



## Madagascar

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Madagascar held its second presidential election under the 1992 Constitution in 1996, following the impeachment of then-President Albert Zafy earlier that year. The election was accepted widely as free and fair, and the winner, former Second Republic President Didier Ratsiraka, took office in February 1997. Since 1997 Ratsiraka and his party, the Association for the Rebirth of Madagascar (AREMA), have consolidated power and greatly weakened the previously strong non-AREMA parties. Although power remains formally divided between the President, his Prime Minister, the Cabinet, and a bicameral legislature (Senate and National Assembly), the 1998 revision of the Constitution significantly strengthened the presidency, weakened the National Assembly, and gave the President the power to name one-third of the Senators. Indirect Senate elections held in March were considered to be generally free and fair, with mayors and provincial councils electing two-thirds of the new Senators, nearly all from AREMA. In December presidential elections were held; however, the results were disputed, and a winner was not named by year's end. Most of the institutions provided for in the revised Constitution, including autonomous provincial governments, were established during the year; however, their organization and funding were unclear at year's end. The judiciary is subject to executive influence.

The State Secretary of the Ministry of Interior for Public Security and the national police, which are under the State Secretary, are responsible for law and order in urban areas. The Ministry of Armed Forces oversees the army, the air force, the navy, and the gendarmerie. The gendarmerie has primary responsibility for security except in major cities and is assisted in some areas by regular army units in operations against bandit gangs and cattle thieves. After a number of years of decline, the military force has stabilized at approximately 22,000 troops, including the gendarmerie. Village-level law enforcement groups enforce local traditional laws called "dina," particularly in areas where the Government's presence is weak. There continued to be occasional reports that police, gendarmes, and dina authorities committed human rights abuses.

Madagascar is a very poor country with a population of approximately 15.5 million. The economy relies heavily on agriculture. Shrimp is the leading export. Agricultural exports grew 5.2 percent with vanilla, coffee, cloves, and pepper registering increases. Textiles were another major export. The smuggling of vanilla, gold, and precious stones, and cattle rustling continued to be major concerns. Overall economic performance improved, but nearly three-fourths of the population live in poverty. Living standards are low, with the annual per capita gross domestic product estimated at \$264 (approximately 1.8 million FMG). Foreign assistance remains a major source of national income. Inflation dropped from 14.4 percent in 1999 to 8.7 percent in 2000. Unemployment and underemployment, especially among youth, remained high, although there was significant job growth in Antananarivo during the year. The Government made some progress on economic reform, including privatization.

The Government generally respected citizens' human rights in several areas; however, a number of problems remained. There were occasional reports that police or other security forces abused prisoners or detainees. Prison conditions were harsh and life threatening. In some prisons, women experienced physical abuse, including rape. Arbitrary arrest and detention remained problems. Suspects often were held for periods that exceeded the maximum sentence for the alleged offenses and lengthy pretrial detention remained a serious problem. The Government continued a major effort to reduce the number of preventive detainees. Dina authorities imposed summary justice in rural areas where the Government's presence was weak. Overall, government efforts to bring dina authorities under closer regulation and scrutiny continued to show results. At times the Government pressured the media to curb its coverage of certain events and topics and prevented the broadcast of a religious service on the government-controlled radio station. Journalists practiced self-censorship. There was virtually no political violence during the year. Women continued to face some societal discrimination. Child labor remained a problem. Workers' rights were limited in the export processing zones

(EPZ's). Some prisoners were used as forced labor. There were reports of trafficking in women and girls.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents; however, harsh prison conditions and the authorities' failure to provide adequate food and medical treatment contributed to an undetermined number of deaths in custody (see Section 1.c.).

Village dina authorities continued to mete out summary justice, but unlike in previous years, no executions were reported.

