



Madagascar

Country Reports on Human Rights Practices - [2007](#)

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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 2006, and his party, Tiako-I-Madagasikara (TIM), dominated political life, but other political parties operated without restriction or outside interference. The legislative and municipal elections held in September and December respectively were 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: unlawful killings; harsh prison conditions that resulted in deaths; arbitrary arrest; lengthy pretrial detention; official corruption; 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 were reports that police and gendarmes throughout the country summarily executed cattle thieves without trial. In June gendarmes in Bekoby, near the northwestern town of Majunga, shot and killed two brothers for stealing a neighbor's cow, according to a local nongovernmental organization (NGO). The Command of the Territorial Brigade of Majunga explained that the men were shot because they had already been arrested and released several times for stealing cows. No action was taken against security forces responsible for such killings.

Also in June another man was arrested for stealing cattle in Bekoby, according to the same NGO. A gendarme slashed his leg with a machete during pursuit and arrest, and the man bled to death after a day of questioning and beating. Before his death the man provided the names of three ringleaders in the theft of cattle who were arrested and released after paying a fine of \$33,900 (60 million ariary).

Unlike in the previous year, there were no reports that demonstrators died as a result of police use of excessive force.

There were no developments in the following security force killings: the 2006 hit-and-run case of a woman in Antananarivo; the 2005 case in which a gendarme in Ikelihorombe killed 10 persons accused of cattle theft; and the 2005 death in police custody of Jone Yvon Hajaniaina Rafanomezantsoa.

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.

In September a 17-year-old boy in Ilemby accused of stealing cattle had his head submerged in the river by a gendarme, according to the local NGO S.O.S. Victimes. The boy spent three days in prison and was released after his family agreed to pay \$400 (800,000 ariary) to the gendarme. At year's end the family was still completing its payment.

In October a 15-year-old in Ambohimangakely near Antananarivo was arrested after being accused of stealing a cellular telephone. In prison he was undressed, physically abused, and not given anything to eat for 48 hours. After he fainted, the police sent him to a local hospital. In November the boy was acquitted for lack of evidence.

Police use of force to quell a violent demonstration resulted in injuries.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening. Severe overcrowding due to pervasive pretrial detention, weaknesses in the judicial system, and inadequate prison infrastructure remained a serious problem. The country's 77 facilities, whose original capacity for 13,000 prisoners had seriously deteriorated, held approximately 18,000 prisoners in September, according to the Ministry of Justice.

Chronic malnutrition, which affected up to two-thirds of the detainees in some prisons, was the most common cause of death. The Ministry of Justice's efforts to raise prisoners' daily rations to 750 grams of food (typically dry manioc, rice, or cassava) provided only slight relief, as not all prisoners received this amount in practice. Families and NGOs supplemented the daily rations of some prisoners. The Ministry of Justice reported 110 deaths in prison during the year due to malnutrition and respiratory problems, but NGOs estimated the number to be in the hundreds and attributed most of the deaths to detention in a remote location where they did not receive visits by family members.

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.

The government adopted a national action plan to rehabilitate and improve prison conditions, starting with a law that limits pretrial detention and provides for early release for good behavior. It punished prison administration and staff who demanded bribes from prisoners for access to food and recreation. The government raised the prison administration's budget by 54 percent, which increased funds for food rations, medical care, and prison camps. Infrastructure was improved, and several new prison facilities were constructed. In June the Presidential Prison Task Force launched an innovative pilot project to construct three self-sufficient penal camps throughout the country starting in Majunga. By October, in Majunga, the prison population was significantly downsized through the expedited treatment of pretrial detention cases. Improved nutrition and hygiene conditions eliminated cases of severe malnutrition, and prisoners learned to grow food and develop other skills to help earn a living upon release. According to a July report by the government's National Observatory for Integrity, such efforts decreased the incidence of prison deaths and contributed to a slight decrease in the pretrial detention population. Still, the situation in prisons remained critical.

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 were the exception, prisoners often prostituted themselves in jail for food. Prisoners could be used as forced labor.

Juveniles were not always held separately from the adult prison population, and some preschool-age children shared cells with their incarcerated mothers. Pretrial detainees were seldom kept separate from the general prison population.

The government generally permitted independent monitoring of prison conditions by the International Committee of the Red Cross 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. However, during the year the ministries of justice and foreign affairs trained four law enforcement jurisdictions regarding the punishment and prevention of torture. The Ministry of Justice also established four legal clinics to assist victims of human rights violations.

The Independent Anticorruption Bureau (BIANCO) opened investigations into allegations of security force abuses and

provided training to reform the security forces.

All 16 noncommissioned military officers and gendarmes arrested in 2006 for involvement in trafficking of handguns, grenades, and AK-47s in Diego Suarez were acquitted and released.

