000) for defamation. Following criticism from the media and international community, Prime Minister Kolo promised to revise the law to bring it into line with a communication code, which had not been submitted to the national assembly by year's end. 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."

Public access to the internet was limited mainly to urban areas. According to the International Telecommunication Union, less than two percent of individuals in the country used the internet in 2012.

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

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. NGOs reported an unofficial standing order from authorities to continue denying the authorization of any political demonstrations or strikes and to intimidate any group that attempted to assemble without authorization.

For example, on January 10, prior to the installation of the new government, gendarmes in Mahajanga used tear gas and live bullets to disperse a student demonstration. A total of 13 students were injured, one of whom subsequently died in the hospital. According to press reports, at least 14 students were briefly detained. The students claimed they were protesting peacefully, but the commander of the gendarmerie said the students used sharp weapons and threw rocks and Molotov cocktails. He added officers resorted to real bullets because they had insufficient supplies of tear gas.

Freedom of Association

The constitution and law provide for the right of association and permit citizens to organize political parties and associations. Nevertheless, the government required authorization to hold large public gatherings, and authorities rarely granted such authorization.

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 utilized it selectively. Although the 2011 SADC Roadmap calls for the unconditional return of political exiles--including ousted president Marc Ravalomanana--he remained in South Africa for most of the year, and several press reports suggested authorities withheld his passport. Following his unauthorized return to Madagascar on October 13, he was arrested and detained indefinitely.

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 the UNHCR and other humanitarian organizations in assisting the small number of refugees in the country.

Stateless Persons

An outmoded system of citizenship laws and procedures resulted in a large number of stateless persons in the minority Muslim community, many belonging to families that have lived in the country for generations. Reliable figures remained unavailable, but Muslim leaders estimated the laws affected as many as five percent of the approximately two million Muslims in the country.

Citizenship is transmitted by birth to a citizen parent. 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 can 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 can obtain nationality if they marry a Malagasy citizen and request citizenship before the wedding date.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide the ability of citizens to change their government through free and fair elections, which they exercised in presidential and legislative elections held in October 2013 and December 2013. 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. The polls were consistent with the SADC Roadmap that called for free, fair, and credible elections.

Elections and Political Participation

Recent Elections: On October 25, 2013, the country held its first-round presidential election, and on December 20, 2013, a presidential runoff and legislative elections were conducted. Despite irregularities that led to results being canceled by the special electoral court (CES) in four districts, international observers – including the European Union, African Union, the Francophonie, and the Carter Center – deemed the peaceful elections as generally free and fair. On January 17, 2013, 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, a prime minister and cabinet were appointed, and an elected national assembly was instituted for a five-year term.

The first session of the national assembly, which began on February 18, 2013, officially ended the five-year political transition. By year’s end elections had been re-organized in the four districts where results had been canceled, although communal and senatorial elections, viewed as important milestones on the road to democracy, was not yet held.

Political Parties and Political Participation: Opposition parties did not always operate without restriction, as the government denied opposition parties the right to demonstrate spontaneously.

Participation of Women and Minorities: There were 34 women in the 147-member national assembly and six women in the 31-member cabinet.

Although there were no official statistics on minorities, some parliamentarians were Muslim and of various 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: Following an investigation by the Independent Anticorruption Bureau (BIANCO), authorities prosecuted several persons--including former energy minister Rodolphe Ramanantsoa--for alleged misappropriation of funds in 2011 relating to fuel tickets, according to September 19 press reports. The court subsequently convicted three technical experts from the ministry; two received a two-year suspended sentence, and the third received a firm one-year prison sentence. The court found nine individuals not guilty.

NGOs and the media reported anticorruption efforts in recent years were more effective in pursuing low-level violators than in attacking corruption at the national level.

In a July press statement, the head of the financial intelligence unit stated the mining sector presented the highest risk of money laundering. In June, however, the government's suspension from the Extractive Industries Transparency Initiative (EITI) was lifted in response to its commitment to implement EITI standards. During the year the ministry of justice, in collaboration with the UNDP, commissioned a thorough assessment of government structures and anticorruption efforts.

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 2013 BIANCO received 1,089 complaints involving corruption, of which 81 percent were deemed eligible for investigation. In all BIANCO completed 954 corruption investigations in 2013. The largest number of corruption complaints targeted decentralized institutions, the national

gendarmerie, 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: Regular income and asset declaration is required by decree for individuals in the following positions: the prime minister and other government ministers; parliamentarians; members of the high constitutional court; chiefs of regions and mayors; magistrates; civil servants holding official 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, from the army's general inspection, and from the national gendarmerie's general inspection; and anyone serving as a judicial police officer. These financial declarations are required no later than three months after the nomination or election and must be renewed annually. The requirement also applies to spouses and children.