#### b. Disappearance

There were no reports of politically motivated disappearances; however, several persons, mainly of Indian and Pakistani origin, were kidnaped by criminals, ostensibly to extort ransoms from their families. Government authorities have not been effective in responding to these cases. Early in the year in Antananarivo, a girl was kidnaped and later released; her parents reportedly did not wish to press charges, and no action was taken. In August there was an attempted kidnaping in the Ivandry section of Antananarivo, which ended when the victim resisted and was killed. No suspects were identified. The manager of a large automotive company in Antananarivo was kidnaped in February and later released; no suspects were identified. During the year, the Government opened an investigation into a 1999 kidnaping and a court hearing was held late in the year; a trial of the suspects was pending at year's end.

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

The Constitution provides for the inviolability of the person; however, there were occasional reports that police or other security forces abused prisoners or detainees. There were reports that gendarmes intimidated persons, abused their authority, and unlawfully seized property. For example, in December 2000, gendarmes reportedly beat and detained a farmer in Ambinany, Fianarantsoa province. He was not charged with a crime; however, the gendarmes reportedly demanded that he give them either \$150 (approximately 1 million FMG) or ownership of his rice fields in exchange for release from the Ambatofinandrahana jail.

Village dina authorities continued to mete out summary judgments; however, unlike in the previous year, there were no reports that dina authorities used torture to extract confessions.

Prison conditions remain harsh and life threatening. Prisoners' diets are inadequate, and family members must augment daily rations. Prisoners without relatives nearby sometimes go for days without food. Prison cells average less than 1 square yard of space per inmate. The authorities do not provide adequate medical care. The prison population, which numbered 19,962 at year's end, suffers from medical problems that are treated rarely or inadequately. Malnutrition, infections, malaria, and tuberculosis are common among prisoners. These conditions have caused an unknown number of deaths. Prisoners were used as forced labor in some instances (see Section 6.c.). Pretrial detainees are not held separately from convicted prisoners.

Women in prisons were abused, as were children who sometimes were confined with them. Gender segregation was not absolute, and there were reports of rapes committed by other prisoners.

The Government permits prison visits by the International Committee of the Red Cross, religious and nongovernmental organizations (NGO's), lawyers, and investigative journalists. A local Catholic NGO sporadically was denied access to some prison facilities during the first half of the year, ostensibly in reaction to the NGO's advocacy on behalf of prisoners in late 2000 and a negative press report on prison conditions. However, since July the Government has allowed the NGO access and strongly reinforced the rights of others to visit prisons. In a July 16 note addressed to all prison officials, the Minister of Justice urged them and their employees to support and expand their collaboration with NGO's working in prisons within the framework of the law.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for due process for accused persons; however, arbitrary arrest and detention remain problems. In practice the authorities do not always observe legal safeguards against arbitrary arrest and detention. In particular, lengthy investigative detention of suspects resulted in the denial of due process. However, as the result of international pressure, many long-term detainees were released.

By law a criminal suspect must be charged, bound over, or released within 3 days of arrest. An arrest warrant may be obtained but is not always required. Defendants in ordinary criminal cases have the right to be informed of the charges against them, must be charged formally within the specified time permitted, and must be allowed access to an attorney.

Court-appointed counsel is provided for indigents accused of crimes that carry a minimum 5-year jail sentence. An attorney or the accused may request bail immediately after arrest, after being charged formally, or during the appeals process; however, bail rarely is granted in the case of violent crimes.

Although the law allows detainees to sue the Government for damages in cases of unlawful detention, no such suits were reported. By law persons accused of subversive activity may be detained incommunicado and are subject to indefinite detention if it is considered necessary by the Government; however, this law was not invoked during the year.

Approximately two-thirds of 19,962 persons held in custody were in pretrial detention. Despite existing legal safeguards, investigative detention often exceeds 1 year, and 3 or 4 years' detention is common, even for crimes for which the maximum penalty may be 2 years or less. Approximately 2,000 detainees have been in custody for 5 or more years, and another 1,491 have been detained for between 2 and 5 years. Poor record keeping, a lack of resources, and poor to nonexistent access to parts of the country make it difficult to identify long-term pretrial detainees. The Ministry of Justice continued a program to reduce excessive pretrial detention through case reviews and expedited judgments. More than 655 detainees were tried in 2000 compared with more than 2,497 detainees tried in 1999; an indeterminate number of others were freed. The Ministry stated in 2000 that its goal was to bring the remaining long-term detainees to trial by the end of the year; however, the backlog remained at year's end.