Arrest and Detention

Although the law requires that arrest warrants 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 this was not always the case in practice. A system of bail exists depending on the severity of the crime. 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.

The Ministry of Justice reported that approximately 60 percent of the entire prison population was in pretrial detention. The law mandates that a criminal suspect 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. For example, a pretrial detainee accused of cattle theft was released in February 2006 after being held without charge for 19 years because his file had gone missing. 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 contributed to lengthy pretrial detention. 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. In order to address the general lack of resources, the government increased the Ministry of Justice's budget by 30 percent. In May the government adopted a new law that limits the duration of pretrial detention and regulates the use of mandat de depot. The Ministry of Justice released approximately 200 detainees early on "conditional liberty" for good behavior and was working to process all 2004 cases by year's end. Human rights training for magistrates, NGOs, journalists, and investigative police was ongoing.

Amnesty

Unlike in the previous year, the government granted no amnesties during the year.

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. The Ministry of Justice fired four judges and suspended one for corruption and abandonment of posts. Fifty judges received disciplinary transfers for "professional mistakes."

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.

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 for all detainees who cannot afford their own attorney; however, many

citizens were not aware of this right in practice. Attorneys have access to government-held evidence but 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.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

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 the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press. Unlike in the previous year, there were no reports of government officials explicitly arresting, intimidating or pressuring journalists; however, journalists continued to practice self-censorship.

There were 12 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. The government owned nationwide television and radio networks. The president's privately owned television and radio station, MBS, also had national coverage. In addition, there were approximately 245 radio stations, 195 of which were legally licensed, and 37 television stations, 20 of which were legally licensed.

International media were allowed to operate freely.

In general the independent media, especially print 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. 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.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-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 and the government generally respected these rights in practice. Unlike in the previous year, there were no reports that government officials impeded opposition meetings.

For several weeks starting in late April, public demonstrations in Tulear, Diego Suarez, and Tamatave, originating with students' grievances against blackouts and study conditions, led to clashes between security forces and demonstrators. Protestors threw rocks at police, set fire to a public building in Tulear, took the regional director of Tulear's Penitentiary

Administration hostage, and looted shops. Police responded by releasing tear gas and firing shots to disperse the crowd; one person was shot in the leg. All arrested protestors were released; some received suspended prison sentences for inciting violence and disturbing public order.

No action was taken during the year against security forces responsible for injuring demonstrators in 2005 or 2006.

Freedom of Association

The constitution and law provide for the right of association and permit citizens to organize political parties and associations. The government generally respected this right in practice.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. However, some Muslims felt marginalized by the government and expressed concern about their legal status in the country. They expressed reluctance to openly advertise some of their activities as "Islamic" for fear of discrimination, although there were no reliable reports of explicit discrimination from the government other than pending citizenship applications (see section 2.d.).

An April 4 constitutional referendum eliminated the explicit separation of church and state but did not diminish legal protection for freedom of religion.

In August, following a two-year ban, the government reopened the New Protestant Church in Madagascar, now renamed. The Universal Church of the Kingdom of God remained banned.

In May Jesuit missionary Father Sylvain Urfer was deported to France on grounds that his entry visa had expired. Some human rights activists claimed Urfer's expulsion was connected to his religious activities, while others cited his open criticism of the government as the reason. Under local law any foreigner can be expelled for general violations of "national security."

Societal Abuses and Discrimination

There were a few reports of societal abuses or discrimination based on religious belief or practice.

On April 28, a 20-year-old Muslim student was found decapitated in a mosque in the University of Antananarivo alongside a torn Koran. However, a local Muslim leader considered the death had more to do with personal conflicts than religious violence.

The country has a very small Jewish population, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

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

The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. 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.

Protection of Refugees

The law does not include provisions for the granting of asylum or refugee status, 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 there is reason to believe 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.

Stateless Persons

An arcane system of citizenship laws and procedures has resulted in a pool of stateless persons in the minority Muslim community, many of whom have lived in the country for generations. Reliable figures were unavailable, but Muslim leaders estimated as many as 5 percent of the two million Muslims were affected. Citizenship is transmitted through blood; birth on

Malagasy soil does not transmit citizenship. Children born to a Malagasy mother and non-Malagasy father must be declared by a certain age or risk losing eligibility for citizenship. Some members of the Karana community of Indo-Pakistani origin who failed to register for Malagasy or Indian citizenship following India's independence in 1947 were no longer eligible for either. Members of the wider Muslim community suggested that a Muslim-sounding name alone could delay one's citizenship application indefinitely. Lack of citizenship precluded voting rights and limited international travel without a passport.

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, legislative, and municipal elections.

