



U.S. DEPARTMENT of STATE

Madagascar

Country Reports on Human Rights Practices - [2006](#)

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The Republic of Madagascar is a multiparty democracy with a population of approximately 18 million. President Marc Ravalomanana, who was elected to a second term in December, and his party, Tiako-I-Madagasikara (TIM), dominated political life. The presidential election was generally free and fair, although international and domestic observers noted the need for a number of electoral reforms. The civilian authorities generally maintained effective control of the security forces.

The following serious human rights problems were reported: use of excessive force by security forces to disperse demonstrators, resulting in death and injuries; harsh prison conditions, which resulted in deaths; arbitrary arrest of demonstrators; lengthy pretrial detention; restrictions on freedom of speech and of the press; official corruption; restrictions on freedom of religion; societal discrimination and violence against women; trafficking of women and girls; and child labor, including forced labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, there was one report that a person may have died as the result of blows inflicted on him during his arrest at a political rally. He was released the same day, but died several days later. After a brief investigation, the minister of public security stated that the demonstrator's death was not the result of wounds inflicted on him by the arresting security forces (see section 2.b.).

On May 15, a woman was killed in a hit-and-run accident by a speeding police car on a road in Antananarivo, according to media reports. The victim's family took the case to court; it was still under investigation at year's end.

During the year several persons were arrested and placed under pretrial detention for their alleged involvement in the 2005 case in which a gendarme in Ikelihorombe killed 10 persons accused of cattle theft.

No investigation had been conducted by year's end into the May 2005 death in police custody of Jone Yvon Hajaniaina Rafanomezantsoa.

On August 11, squatters in the village of Ankorondrano Ampefy lynched two police officers with machetes, knives, and cinder blocks. A small force of national police and gendarmes had arrived to enforce a local tribunal's eviction notice in a land dispute case that had gone on for 30 years. One female member of the mob was also killed in the conflict.

b. Disappearance

There were no reports of politically motivated disappearances or widespread criminal kidnappings for ransom.

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

The constitution and law provide for the inviolability of the person; however, security forces subjected prisoners to physical abuse, including rape.

Police forcibly dispersed demonstrators, which resulted in injuries (see section 2.b.). Unlike in the previous year, no injuries resulted from grenades tossed to intimidate strikers.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening. The country's 99 facilities, which were designed for approximately 13,000 prisoners, held approximately 17,427 in December, according to the Ministry of Justice. Most prison cells averaged less than one square yard of space per inmate. The most crowded prisons, such as Tsiafahy and Moromanga, forced prisoners to share cramped quarters in stacked bunk beds

resulting in sleeping spaces shared by as many as three to four detainees to one square yard. An August report by the government's National Observatory for Integrity found that inmates in Antanimora prison were exchanging food and other supplies for a place to sleep, while inmates in Fianarantsoa had to take turns sleeping throughout the night for lack of space to lie down. Nongovernmental organizations (NGOs) estimated that more than half of the prisoners were being held in non-prison facilities, including production camps, storage warehouses, and slaughterhouses. The severe overcrowding was due in part to pervasive pretrial detention (see section 2.d.), and because some defendants, unable to pay the court fee required before receiving their judgment, were returned to jail.

Chronic malnutrition--which affected up to two-thirds of the detainees in some prisons--was the most common cause of death. Prisoners typically survived on 100-250 grams of dry manioc, rice, or cassava per day, which provided less than half of the Ministry of Justice's recommended daily intake for detainees. Families and NGOs, including the Catholic Prison Chaplains, supplemented the daily rations of some prisoners. NGOs claimed that hundreds died from malnutrition, most because they were transferred or detained in a remote location and did not receive visits by family members. Since its inception in October 2005, the Ministry of Justice's "Tefaka" program has transferred more than 100 dangerous detainees to prisons far from their zone of origin to prevent unrest among their accomplices at home, which has further hindered family access. Tsiafahy maximum-security prison, where the majority of these prisoners were sent, had evacuated more than 100 detainees by October for treatment of advanced medical conditions, usually malnutrition. At least nine of the prisoners transferred from Tsiafahy to Antanimora prison died in October.

Malnutrition, combined with a lack of hygiene, made detainees especially vulnerable to disease and epidemics. Deteriorating prison infrastructure--including a lack of sanitary facilities or potable water--resulted in skin disease, insect infestation, and other health risks; access to medical care was limited. In October a prisoner starved to death in Antanimora prison, reportedly from a combination of malnutrition and tuberculosis. There were media reports of four other deaths and at least 20 cases of tuberculosis at Antanimora.

During the year the government took steps to address the prison situation. In June the Presidential Prison Task Force proposed increased funding to raise nutritional standards for prisoners, and the Ministry of Justice's budget was augmented by \$470,000 (one billion ariary) to improve nutrition for prisoners through March 2007. There were minor infrastructure improvements, such as the construction of brick walls to separate children from adults in Morondava prisons and additional prison buildings in Betroka. According to some NGOs, these improvements have helped to prevent a higher incidence of prison deaths.

Church leaders and some NGOs reported that rape was commonplace in the prisons and often used by prison guards and other inmates to humiliate prisoners. Other organizations pointed out that while rape cases are the exception, prisoners often prostituted themselves in jail for food. Prisoners could be used as forced labor (see section 6.c.).