The Government does not use forced exile.

#### e. Denial of Fair Public Trial

The revised Constitution provides for an autonomous judiciary; however, implementing legislation was not passed by year's end. The High Constitutional Court is subject to the President's influence.

The judiciary has three levels of jurisdiction: Local courts for civil and criminal cases carrying limited fines and sentences; the Court of Appeals, which includes a criminal court for cases carrying sentences of 5 years or more; and the Supreme Court. The judiciary also includes courts designed to handle specific kinds of cases such as cattle theft. The High Constitutional Court is an autonomous court that undertakes technical reviews of laws, decrees, and ordinances, and certifies election results. New decentralized courts were not established by year's end.

The judiciary remained under the control of the Ministry of Justice, and reports of corruption in the judiciary persisted. Although efforts were underway to address the problem, a large backlog of cases remained, which contributed to excessive investigative detention (see Section 1.d.). The Ministry of Justice implemented some measures to increase transparency in judicial proceedings, including posting signs outside courthouse offices specifying procedures, regulations, costs, and timelines, in addition to opening a comment and complaint log in all courts.

Trials are public, and defendants have the right to an attorney, to be present at the trial, to confront witnesses, and to present evidence. Defendants enjoy a presumption of innocence under the Penal Code. The law is based on the Napoleonic code.

In 2000 an opposition deputy, Jean-Eugene Voninahitsy, who also was the Vice President of the National Assembly, was arrested on charges of defaming the President and writing bad checks. The highly publicized case led to public demonstrations and calls for greater political and judicial transparency (see Section 2.b.). On December 27, the deputy was sentenced to 6 months in prison ostensibly on check fraud charges, and fellow deputies discussed his case with French parliamentarians and international human rights NGO's in France. The Deputy's subsequent requests for presidential amnesty were denied; as a result, he is ineligible to run for office.

The right of traditional village institutions to protect property and public order is codified in the Constitution as well as in earlier laws. Civil disputes within and between villages sometimes are addressed by local traditional laws called dina. Dina also are established in some urban areas. In practice, dina address criminal cases due to the isolation of many rural areas, a rise in crime, and the ineffectiveness of the police and the judiciary outside major urban centers. Punishments based on dina were at times severe (see Section 1.a.). There also were problems with due process in the administration of dina punishments.

Decisions based on dina are not subject to codified safeguards for the accused, but in some instances, they may be challenged at the appeals court level. Some cases also have been referred to the Office of the Mediator, which investigates and may seek redress from formal judicial authorities. An interministerial committee, established to improve the surveillance of dina authorities and assure their adherence to the law, was disbanded after it drafted and submitted a dina to the National Assembly in 1999.

The Government continued to combat crime and insecurity in isolated rural regions by supplementing the gendarmerie--traditionally responsible for law and order in rural areas--with army units.

Military courts are integrated into the civil judicial system and differ only in the kinds of cases tried, in the inclusion of military officers on jury panels, and that they only try military defendants. Defendants in military cases, as in civil law, enjoy an appeals process that reexamines points of law rather than the facts of the case. A civilian magistrate, usually joined on the bench by a panel of military officers, presides over military trials.

There were no reports of political prisoners.

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

The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice; however, there were reports that gendarmes seized property unlawfully. For example, during the year, there were reports that some gendarmes illegally seized cattle.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government pressures the media to curb its coverage of certain events and issues. Opposition politicians rarely are given access to state-run media. In addition journalists practice self-censorship. There are no state-owned newspapers; however, there are four national daily newspapers, which are owned privately, and many other privately owned national and local news publications, which publish less frequently. There were reports of intimidation of journalists and their antigovernment sources. The number of privately owned radio and television stations increased from less than 150 radio stations in 2000 to more than 175 at year's end; however, they are prevented by federal regulations from providing nationwide coverage. Since January the local branch of the Kimbanguist church has been prevented from broadcasting its religious service on government-controlled Radio Madagascar (see Section 2.c.).