After the 2013 elections and April appointment of a new government, all cabinet members--including the prime minister and 30 ministers--declared their assets by the deadline. While not specifically required by law, President Rajaonarimampianina also declared his assets following his election. Parliamentarians, however, amended the organic law on the functioning of the national assembly to avoid declaring their assets. In September the high constitutional court declared the amended organic law unconstitutional, but by October, only two parliamentarians had declared assets to BIANCO.

Financial declarations were confidential. BIANCO occasionally published an approximate percentage of officials who provided declarations. Statements may be published only upon request of the declaring officer or of judicial and parliamentary authorities, and may be used in the context of investigations. BIANCO may inform the prosecutor's office in cases of noncompliance with the obligation. There was no indication authorities applied sanctions for noncompliance.

Public Access to Information: There are no laws providing for public access to government information. Educational material on corruption, including statistics, was available to citizens and noncitizens, including foreign media, but information was limited.

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 international human rights groups were allowed 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 attempted to co-opt civil society organizations, resulting in accusations of politicization, but they were not routinely suppressed or subjected to harassment.

Government Human Rights Bodies: On July 22, the government promulgated legislation creating a national independent human rights commission that included democratically nominated commissioners with a mandate to investigate cases and publish reports on human rights violations. By year's end the commission was not fully in place.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, and social status; the law does not specifically address discrimination based on sexual orientation or gender identity. No government institutions were designated to enforce these provisions, and the laws were not effectively enforced.

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. An additional two to five years' imprisonment may be added if assault and battery are involved. Authorities rarely enforced the law.

The public hospital of Befelatanana in Antananarivo received nearly 400 cases of sexual violence between January and September. The majority of the victims were

minors. Observers believed the figures greatly underestimated the extent of sexual violence against women nationwide, but no reliable national data were available.

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 (\$1,600), 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 (\$2.40). There were no shelters for battered women in the country, leaving them few options but to return to the home of their parents, where they were generally pressured to return to their abusers.

Female Genital Mutilation/Cutting (FGM/C): Although not specifically prohibited by law, FGM/C was not practiced, either on women or girls.

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 (\$400 to \$1,600). The penalty increases to two to five years' imprisonment, plus a fine of two to 10 million ariary (\$800 to \$4,000) if the victim was forced or pressured into sexual acts or punished 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 and responsibly 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 were often 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 2012-2013 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. Skilled attendance during childbirth was estimated at 44 percent but was lower in rural areas, where there were few trained health workers. Delivery services, including caesarean sections, were not free in most government health facilities, due to limited resources.

According to the ENSOMD, the maternal mortality rate was estimated at 478 maternal deaths for 100,000 live births. Major factors that contributed to a high maternal mortality ratio were the distance from and high cost of health centers, the low quality of hospital services, chronic maternal malnutrition (including anemia), the 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 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. These provisions were not always observed. A tradition known as "the customary third," which provides the wife with the right to only one-third of a couple's joint holdings upon dissolution of the marriage, was occasionally observed.

There was relatively 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 was 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 (see section 7.d.). Women were not permitted 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.

A number of NGOs focused on the civic education of women and girls, and they publicized and explained their specific legal protections. Nevertheless, few women lodged official complaints or sought redress when their legal rights were violated due to illiteracy, cultural traditions, societal intimidation, or lack of knowledge.

Children

Birth Registration: Citizenship is derived 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 has no uniformly enforced birth registration system, and unregistered children have historically not been eligible to attend school or obtain health-care services. The United Nations Children's Fund (UNICEF) worked with the government to provide birth certificates for both newborn children and those 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 continued to work with UNICEF during the year to reduce the number of unregistered children in targeted regions, but no formal audit was concluded to determine results.

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. During the year, however, the government reduced fees for education and increased subsidies for some children. According to UNICEF, boys and girls generally had equal access to education, though girls were more likely to drop out during adolescence.

Child Abuse: Child abuse was a problem, including the rape of babies and toddlers. The press reported more than 35 cases of child rape, with most victims under age 10. During the year 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 the ages of three months and 18 years. Government efforts to combat child rape were limited, focusing primarily on child protection networks, which addressed the needs of victims and, in some cases, helped raise public awareness.