Juveniles were not always held separately from the adult prison population, and some preschool age children shared cells with their incarcerated mothers. Approximately 455 of the country's 20,106 prisoners were under 18. Pretrial detainees were not always kept separate from the general prison population.

The government generally permitted independent monitoring of prison conditions by the International Committee of the Red Cross (ICRC) and some NGOs, and such visits occurred during the year.

d. Arbitrary Arrest or Detention

The constitution and law provide for due process for persons accused of crimes and prohibit arbitrary arrest and detention; however, the government did not always respect these provisions in practice.

Role of the Police and Security Apparatus

The minister for public security heads the national police and is responsible for law and order in urban areas. The Gendarmerie Nationale, overseen by the Ministry of National Defense, is responsible for security in all other areas of the island.

Lack of training and equipment, low salaries, and rampant corruption were problems in the national police and gendarmerie. During the year the government prosecuted a number of security force members for corruption.

In October, 16 non-commissioned military officers and gendarmes were arrested for involvement in trafficking of handguns, grenades, and AK-47s in Diego Suarez. At year's end the case was under investigation and those arrested were awaiting trial.

Arrest and Detention

Although the law provides that arrest warrants must be obtained in all cases except those involving hot pursuit, often persons were detained and jailed on no more than an accusation by another. Defendants have a general right to counsel and the right to be informed of the charges against them, but the government was only required to provide counsel in cases in which indigent defendants faced charges carrying sentences greater than five years. A system of bail exists, but was not available to many defendants in practice. Magistrates often resorted to an instrument known as a mandat de depot (retaining writ) by which defendants were held in detention for the entire pretrial period. Prisoners generally were allowed prompt access by family members; however, certain prisoners, such as those in solitary confinement, had more limited access.

During the year security forces arrested student demonstrators and opposition politicians (see sections 2.b. and 3).

Long pretrial detention was a serious problem. The law mandates that a criminal suspect is to be charged or released within 48 hours of arrest; however, during the year the government detained individuals for significantly longer periods of time before charging or releasing them. According to the minister of justice, the law places no limits on the duration of pretrial detention for specific felonies including cattle theft; the latter can only be tried by a special criminal court, which in certain jurisdictions meets only once a year. In February the Ministry of Justice ordered the release of a pretrial detainee who had been held without charge for 19 years in Tsiafahy prison. Accused of cattle theft, his file had gone missing for years, preventing both his sentencing and release.

The Ministry of Justice reported that approximately 65 percent of the entire prison population was in pretrial detention. Trial delays were caused by poor record keeping, an outdated judicial system that keeps the accused in detention until their trial regardless of the severity of the offense, an insufficient number of magistrates per capita, a lack of resources, and the difficulty of access to remote parts of the country. Despite legal protections, investigative detentions often exceeded one year. Many detainees spent a longer period in investigative detention than they would have spent incarcerated following a maximum sentence on the charges faced.

The government took significant steps to address the pervasive pretrial detention problem. A law passed in January providing "conditional liberty" granted eligible detainees the right to be released on parole for good behavior after serving half of their sentences. The minister of justice announced in April that henceforth the mandat de depot would only be used for serious cases. The Ministry of Justice began assessing the efficiency of magistrates and set a goal to try all 2004 cases by year's end, and the government started implementing nationwide assessments of tribunals and human rights training for magistrates.

Amnesty

The government granted 7,279 pardons during the year, in part to reduce prison overcrowding and the judicial backlog. On June 26, President Ravalomanana ordered 1,572 of these pardons, together with a 12-month sentence reduction for 5,707 other convicted prisoners. Most pardons were granted to those who had been incarcerated for nonviolent crimes and had served at least 15 years or were over 70 years of age.

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 at times was corrupt. A magistrate strike initiated in 2005 concluded in January with the parliament's ratification of a statute prohibiting magistrates from going on strike, together with an increase in magistrates' salaries.

At year's end one judge was under investigation for corruption by the internal disciplinary committee.

The judiciary is under the Ministry of Justice and has four levels. Courts of first instance hear civil cases and criminal cases carrying limited fines and sentences. The Court of Appeals includes a criminal court of first instance for cases carrying sentences greater than five years. The Supreme Court of Appeals hears appeals of cases from the Court of Appeals. The High Constitutional Court reviews the constitutionality of laws, decrees, ordinances, and electoral disputes. The judiciary also includes specialized courts designed to handle matters such as cattle theft.

Military courts are reserved for the trial of military personnel and generally follow the procedures of the civil judicial system, except that military officers are included on jury panels. Defendants in military cases have access to an appeals process. A civilian magistrate, usually joined by a panel of military officers, presides over military trials.

The law provides traditional village institutions with the right to protect property and public order. An informal, community-organized judicial system called dina was used in some rural areas to resolve civil disputes between villagers over such issues as cattle rustling. The law limits dina remedies to monetary damages. The dina process does not ensure internationally recognized standards of due process; however, there were no reports that dina resulted in sentences involving corporal punishment. Dina decisions may be appealed through formal judicial channels to a court of general jurisdiction or to the Office of the Mediator, which investigates and can seek redress through formal judicial authorities.