A national journalists' association reported that six reporters and editors received threatening phone calls from unidentified persons between July and August. The association also reported that a private provincial radio station was prevented by local authorities from reporting on a university student strike.

The Government does not restrict academic freedom; however, faculty unions saw the temporary appointments of university rectors by the Government as attempts to interfere with higher education.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respects these rights in practice. In previous years, local authorities denied requests by political opposition groups to assemble or march in specified locations; during the year, public political gatherings--including protests following the arrest and trial of opposition deputy Jean-Eugene Voninahitsy (see Section 1.e.)--were authorized in highly visible downtown locations for the first time in several years. There were demonstrations in Antananarivo protesting the arrest of Voninahitsy. After an initial confrontation between the security forces and demonstrators, including university students and some opposition deputies, during which the demonstrators unsuccessfully requested the release of the deputy, the demonstration ended peacefully. An association of homosexuals was refused the right to organize an awareness raising campaign against HIV/AIDS.

### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

Religious groups must register and obtain authorization from the Ministry of Interior. According to a press report published in September, one group was refused registration during the year.

Numerous independent evangelical groups operate freely in all regions of the country, some using their own local media facilities; however, since January the local branch of the Kimbanguist church, whose membership is less than 5,000, has been prevented from broadcasting its religious service on government-controlled Radio Madagascar. This restriction appears to be politically motivated, and apparently is based on the pastor's support for the leader of an opposition party and the political, rather than religious, content of his broadcasts.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice; however, the fear of crime effectively restricts travel in some areas, especially at night.

The country is a signatory to the 1951 U.N. Convention Relating to the Status of Refugees, although the Government has not signed the 1967 Protocol to the Convention. The law does not provide for the granting of asylum or refugee status; however, the Government cooperates closely with the U.N. High Commissioner for Refugees in processing the small number of refugees or asylum seekers in the country. The issue of provision of first asylum never has arisen. There were no reports of the forced return of persons to a country where they fear persecution.

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

Citizens have the right to change their government through direct universal suffrage by secret ballot. Presidential elections were held on December 16. The election was generally peaceful and nonviolent; however, there were significant numbers of voters whose names did not appear on the voting lists. Some voters were unable to obtain the special documents that would have permitted them to vote. Antananarivo Mayor Marc Ravalomanana won the most votes, and President Ratsiraka received the second largest number; however, the results were disputed, and the winner of the election was not determined by year's end. A runoff election in early 2002 appeared likely.

The elections since the 1998 revision of the Constitution have seen the growing dominance of the President and his political party, AREMA. Indirect Senate elections held in March were considered to be generally free and fair, with mayors and provincial councils electing two-thirds of the new senators, nearly all from AREMA. The indirect gubernatorial elections held in June were delayed in two provinces due to opposition party boycotts of the process; all six elected governors were members of AREMA. In November 1999, communal elections were held in which AREMA won more than 40 percent of the mayoral races. Other parties criticized the elections as poorly organized and fraudulent; a lack of transparency made it difficult to assess reliably the extent of abuses. In May 1998, the National Assembly's 150 members were elected to 5-year terms. The elections generally were accepted as free and fair; however, there were a number of credible complaints of electoral fraud. There have been persistent calls by civic groups and opposition parties for reform and revision of electoral lists.

Under the Constitution, the President has primary responsibility for national defense and foreign policy, while the Prime Minister is the head of government and responsible for domestic policy. The President appoints the Prime Minister. The Constitution permits the President to dissolve the National Assembly for cause. The 1998 revised Constitution retains the possibility of censure of the President by a two-thirds majority of the National Assembly and Senate. The law defining the powers of autonomous provincial governments allows the Senate to be convened, with representatives from the provinces. However, concerns remain about whether the central Government will provide the necessary resources to support the establishment of the provincial councils, which were established in June. Furthermore, although the Senate was established officially on May 8, there still is confusion regarding the specific responsibilities of the provincial governments.