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's country profiles, child marriage remained very common, particularly in rural areas and in the south. An estimated 48 percent of women between ages 20 and 24 years were married before 18 years, and 14 percent were married before age 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 girls as young as age 10 were forced to marry. She noted, "Victims of such arrangements are also likely to be victims of domestic servitude and sexual slavery."

In December the government passed antitrafficking legislation that prescribes a penalty of six months to two years imprisonment, a fine of 500,000 to two million ariary (\$200 to \$800), or both for forcing someone to marry. Child trafficking for purposes of forced marriage carries a penalty of five to 10 years imprisonment and a fine of two million to 10 million ariary (\$800 to \$4,000).

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. Moletry obliges an underage girl to behave irreproachably throughout the probationary one-year term of the marriage contract on pain of losing the agreed dowry. 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, the dowry is returned, 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 to appease them.

The UN special rapporteur also criticized the practice of “valifofo,” or arranged marriage, in her 2013 report. She noted in places like Ihorombe, in the Bara community, when a girl reaches the age of 10, she is separated from other family members and can receive male visitors without need for approval from her male relatives. A suitor can take the girl from the age of seven years or ask her parents to raise her until she is 12 years old, at which time she will be taken 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 a 2013 report by the UN special rapporteur on contemporary forms of slavery. Such girls generally were paid up to 10,000 ariary (\$4) 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 (\$4,000). Antitrafficking legislation passed in December,

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 age 15, and the commercial exploitation of a child under age 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 (\$4,000). 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 concern. 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 most children in prostitution in the coastal cities of Mahajunga and Nosy Be were initiated into sexual activity between the ages of 13 and 15 years old. In 40 percent of the cases, the children had their first sexual encounter as sex workers, and in many cases their parents were aware of their activities.

Young rural girls working as housekeepers in the capital were often abused or raped by their employers. If they left their employers, they typically were not paid. Rather than return empty-handed to their families and villages, they often remained in the cities in prostitution.

The ministry of population and social affairs operated approximately 450 multi-sector networks covering 22 regions throughout the country to protect children from abuse and exploitation. The ministry collaborated with UNICEF to identify child victims and ensure their access to adequate medical and psychosocial services. In collaboration with the ministries of justice and population and the gendarmerie, UNICEF continued to train 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 throughout the year. A traditional taboo in the southeast against giving birth to twins also contributed to the problem.

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 to place abandoned children with parents or other relatives first. Many children were placed 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 clients 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.

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 crime, particularly sexual abuse. In March, for example, the press reported a man in Manahoro attempted to rape a woman with mental disabilities.

Some persons with disabilities were deterred from voting in the 2013 presidential and legislative elections due to the perceived 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 contains no other provisions to accommodate voters with disabilities. Despite the law's ambiguity, observers reported during the October 2013 elections, voters with disabilities of all types received accommodation at various polling stations and could be assisted by a person of their choice in casting their ballots.

The ministry of population and social affairs is responsible for protecting the rights of persons with disabilities. Several government efforts were aimed at improving the situation of persons with disabilities. For example, Eleonore Johasy, the minister of population and social affairs, named a disability rights consultant to advise her on this issue. In partnership with Handicap International, local governments also actively participated in an inclusive communal development program. As a result the communes of Toamasina and Mahajanga significantly improved the accessibility of public markets 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 (\$800 to \$4, 000) for acts that are “indecent or against nature with an individual of the same sex under the age of 21.” Members of the LGBT 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 LGBT persons sometimes were lured into sexual encounters by underage individuals who were aware of the law but were seeking to extort money.

There are no specific antidiscrimination provisions that apply to LGBT 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 LGBT persons or failed to protect them from societal violence. Health officials also reportedly denied services to LGBT 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. Many were ostracized by their relatives and were refused burial in the family tomb. Within the workforce, male homosexuals and transgender individuals faced discrimination in hiring.

On May 17, the LGBT community organized a press conference to mark International Day against Homophobia and Transphobia. During the year journalists reported on violence against sex workers, noting members of the LGBT community--particularly transgender individuals--were often reluctant to report such incidents to authorities. LGBT populations in Toamasina, Fort Dauphin, Toliara, Morondava, and to a lesser extent in the capital, were reportedly most vulnerable to violence and discrimination.

HIV and AIDS Social Stigma

Persons with HIV/AIDS were subjected to stigma and discrimination, particularly by providers in the health-care sector. 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. Apart from the National Committee for the Fight against AIDS in Madagascar, however, 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 the media reported more than 40 mob killings during the year. Unlike in previous years, authorities sometimes arrested the perpetrators.