Trial Procedures

The constitution and law provide defendants with the right to a full defense at every stage of the proceedings, and trials are public. Defendants have the right to be present at their trials, to be informed of the charges against them, to confront witnesses, to present evidence, and to appeal convictions. The law extends these rights to all citizens without exception.

The government is required to provide counsel in cases in which defendants face charges carrying sentences greater than five years; the Ministry of Justice was conducting a study to determine whether to extend this right to all other detainees, particularly those who cannot afford their own counsel. Attorneys have access to government-held evidence; however, this right does not extend to defendants without attorneys. The law provides for a presumption of innocence; however, the presumption of innocence was often overlooked. While the law provides that juries can be used in all cases, in practice, juries were used only in labor dispute cases.

In 2003 and 2006, former exiled political leader Pierrot Rajaonarivelo was sentenced in absentia for complicity, abuse of power, and embezzlement. While Rajaonarivelo alleged that the government used these convictions--which he is appealing--to impede his human and political rights to run for president, the government maintained that these were strictly criminal cases and that he must comply with domestic court decisions and electoral law. He was prevented from entering the country in the run-up to the election period in order to maintain peace and security, and continued to appeal his conviction from abroad (see section 3).

Political Prisoners and Detainees

During the year opposition leader and National Assembly member Jean Eugene Voninahitsy unsuccessfully appealed his December 2005 conviction for "trafficking influence." Observers suspected that the charge and conviction were politically motivated, noting that such a charge normally should have involved the Independent Anticorruption Bureau (BIANCO), which played no role in the case (see section 3).

Civil Judicial Procedures and Remedies

An independent and impartial judiciary deals with all civil matters, including human rights cases. However, the courts often encountered difficulty in enforcing judgments in civil cases.

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

The law prohibits such actions, and unlike in the previous year there were no reports of arbitrary government interference with privacy, family, home, or correspondence without legal process.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the constitution and law provide for freedom of speech and of the press, the government limited these rights in practice. There were reports that some government officials pressured the media to curb its critical coverage of alleged government malfeasance and intimidated journalists. Journalists practiced self-censorship.

There were 14 privately owned major daily newspapers and many other privately owned national and local news publications that published less frequently. Le Quotidien, which is owned by the president, was the newspaper most heavily influenced by the state. Widespread illiteracy and a poorly developed system for distributing publications printed in the capital limited the influence of print media.

The government owned nationwide television and radio networks. However, the president's privately-owned television and radio station, MBS, also had national coverage, which in some cases extended to areas not covered by the public networks. Applications from other private television stations for nationwide coverage were suspended by the Ministry of Telecommunications, Post, and Communications at year's end while the ministry was completing technical tests for a nationwide broadcast via satellite. In addition, there were approximately 232 radio stations, 137 of which were legally licensed, and 29 television stations, 20 of which were legally licensed. International media were allowed to operate freely.

Reporters Sans Frontieres' annual world press freedom report indicated that the country's performance improved substantially during the year due to a generally calm year. Nevertheless, there were occasional reports that journalists were subject to arrest and harassment.

Following the failed coup attempt by General Andrianafidisoa ("General Fidy") On November 17, journalists from Radio Don Bosco and TV Plus complained that government officials warned them to stop reporting on General Fidy's actions to avoid inflaming the security situation, or risk being shut down. Additionally, in response to allegedly inaccurate coverage of the coup attempt, President Ravalomanana issued a strong public warning to all journalists and media outlet owners not to publish unchecked news, lest he take action against them. The minister of telecommunications subsequently met with journalists from the Crisis Committee for the Defense of the Press to assure them that they were under no threat from the government. One journalist from a private radio station in Antananarivo was barred by his concerned station chief from reporting until further notice.

On October 7, police reportedly arrested and mistreated Eloi Ravelonjato, despite his journalist badge, in Tamatave at the welcome rally for exiled AREMA leader Pierrot Rajaonarivelo (AREMA is an opposition political party.) Security forces reportedly seized his camera and hit him on the head and neck before taking him away in a truck for questioning. He was released later the same night.

Radio Say in Toliara, shut down by the government in 2004, remained closed.

In general media were active and expressed a wide variety of views. However, some journalists working for public media refrained from criticizing the government, and others working for private media were expected to follow the political line of the station owner. There were reports that one journalist working for a privately-owned radio station in Fort Dauphin was not permitted to criticize the government, as the station owner supported the administration.

Government agencies, private companies, and political parties sometimes bribed journalists, who generally received minimum or below minimum wages, to ensure positive coverage of certain events.

Unlike in the previous year, there were no reports that the government detained journalists on libel charges.

The government continued to deny a resident visa to Radio France International correspondent Olivier Peguy, who had criticized the Ravalomanana government's actions during the 2002 political crisis. In June 2005 the international NGO Committee to Protect Journalists sent an open letter to President Ravalomanana urging the government to reissue Peguy's visa, with no response. Radio France International assigned another correspondent to the country.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Public access to the Internet was limited mainly to urban areas; modern technology and the necessary infrastructure were generally absent in rural areas.

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 the government at times limited this right. There were reports from different parts of the country that opposition members could not obtain permits to hold public rallies in specific locations, such as stadiums. The mayor of Antananarivo banned all political street demonstrations, citing the need to preserve the city's infrastructure. Police forcibly dispersed several demonstrations during the year, which resulted in one death, several injuries, and numerous arrests.