In anticipation of the presidential elections, the Government passed numerous contested decrees regarding campaign activities and promotional materials. The Government's decrees prohibited references to commercial products or entities in campaign materials, and packaging on consumer products also was not permitted to carry political messages or symbols. The decrees were believed to target three opposition businessmen, who ran for president and were associated with specific consumer products or lines of products.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no legal impediments to women's participation in government or politics. The Government of 31 ministers and state secretaries includes 3 women. Less than 7 percent of National Assembly deputies (10 of 150) are women, and 15 of 90 Senators are women.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views.

The Government is open to visits by international human rights groups and to domestic and international election observers. Domestic election observers from local NGO's were active in the country during the year (see Section 3).

The Constitution provides for an independent office to promote and protect human rights. In 1994 the National Assembly assigned that role to the Office of the Mediator, which relies on moral suasion to correct abuses. The office publishes annual reports on its activities and distributes brochures to educate citizens on their rights and responsibilities. Its reports have outlined the rights of women and children and focused public attention on the potential for human rights violations under dina laws (see Section 1.e.). In 2000 the Government created an additional body called the National Commission on Human Rights. This commission has undertaken public awareness raising campaigns and workshops to reinforce relationships with NGO's active in human rights.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits all forms of discrimination and outlaws groups that advocate ethnic or religious segregation. No specific government institutions are designated to enforce these antidiscrimination provisions.

##### Women

Domestic violence against women is not widespread. Police and legal authorities intervene when physical abuse is reported. The law against rape is the only law that addresses specifically violence against women. Spouses can be tried for nonrape abuses, generally under civil law.

The law neither prohibits nor condones prostitution; however, the law prohibits the incitement of minors to debauchery. The Government criticizes sexual tourism; however, while it attempts to investigate allegations of exploitation, a lack of resources hampers effective action. There were reports that women and girls were trafficked for prostitution (see Section 6.f.).

Under the law, wives have an equal voice in selecting the location of a married couple's residence, and they generally receive an equitable share of common property on divorce. Widows with children inherit half of joint marital property. A tradition known as "the customary third" occasionally is observed in some areas. Under this custom, the wife has a right to only one-third of a couple's joint holdings. However, a widow receives a pension, while a widower does not.

In urban areas, where many women manage or own businesses or hold management positions in state industries, there is relatively little societal discrimination against women. According to one government official, women own 30 percent of the formal sector companies and 53 percent of the informal sector companies. However, discrimination against women in rural areas remained a problem. A number of NGO's focus on the civic education of women and girls, publicizing and explaining their legal protections.

##### Children

The Ministry of Health, the Ministry of Education, and the Ministry of Population and the Condition of Women and Children are responsible for children's welfare; however, official expenditures on children's welfare are low and not sufficient to maintain adequate public services.

The Government provides free education through the secondary or vocational level, and it is compulsory through the age of 14. Although figures vary depending upon the source, approximately 65 percent of primary school-age children are enrolled in school. Nearly one in three children between the ages of 7 and 14 years is employed; however, only 29 percent of working children go to school: rural children drop out to help on family farms, and urban children work as domestics (see Section 6.d.).

There is no societal pattern of abuse of children, although child labor continues to be a pervasive problem. Children sometimes are imprisoned with adults (see Section 1.c.).

#### Persons with Disabilities

There is no systematic discrimination against persons with disabilities in employment, education, or in the provision of other state services. There is no law mandating access to buildings for persons with disabilities. In April the Government issued an implementing decree for a law, passed by the National Assembly in 1998, to define the rights of persons with disabilities. Following the decree, government ministers participated in the activities organized by associations for persons with disabilities, such as seminars, conferences, social, and sports activities. A local NGO is preparing a guide to the rights of persons with disabilities with foreign government assistance.

#### National/Racial/Ethnic Minorities

The Malagasy, who are of mixed Malayo-Polynesian, African, and Arab heritage, include 18 distinct groups differing in regional and ancestral affiliation. Although there are some linguistic differences, nearly all speak a dialect of the Malagasy language. None of these groups constitutes a majority of the population. There are significant minorities of Chinese and Indo-Pakistani heritage, as well as a large number of resident French nationals.