For example, on February 5, residents of Ambilobe burned alive a suspected thief. According to press reports, four persons allegedly involved in the mob killing were arrested and prosecuted.

Societal violence due to cattle rustling continued to occur.

In May, following incidents of cattle rustling, at least 22 persons were killed and approximately 275 homes destroyed during violent clashes between the villages of Ambatotsivala and Andranondambo in the southern rural commune of Maromby. More than 3,000 residents were forced to flee the area, according to press reports.

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, however, 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 with the right to strike, including workers in export processing zones (EPZs). Strikes are prohibited, 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. Civil servants and public sector employees are not afforded 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. The law does not address whether migrant workers have the right to collective bargaining. Public sector employees not engaged in the administration of the state, such as teachers hired under the auspices of donor organizations or parent’s 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. Collective bargaining rights were more readily exercised and respected in larger international firms, such as in the telecommunications and banking sectors. 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. Due to increased poverty following the 2009 coup, jobs were scarce and workers were less likely to risk losing their paychecks.

The law provides that unions operate independently from government and political parties, which was generally respected. In contrast with previous years, there were no specific allegations of inappropriate labor practices by subcontractors of large mining companies. Labor organizations generally argued the practice of subcontracting in this sector created a precarious situation for a large number of 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 privately contracted school teachers (FRAM), universities, employees of the electricity and water utilities (JIRAMA), and employees of the national airline. These movements were not always related to labor conditions. There were no reports of threats or reprisals by authorities, but some officials suggested such strikes were intended to “destabilize” the country following the election of a new government.

Labor representatives noted several negotiations were slowed or stalled, but there were no reports employers refused to bargain, bargained with unions not chosen by workers, or used hiring practices to avoid hiring workers with bargaining rights. Collective agreements were signed, mainly in public enterprises.

The 2008 EPZ law reduced 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.

b. Prohibition of Forced or Compulsory Labor

While the law prohibits forced labor, it remained 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 common and an accepted way of resolving conflicts or paying off debt. These arrangements persisted because authorities did not effectively enforce the law. In December parliament adopted antitrafficking legislation, which provides a broader definition of trafficking to include forced labor, with associated penalties.

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 the 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 years. 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 government did not effectively enforce the law. The ministry of civil services and labor is responsible for enforcing child labor laws. It also operated and provided approximately 80 million ariary (\$32,000) to the Manjarisoa Center in Antananarivo, which offered services to 30 victims of exploitative child labor and child sex trafficking. Ministry labor inspectors were not trained to recognize child labor, making it difficult to monitor and enforce child labor provisions. They also did not operate in the large informal sector where child labor occurred.

Child labor was a widespread problem. Centers operated by NGOs in Antananarivo, Toamasina, and Tulear continued to receive 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 or Occupation

Labor laws prohibit discrimination on the basis of race, gender, and disability in the workplace, but discrimination remained a problem. Persons with disabilities and LGBT individuals were subjected to hiring discrimination, while salary discrimination against women in some sectors continued, despite some progress in recent years. During the country's universal periodic review in November, however, officials reported the government increased the number of 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

As of March 1, the monthly minimum wage increased to 124,000 ariary (\$49.60) for nonagricultural workers and 126,000 ariary (\$50.40) for agricultural workers. The official estimate for the poverty income level put the threshold at 536,000 ariary (\$214) per person per year, or 44,600 ariary (\$17.80) 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 an 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 may be performed under such an authorization.

The government is charged with setting occupational safety and health standards for workers and workplaces, but penalties for noncompliance are not defined in the labor code, which only requires an inspection before a company can 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 some standards, dating back 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 much larger informal sector.

The ministry of civil services and labor is responsible for enforcing the minimum wage and working conditions, but this did not always occur. The ministry had approximately 100 inspectors on the ground and another 10 in training to carry out its responsibilities. Still, there were only enough labor inspectors to monitor effectively conditions in the capital, although the ministry continued efforts 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.

Violations of wage, overtime, or occupational safety and health standards were common in the informal sector and in domestic work, where many were paid below minimum wage and worked extensive hours. 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 production targets were met. In some cases this overtime was unrecorded and unpaid. The right to remove oneself from a dangerous workplace was not always respected.

EPZ companies in general 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 in recent years, a shift from paying hourly wages to a piece-rate payment system had negatively affected the conditions of laborers in the textile sector, largely made up of women. The practice, designed to increase productivity significantly, had reportedly led to an increase in work-related accidents and negatively affected women's health. Consequently, many women were declared unsuitable to occupy these positions by age 40.