In the run-up to the presidential election, there were media reports from opposition candidates that their attempts to organize public meetings were sometimes impeded. On May 21, opposition member Herizo Razafimahaleo reported that local government officials indirectly impeded his ability to gather his supporters by closing the pre-designated meeting location, even after he had obtained official permission to hold the meeting there. On the same day, the television program at which he was slated to speak was reportedly cancelled because of "technical problems."

On October 7, police and gendarmes beat and arrested demonstrators rallying at the Tamatave airport for the return of exiled political leader Pierrot Rajanarivelo. Nirilala Antonio Rakotondralambo, who was among six demonstrators arrested at the protests, died several days later. According to some reports, his death resulted from security force blows sustained during his arrest. In response to this allegation, the minister of public security conceded that Rakotondralambo may have sustained "some minor blows" when security forces were trying to contain the protesters, but stated that Rakotondralambo had signed a statement upon his release affirming that he had not been tortured during his detention, and he had returned to work for the two days prior to his death. Local observers considered it likely that the release statement was probably obtained without coercion.

In February at the University of Antsiranana (also known as Diego Suarez), police used force to disperse student demonstrators protesting for improved university conditions. One student was injured with a broken arm and 104 students were arrested; they were all released by year's end.

No action was taken during the year against security forces responsible for injuring demonstrators in 2005 and 2004.

Freedom of Association

The constitution and law provide for the right of association and permit citizens to organize political parties and associations; however, the constitution also explicitly forbids associations that "call into question the unity of the nation, and those that advocate totalitarianism or ethnic, tribal, or religious segregation." There were numerous political parties.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice; however, the government continued to ban the New Protestant Church in Madagascar (FVPM) (which had broken away from the mainstream Reformed Protestant Church of Jesus Christ in Madagascar (FJKM)), on the grounds that the breakaway church was illegally occupying property assigned to the FJKM. In April the administrative chamber of the Supreme Court ordered the government to provide compelling evidence for the need to ban FVPM. The case was still pending at year's end. The Universal Church of the Kingdom of God also remained banned based on the threat to law and order.

The law mandates that religious organizations register with the Ministry of Interior. Religious organizations that fail to meet the ministry's registration requirements are free to register as simple associations, which do not have the right to receive gifts or hold religious services. Ministry of Interior officials estimated there were more than one thousand religious organizations in the country operating without official state recognition, either as associations or as unregistered organizations.

Societal Abuses and Discrimination

The country has a very small Jewish population; there were no reports of anti-Semitic incidents during the year.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution and law provide for these rights, and the government generally respected them in practice; however, during the year the government continued to prevent the return of self-exiled political leader Pierrot Rajaonarivelo (see section 3).

The constitution does not explicitly prohibit forced exile; however, the government did not use it. Former President Ratsiraka and other members of his administration remained in self-imposed exile at year's end.

Certain members of the minority Karana community, many of whom have been in the country for generations, have nonetheless been denied citizenship, are effectively stateless, and cannot obtain travel documents (see section 5).

Protection of Refugees

The law does not include provisions for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, but the government has established a system for providing protection to refugees. In practice, the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government granted refugee status or asylum and cooperated with the UN High Commissioner for Refugees and other humanitarian organizations in assisting the small number of refugees in the country.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice by voting in presidential elections. However, some degree of turmoil has accompanied the three changes of government that have occurred over the last 14 years.

Elections and Political Participation

The country held a calm and relatively orderly presidential election in December with a 61.45 percent voter turnout. A number of domestic and international observer teams deemed the election generally free and fair. Opposition candidates were free to organize meetings and press conferences to publicize their platforms and criticisms of the government; observers had free access to polling stations during voting and ballot counting; voters cast their ballots without interference; and voting station officials were competent. Contrary to opposition claims, a media observation study by the international NGO PACT showed that state media provided airtime gratis and equally to the 14 presidential candidates. International observers noted numerous procedural shortcomings but did not consider them to be indications of any systematic effort to disadvantage particular candidates. Still, they called for electoral reforms before the 2007 legislative elections.

While government forces did not engage in intimidation or violence, on election day a group of approximately ten persons set fire to ballot boxes in three polling stations in the Tulear region. Former AREMA opposition parliamentarian Eloi Valoserana was arrested for this crime, and his case was under investigation at year's end. Former AREMA parliamentarian Eric Lemalade was also arrested for throwing Molotov cocktails at a polling station in Tamatave; that case also was under investigation.

In the run-up to the December election, opposition parties, civil society, and members of the international community began calling for reforms in electoral mechanisms and institutions, namely: replacing the multiple ballot system with a single ballot; creating a more independent national electoral commission; revising the electoral code to include more sanctions against fraud and to incorporate other changes to the electoral machinery; and establishing an electronic voter registration list. Of those requests, the only one undertaken by the government was the electronic voter registration list. The government also made efforts to provide identity cards to facilitate voter registration for the approximately 1.5 million citizens with no form of documentation. While administrative delays and material errors in both of these initiatives generated allegations of fraud from opposition groups and some members of civil society, the government improvised last-minute solutions that did not have a significant impact on the conduct or outcome of the election.