A long history of military conquest and political consolidation raised the political and economic status of highland ethnic groups of Asian origin above that of coastal groups of African ancestry. Centralized administration and economic planning since independence has reinforced the concentration of economic and political power in the central highlands, where the capital is located. These policies feed enduring tension between coastal and highland inhabitants. Ethnicity, caste, and regional solidarity often are factors in hiring practices.

An Indo-Pakistani community has resided in the country since the early part of the 20th century. Traditionally engaged in commerce, this community now numbers approximately 20,000. Relatively few of these individuals have made successful claims to Malagasy citizenship, which legally is acquired through a native-born Malagasy mother. Indo-Pakistani merchants are mistrusted widely. In previous years, their shops have been looted during civil disturbances; however, there were no reports of such looting during the year.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution and the Labor Code provide workers in the public and private sectors with the legal right to establish and join labor unions of their choosing without prior authorization; however, essential service workers, including police and military personnel, may not form unions. Unions are required to register with the Government, and registration is granted routinely. Approximately 80 percent of the labor force of 5 million is engaged in agriculture. Union members account for only approximately 5 percent of the total labor force. Although all workers have the right to form and join unions, the right of association is exercised rarely in the EPZ's.

There are a number of trade union federations, many of which are affiliated formally with political parties. Neither public nor private sector unions have played a major political or economic role in recent years. The Government exercises very limited control over organized labor, but most workers perceive unions as politically affiliated organizations.

The Labor Code and the Constitution include the right to strike. This right extends to EPZ's, where strikes occurred during the year even in the absence of organized unions. Workers in essential services have a recognized but restricted right to strike, although in practice short strikes took place without reprisal. The code requires workers to exhaust conciliation, mediation, and arbitration procedures before striking; however, these requirements have not deterred significantly any strikes.

During the year, short and generally nondisruptive strikes took place among university teachers in Tulear, Fianarantsoa, and Antananarivo over compensation and administrative matters.

The International Labor Organization (ILO) has noted a number of instances in which the Government has failed to bring law and regulation into conformity with existing conventions or otherwise submit texts for ILO

review, including those addressing forced labor, freedom of association, safeguarding of machinery, hygiene in commerce and offices, and weight limits. In most instances, these failures indicated legislative and bureaucratic inaction rather than abuses.

Unions freely join and participate in international bodies and may form federations or confederations.

#### b. The Right to Organize and Bargain Collectively

Both the Labor Code and the Constitution provide for the right to bargain collectively. The code states that collective bargaining may be undertaken between management and labor on the initiative of either party; however, collective bargaining agreements are rare in practice and, where they exist, do not provide necessarily for acceptable conditions of work (see Section 6.e.). The Government often is involved in the bargaining process, in part because of the large percentage of public employees who are union members.

The Labor Code prohibits discrimination by employers against labor organizers, union members, and unions. In the event of antiunion activity, unions or their members may file suit against the employer in civil court. Labor laws apply uniformly throughout the country; however, the Government's enforcement of labor laws and regulations is hampered by a lack of staff and financial resources. Approximately 35 inspectors from the Ministry of Labor visit industrial work sites with some regularity, but most often only those located near the capital.

There are reports that union members working in EPZ's are mistreated and sometimes fired. Workers have recourse through the Ministry of Civil Service, Labor, and Social Laws' Office of Work for dismissals and the Office of Social Protection for mistreatment. There are many EPZ's which are, in practice, firms operating under special import and export rules. Such firms are required to follow all pertinent labor laws and regulations, including minimum wage laws; however, the Government allegedly does not enforce its labor laws adequately in the EPZ's due to inadequate resources. The EPZ's generally use worker representation councils whose members are elected by the employees but are not necessarily union representatives. These representatives frequently are perceived to be subject to pressure from management and to lack autonomy.