President Didier Ratsiraka and his AREMA party dominated the country's political scene from 1974 through 2001, largely by imposing government restrictions on the political opposition. The presidential elections of 2001 marked a change in the political landscape with the contested victory of President Marc Ravalomanana and his TIM party. In subsequent elections individuals and parties have been free to declare their candidacy and stand for election with few restrictions. The sole exception is the case of Pierrot Rajaonarivelo, a former senior official of the Ratsiraka regime who fled to Paris in exile following the 2002 election crisis. Sentenced in absentia for complicity in abuse of power and embezzlement, Rajaonarivelo alleged that the government used these convictions to impede his human and political rights to run for president. In response to Rajaonarivelo's claims that he would return to the country in October to register his candidacy, President Ravalomanana publicly declared that all citizens are free to return to the country but must abide by domestic court decisions and electoral law, which prohibits convicted criminals from running for the presidency. Nonetheless, government officials repeatedly blocked Rajaonarivelo's efforts to return to the country, citing security concerns.

A series of grenade attacks during the year appeared politically motivated. In August and September police arrested seven people in connection with simultaneous grenade attacks on the High Constitutional Court and the homes of Interior Minister Charles Rabemananjara and General Bertini Rajoelson. At least three of those arrested were former "reservists," a term used during the 2002 political crisis for unofficial Ravalomanana security forces, many of whom have since grown disenchanted with Ravalomanana. Except for the non-lethal shooting of one of the attackers by guards, the grenade attacks resulted in no injuries. At year's end those arrested were under preventive detention, and the investigation was proceeding.

There was one woman in the cabinet, eight women in the 160-member National Assembly, and 10 women in the 90-member Senate. One of

the 22 appointed regional administrators was a woman.

There were 12 Muslims, one Hindu, and two Chinese-Malagasy members in the National Assembly, and eight Muslims in the Senate. Chinese Malagasy and Muslims also held civil service positions. Residents of Indo-Pakistani origin were not represented in the government because few had citizenship (see section 5).

Government Corruption and Transparency

Corruption remained a serious problem throughout the government, but Transparency International noted that the country improved its performance from the previous year on the corruption perception index.

The government's first national action plan and new anticorruption laws were adopted in 2004, including the establishment of BIANCO--the Independent Anticorruption Bureau-- as an independent agency responsible for anticorruption education, prevention, and investigation. The strategy initially targeted 10 key sectors including justice, customs, and the police, and called for the creation of a new court called the *Chaine Penale*, the establishment of anticorruption cells within each ministry, and a network of drop boxes for public complaints on corruption in each of the country's 111 districts. A follow-on strategy covering the 2005-07 period emphasized reducing corruption in the key economic sectors of tourism, mining, and industry.

For Antananarivo, from January through November, BIANCO received 5,815 complaints. Of those, BIANCO investigated the 640 complaints that were corruption-related, resulting in 137 cases being sent to court and 201 persons being arrested, 56 of whom were placed in preventive detention; the remainder were released on bail.

In March BIANCO opened an office in the regional capital of Fianarantsoa that received 1,081 complaints by the end of the year. BIANCO investigated 327 cases, which led to 63 arrests. Ten of those resulted in preventive detention, and 53 were released on bail.

BIANCO monitored a network of drop boxes for public complaints in each of the country's 111 districts. During the year BIANCO officials continued to visit the regions on a regular basis to publicize its mission and to conduct investigations. BIANCO's public awareness and civic education outreach included radio and television programs; press releases and interviews; posters at airports, public offices, and throughout each city; exhibits; and film screenings. BIANCO developed five types of anticorruption training manuals, and distributed 90,000 of the manuals to students and teachers. BIANCO conducted training for local government officials, journalists, gendarmes and national police, as well as Girl and Boy Scouts. BIANCO also held ethics seminars for magistrates in Mahajunga, Fianarantsoa, and Tamatave. To combat pervasive low-level corruption within the traffic police, BIANCO created reader-friendly educational handbooks for training sessions of local police.

There are no laws providing for public access to government information. Educational material on anticorruption--including statistics updated every trimester--was available to citizens and non-citizens, including foreign media, while cases under investigation were considered confidential. Persons requesting public documents endured a lengthy bureaucratic process, in part due to a lack of standardized record system.

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

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

The constitution and law require the government to create apolitical organizations that promote and protect human rights. However, the governmental National Commission for Human Rights has been inactive since 2002, when its members' terms expired. The government has offered no explanation for the delay in naming replacements.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit all forms of discrimination; however, no specific government institutions are designated to enforce these provisions.

Women

The law prohibits domestic violence, but domestic violence against women was a problem. Police and legal authorities generally intervened when physical abuse was reported. According to media reports, a large proportion of women experienced domestic abuse, although most cases went unreported. In one of the few government programs to address domestic violence, the Ministry of Population worked with NGOs in Antananarivo and Fianarantsoa to provide victims with legal advice. The Ministry of Justice had no statistics on the number of domestic abusers prosecuted, convicted, or punished.

The law prohibits rape in general, but does not specifically refer to spousal rape. Penalties ranged from three years to life in prison, depending on factors such as the victim's age, the rapist's relationship to the victim, and whether the rapist's occupation puts him or her in contact with children. Rapes committed against children and pregnant women were punishable by hard labor. An additional two to five years' imprisonment could be added in the case of assault and battery. The government generally enforced these penalties for reported and convicted cases of rape.

Prostitution is not a crime, but related activities, such as pandering and incitement of minors to debauchery, are criminal. Prostitution was pervasive and particularly visible in areas frequented by tourists.

Sex tourism was a growing problem with the growth of the tourism industry. In September 2005 President Ravalomanana warned foreigners not to visit for sexual tourism. The government continued with its national awareness campaign by posting signs throughout airports and hotels, and including a full-page warning in the customs booklet given to arriving international passengers. Sex tourism is generally covered under sexual harassment laws.

There were reports of trafficking in women (see section 5, Trafficking).

Sexual harassment is against the law, but the practice was widespread, particularly in export processing zone (EPZ) factories. The government enforced sexual harassment laws when brought to court; however, cases were rarely reported. Early in the year a female employee of the Columbia Clothing Company factory in Antsirabe filed a sexual harassment suit. Seven employees—two Sri Lankan and five Malagasy—were convicted of sexual harassment, fined, and received suspended jail sentences of two years.

Women generally enjoy the same legal status as men. Under the law, wives have an equal voice in selecting the location of the couple's residence and generally received half the couple's assets if the marriage was dissolved. Widows with children inherit half of joint marital property; widows without children take priority only after the husband's surviving kin. In practice these requirements were not always observed. A tradition known as "the customary third," which provided the wife with the right to only one-third of a couple's joint holdings, was occasionally observed. Although the country is party to the International Convention on the Protection of Women, there was no special government office to ensure the legal rights of women.

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 and state owned companies. In 2003 (the most recent data available), the Ministry of Civil Services and Labor reported that women owned 30 percent of formal sector companies and 53 percent of informal sector companies. Women are not permitted to work in positions that might endanger their health, safety, and morals.

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

Children

The ministries of health, education, and population are responsible for various aspects of child welfare, but a lack of funding resulted in inadequate services and precluded the compilation of reliable statistics.

The constitution provides for tuition-free public education for all citizen children and makes primary education until age 14 compulsory. According to a 2004 World Bank study, 68 percent of primary school-age children were enrolled (see section 6.d.). Children in rural areas generally studied through middle school, whereas children in urban areas commonly finished the baccalaureat examination process for entrance into university. Girls and boys had the same access to education and medical care.

In 2004 the UN Children's Fund (UNICEF) and the government launched a three-year campaign to improve birth registration rates. The country has no uniform birth registration system, and unregistered children were not eligible to attend school or obtain health care services. According to a 2003-04 study by INSTAT, the government's office of statistical studies, 25 percent of children in the country under the age of five are not registered.

The legal age for marriage without parental authorization is 18 for both boys and girls. The law allows the marriage of girls at 14 and boys at 17 with parental authorization. Courts may approve marriages at even earlier ages with parental authorization for "serious reasons" such as pregnancy.

In rural areas most couples were united in traditional local ceremonies, outside the legal system and often at an early age. Some of these unions were subsequently formalized in civil ceremonies when the couple had sufficient money or needed evidence of marriage for other purposes. In a small number of rural areas young girls were pressured to move out and marry soon after puberty to test their ability to become pregnant, a virtual prerequisite for marriage. Parents built one-room "homes" for their daughters to begin "courting," and the daughters entered into informal traditional unions soon thereafter.

In major cities underage marriage existed but was far less prevalent. Urban girls tended to stay in school longer than their rural counterparts. There were anecdotal reports that parents arranged marriages for their underage daughters with more affluent older men in exchange for money.

Child prostitution was a problem and constituted one of the primary forms of child labor. According to a continuing study conducted by the International Labor Organization's (ILO) International Program for the Elimination of Child Labor (IPEC), there were approximately 700 to 800 child prostitutes in the city of Nosy Be and more than 2,000 in Tamatave. Some child prostitutes reported earning several times the average per capita monthly income. The Bara latsanta clan in Ivohibe practiced a tradition called "tsenan'ampela"—or "girls market"—where adolescent girls go to the local cattle market, either of their own will or sent by their parents, to be "purchased" for the night by wealthy cattle owners.

There were reports of child trafficking (see section 5, Trafficking).

Child labor, including forced labor, was a problem (see section 6.d.).

Although child abandonment is against the law, it was an increasing problem due to acute poverty and lack of family support. There were few safe shelters for street children, and government agencies generally tried to place abandoned children with parents or other relatives first; orphanages and adoption generally were a last resort. To address child abandonment, the multisector network for the rights and protection of children established by the Ministry of Population in 2002 operated in 11 cities throughout the six provinces. In Diego Suarez the network brought together 22 entities from the government, law enforcement, private, and nonprofit sectors to handle individual cases of child abuse and abandonment from the initial complaint through the trial, including medical assistance and legal advice for victims.

Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked. The vast majority of trafficking cases were internal, namely children being trafficked from rural areas to work as prostitutes and domestic workers in urban centers. International trafficking was rare, with reports of a limited number of women and girls trafficked for prostitution between the country and the neighboring islands of Mauritius and Reunion. Many trafficking victims were subjected to physical and mental abuse.