#### c. Prohibition of Forced or Compulsory Labor

The Labor Code explicitly prohibits forced or compulsory labor; however, the Government does not respect this prohibition in practice. There were reports of prisoners being illegally "hired out" by prison officials to private enterprises. There also apparently has been systematic use of detainees and prisoners as personal servants by a substantial number of magistrates, judiciary officials, and local government figures. Some prison officials or judicial authorities have falsified records to ensure a supply of unpaid labor for themselves or other government officials. Workers frequently are forced to work overtime above the legal limits (see Section 6.e.).

The Government prohibits forced and bonded labor by children, and it does not occur in practice.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code defines a child as any person under the age of 18 years. The legal minimum age of employment is 15 years, and work by individuals under the age of 18 is prohibited at sites where there is apparent and imminent danger to health, safety, or morals. Night work also is forbidden for individuals below the age of 18. The Government enforces child labor laws in the small formal economic sector through inspectors of the Ministry of Civil Service, Labor, and Social Laws; however, because inspectors only cover wage earners, the enforcement of child labor laws in the informal sector is pursued through the courts. Nevertheless, child labor continued to be a pervasive problem, nearly one in three children ages 7 to 14 works. In the large agricultural sector, young children work with parents on family farms at much younger ages. In urban areas, many children work as petty traders, casual transport workers, and beggars.

Since 1997 the Government has participated in an international program with the ILO to eliminate child labor. In February President Ratsiraka signed ILO Convention 182 against the worst forms of child labor.

The age of sexual consent is 14, and although the law does not criminalize prostitution, it forbids "inciting to debauchery" of anyone under the age of 21 (see Section 5). The Labor Ministry in conjunction with the ILO conducted a national survey of child prostitution and trafficking in 2000 (see Section 6.f.).

The law prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).



#### e. Acceptable Conditions of Work

The Labor Code and implementing legislation prescribe working conditions and wages, which are enforced by the Ministry of Civil Service, Labor, and Social Laws. The law makes separate provisions for agricultural and nonagricultural labor.

The Government sets the minimum wage of approximately \$25 (FMG 182,000) per month for the nonagricultural private sector. This wage does not provide a decent standard of living for a worker and family and must be supplemented by subsistence agriculture, petty trade, support from relatives, or employment of other family members. Although most employees know what the legal minimum wage rates are, such rates are not respected always in practice. High unemployment and widespread poverty lead workers to accept wages at lower levels.

The standard legal workweek in nonagricultural and service industries is 40 hours, and 42 1/2 hours in agriculture (see Section 6.c.). At least one consecutive 24-hour rest period each workweek is mandated. Although labor legislation limits workers to 20 hours of overtime per week (60 hours in total), in practice, employees frequently are forced to stay on the work site even when ill or until production targets are met. In some instances, this overtime is unrecorded and unpaid.

The Labor Code sets rules and standards for worker safety and worksite sanitation. An administrative decree forbids women and minors from work that could endanger their health, safety, or morals (see Section 6.d.). Ministry of Civil Service, Labor, and Social Laws officials monitor labor conditions; however, they usually are able to cover only the capital region effectively. If violators do not remedy cited violations within the time allowed, they may be sanctioned legally or assessed administrative penalties. There were no sanctions issued by year's end. In some sectors, safety equipment is not used due to the expense of protective clothing and other safety devices. There have been no published reports on occupational health hazards or accident trends. There is no explicit right for workers to leave dangerous workplaces without jeopardizing their employment. The Labor Code applies to all workers; however, foreign workers must have a valid visa to be protected.

#### f. Trafficking in Persons

The law prohibits trafficking and, since 2000, pedophilia and sex tourism. In recent years, there have been a few credible reports that women and girls were trafficked to the nearby islands of Reunion and Mauritius for prostitution; however, the number of such cases is unknown. In March a couple in France was arrested in connection with an alleged case of modern slavery involving their 21-year-old Malagasy maid. No local arrests or convictions have been made in connection with trafficking. While the Government has expressed concern about trafficking, it lacks the resources to address it effectively.