The principal traffickers ranged from organized criminals to "friends" to distant family members. Traffickers generally took advantage of young girls and boys in rural areas by promising employment opportunities in urban areas. Victims were generally transported using public taxi-brousses. Traffickers around the Ilakaka area in the south forced children--sometimes their own--from the urban center of Tulear to move to remote areas to work in mines.

Traffickers may be prosecuted under provisions of the penal and labor codes that prohibit pedophilia and sexual tourism. The Ministry of Justice is responsible for enforcement; however, there were no reports during the year of arrests for trafficking.

The government listed the fight against trafficking as one of its key objectives for the year and continued its strategy to address child labor and trafficking throughout the country. To raise public awareness about the nature of trafficking and worst forms of child labor, the Ministry of Education conducted training sessions in more than 100 schools and parent associations throughout the country. The Ministry of Tourism and Culture conducted training for 250 tourist industry personnel to raise awareness of the problem of sex tourism, and also conducted outreach directly to individuals at risk of being trafficked. The Ministry of Youth and Sports trained its regional staff who work with youth to be vigilant in the prevention of trafficking. The Ministry of Telecommunications and Communication put up posters with messages against sex tourism and distributed a UNICEF film countrywide on sexual exploitation. The Ministry of Population undertook a massive campaign to issue birth certificates to help prevent possible smuggling of babies. The State Secretary of Public Security conducted educational programs on child exploitation for schools, hotel managers, "red light" districts, police, and gendarmes. In terms of protection and assistance to victims, 36 child workers taken into the country's three welcome centers were either given vocational training or placed back in school; 20 additional child workers were identified for vocational training and 20 others for remedial education.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities, and there were no reports of official discrimination against persons with disabilities in employment, education, or in access to state services. The law broadly defines the rights of persons with disabilities and provides for a national commission and regional subcommissions to promote the rights of persons with disabilities. The government established a national commission and regional subcommissions that worked to develop identity cards for people with disabilities to assure them a certain level of treatment in public places. International NGOs and numerous local associations, including the Collective of Organizations Advocating for Persons with Disabilities, advocated for legislation mandating equal access for persons with disabilities.

There were more than 30 educational facilities in the country for persons with disabilities. There were reports of mainstream schools rejecting students with disabilities on the basis of inadequate facilities.

The government continued the effort launched in 2004 to employ persons with disabilities at national and regional levels of government and ordered that persons with disabilities be provided with medical treatment in public and private medical centers; employment without discrimination; eligibility for civil service vacancies; and education at public schools and vocational training centers, which were responsible for ensuring accessibility. Insufficient budgets continued to hamper support for these initiatives during the year. A study conducted in 2005 by Handicap International found that persons with disabilities seldom had access to health care or received professional training and were often the victims of physical violence, particularly women and girls.

National/Racial/Ethnic Minorities

The Malagasy, of mixed Malay-Polynesian, African, and Arab descent, are divided into 18 tribes, a term without pejorative overtones in the country. None of the 18 tribes constituted a majority. The vast majority of Malagasy spoke a single Malagasy language. There also were minorities of Indo-Pakistani, Comoran, and Chinese heritage in the country.

A long history of military conquest has resulted in the political dominance of highland ethnic groups of Asian origin, particularly the Merina, over coastal groups of African ancestry. This imbalance has fueled an undercurrent of tension between citizens of highland and coastal descent. Ethnicity, caste, and regional solidarity often were factors in hiring practices.

An economically significant Indo-Pakistani community, commonly referred to as Karana, has been present for over a century. Traditionally engaged in commerce, the Karana numbered approximately 20,000. Few held citizenship, which must be acquired through a native-born Malagasy mother, and many believed they were denied full participation in society and subject to discrimination.

Section 6 Workers Rights

a. The Right of Association

The law provides that public and private sector workers may establish and join labor unions of their choice without prior authorization or excessive requirements, and workers did so in practice. However, essential workers, including police and military personnel, may not form unions. Unions were required to register with the government, and registration was granted routinely. Ministry of Civil Services and Labor statistics indicate that 14 percent of workers in EPZ companies and 10 percent of all workers were unionized. According to the same ministry, approximately 73 percent of the workforce was engaged in agriculture. The government had no reliable statistics on the number of public employees participating in unions, but it was generally believed that few public employees were union members despite the existence of several public employees' unions.

The law prohibits discrimination by employers against labor organizers, union members, and unions; however, the Ministry of Civil Services and Labor indicated that some employees did not join unions due to fear of reprisal. In the event of antiunion activity, unions or their members may file suit against the employer in civil court.

b. The Right to Organize and Bargain Collectively

The law provides for unions to conduct their activities without interference, and the government generally respected this right in practice. The law also provides workers in the private sector the right to bargain collectively, and the country has 34 contracts based on collective bargaining agreements. Civil servants, including workers in essential services, do not use collective bargaining agreements. The government set civil servant wages and endorsed minimum wages proposed by the private sector (see section 6.e.).

The law provides most workers with the right to strike, including in EPZs, and workers exercised this right. Civil servants and maritime workers, however, each have their own labor code, and workers in other essential services--such as magistrates--have a recognized but more restricted right to strike. Before resorting to a strike, the law calls for workers to exhaust all options through conciliation, mediation, and arbitration. During the year there were at least five strikes.

c. Prohibition of Forced or Compulsory Labor

The labor code prohibits forced or compulsory labor, including by children, but at times the government did not respect this prohibition, specifically with respect to prison labor. In January the Ministry of Justice decreed that prisoners and pretrial detainees can no longer be forcibly hired out to government officials for private use, unless the prisoner agrees to the terms of employment and monetary compensation as stipulated in the labor code. Prisoners can still be hired out for public use by government offices and, except for those condemned to forced labor, are entitled to receive a salary. A 2004 interior ministry study highlighted cases of forced labor among pousse-pousse (rickshaw) drivers, petty merchants, and apprentices.

Forced labor by children occurred (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment was 15 years of age and consistent with educational requirements (see section 5). The law prohibits persons under the age of 18 from working at night and at sites where there is an imminent danger to health, safety, or morals; however, child labor was a problem. The law allows children to work a maximum of eight hours per day and 40 hours per week with no overtime. Employers must observe a mandatory 12-hour period between shifts. Occupational health and safety restrictions include parental authorization and a medical visit before hiring.

The majority of child workers worked in the agricultural and mining industries and as domestic workers (see section 5). According to the Ministry of Civil Services and Labor, nearly 13 percent of urban children and 36 percent of rural children between the ages of 10 and 14 were intermittently employed, the vast majority on family farms. In addition, 8 percent of urban children and 22 percent of rural children between the ages of six and nine also were employed. Many children in rural areas dropped out of school to help on family farms, and urban children often worked as domestic laborers and servants. In the agricultural sector, children on family subsistence farms may begin work at an even younger age. In cities many children worked in occupations such as transport of goods by rickshaw, petty trading, and begging. Conditions often were harsh. The Ministry of Civil Services and Labor estimated that more than 19,000 children were working in the mines of Ilakaka in the south, both in the formal and informal sector. In 2003 IPEC reported that children as young as eight years of age were being used in mines because they could maneuver in cramped spaces more easily than adults. Children were also exploited as commercial sex workers (see section 5).

The Ministry of Civil Services and Labor is responsible for enforcing child labor laws and policies in the formal sector, and conducted 397 general workplace inspections during the year in response to a range of complaints, not all related to child labor. The ministry had only 77 inspectors to carry out its responsibilities, making it difficult to monitor and enforce child labor provisions effectively. Enforcement in the much larger informal sector remained a serious problem. Sanctions against violators of child labor laws were significantly increased during the year to include fines between \$500 and \$1,500 (between 1.05 and 3.15 million ariary) and prison sentences of one to three years.

During the year the government continued its efforts to combat forced child labor and trafficking (see section 5). Early in the year, with ILO assistance, the government launched the "red card" campaign, in which thousands of red cards signaling the negative impact of child labor and trafficking were distributed to school officials, students, and the general public. Printed in a number of Malagasy dialects, the red cards raised public awareness about children's rights and the protection of minors. The Ministry of Civil Services and Labor continued with its 15-year national plan to combat the worst forms of child labor, namely child prostitution, stone quarry work, salt marsh work, domestic labor, gemstone mining, agriculture, and commercial fishing, as areas of particular concern. A national committee made up of high-level government, donor, civil society, and religious group representatives met during the year to raise public awareness and coordinate the national campaign. The government's welcome centers in Antananarivo, Tamatave, and Tulear continued to rescue victims of trafficking and forced labor. The country joined with others in establishing a regional observation committee to create databases for analyses of the worst forms of child labor in the region.

e. Acceptable Conditions of Work

The Labor Code and its implementing legislation prescribe working conditions and minimum wages, which were enforced by the Ministry of Civil Services and Labor. The law has separate provisions for agricultural and nonagricultural work.

The monthly minimum wage was \$27.30 (56,713 ariary) for nonagricultural workers and \$27.58 (57,520 ariary) for agricultural workers. This did not provide a decent standard of living for a worker and family, particularly in urban areas. Although most employees knew what the legal minimum wages were, those rates were not always paid. High unemployment and widespread poverty led workers to accept lower wages.

The standard workweek was 40 hours in nonagricultural and service industries and 42½ hours in the agricultural sector. Legislation limited workers to 20 hours of overtime per week, but employees often were required to work until production targets were met. A 2004 Catholic Relief Services report on working conditions in the EPZs indicated that 86 percent of employees surveyed regularly worked more than 40 hours per week. In some cases this overtime was unrecorded and unpaid.

The government sets occupational health and safety standards for workers and workplaces. CNAPS, the country's equivalent of the Social Security Administration, conducted inspections and published reports on workplace conditions, occupational health hazards, and workplace accident trends. The Ministry of Civil Services and Labor's 77 labor inspectors were sufficient to cover only child and adult workers for the capital city effectively. If violators do not remedy cited violations within the time allowed, they may be sanctioned legally or assessed administrative penalties. Workers have an explicit right to leave a dangerous workplace without jeopardizing their employment as long as they inform their supervisor. These standards applied equally to foreign and migrant workers. Sanctions from the 397 workplace inspections during the year ranged from warnings to orders that the company resolve the problem. No workplaces were shut down as a result of workplace complaints.