Elections and Political Participation

In September the country held a calm and relatively orderly legislative election marked by a low 46 percent voter turnout. A number of domestic and international observer teams deemed the election generally free and fair, despite minor irregularities that did not affect the overall results. However, media coverage included unconfirmed reports of government interference and pressure at the local level, namely regional chiefs either promising local leaders rewards or threatening dismissal if the desired ruling TIM party candidate was not elected in their areas. Election observers also noted persistent structural shortcomings, including the need for an independent electoral commission, the need to revise the electoral code to include sanctions against fraud, the need to regulate campaign financing and the lack of a single ballot that could potentially disadvantage candidates who could not afford to print their own ballots or if the government failed to adequately distribute their ballots.

Similarly, the December 12 municipal elections were generally held to be free, fair and peaceful, but observers noted the same persistent minor irregularities advantaging certain candidates over others. The ruling TIM party did not interfere when an independent won in the capital city of Antananarivo.

President Marc Ravalomanana's TIM party dominated the political landscape, but political parties operated without restriction or outside interference.

On November 5, unknown assailants launched a grenade at a building in Tulear that is part of a conglomerate owned by President Ravalomanana, slightly injuring one gendarme and causing minor material damage. Although the motive was unclear, some believed it was an attempt to destabilize the populace preceding the December 12 municipal elections.

Former deputy prime minister Pierrot Rajaonarivelo continues to appeal his conviction from abroad; the last appeal filed in May was pending by year's end.

There were three women in the cabinet, 10 women in the 127-member National Assembly, and 10 women in the 90-member Senate. Two of the 22 appointed regional administrators were women.

There were 11 Muslims and seven Chinese-Malagasy members in the National Assembly and eight Muslims in the Senate. Chinese-Malagasy and Muslims also held civil service positions. However, residents of Indo-Pakistani origin were not well represented in the government.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively. The World Bank's Worldwide Governance Indicators reflected that corruption was a problem, as was impunity. In July the Council for the Safeguard of Integrity published a survey that ranked the parliament and judiciary as the two most corrupt entities.

In November the government organized a two-day presidential dialogue on good governance that brought together government officials, civil society, and the international community in an effort to design a common solution to corruption.

BIANCO monitored a network of drop boxes for public complaints in each of the country's 111 districts, and 4,718 complaints were filed from January through September. BIANCO investigated 343 of the 550 complaints that were corruption-related, resulting in 103 cases sent to court and 60 persons arrested, 10 of whom were placed in preventive detention and 50 of whom were out on parole. BIANCO officials also conducted aggressive civic outreach campaigns, including the mobilization of civil society organizations and the private sector, the establishment of codes of conduct for government officials in a range of sectors, and the introduction of a "Moral Integrity and Public Life" module in the National Gendarmes School training program. BIANCO's prevention activities included government audits in the mining and customs sectors; analytical studies of the permit, authorization, and infraction procedures in a range of ministries; and the reconciliation of custom inspection reports through March.

Among other activities, the Council for the Safeguard of Integrity, BIANCO's policy arm, conducted ethics trainings for magistrates, established ethics units in a number of jurisdictions, held meetings to establish units to address economic and financial infractions within the penal chain, trained trainers on ethical behavior for police and gendarmes, and held workshops on regulating the cattle trade.

The Ministry of Justice undertook a number of independent initiatives to eliminate corruption in the judicial system. It fired four judges and suspended one for corruption and abandonment of post. Fifty judges received disciplinary transfers for "professional mistakes." Pending parliamentary approval, the Council of Ministers approved the proposal to create a Superior Council for Magistrates to monitor the judiciary. In November the Ministry of Justice held technical workshops to develop a strategy to reform the magistracy and conducted a study regarding the management of criminal justice expenditures.

In October a former director of Ranomafana National Park was sentenced to five years in prison for embezzling \$50,000 (90 million ariary). Also in October the former mayor of Tamatave, Roland Ratsiraka, was sentenced to 18 months of "suspended" prison time for awarding a bid to his own garbage collection company, while the former mayor of Fianarantosa, Pety Rakotoniaina, was sentenced to five years in prison for embezzlement of government property. In August six persons were arrested for embezzling \$6 million (10.8 billion ariary) from the Central Bank in Manakara; the director of the Central Bank and two of his staff reportedly fled abroad to avoid the charges. In July the former deputy from Nosy Be, Roger Zara, was arrested on corruption-related charges. Several other local officials were suspended on related charges.

Public officials starting at the director-general level were subject to financial disclosure laws.

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 noncitizens, including foreign media, while cases under investigation were considered confidential.

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.

Efforts to reestablish the National Commission for Human Rights were ongoing at year's end.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

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 put 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, and the government generally enforced these penalties. The Brigade of Morals and Minors reported receiving 10 to 12 rape-related complaints a day throughout the country. There were 167 complaints of rape from January through October in Antananarivo. Of the adult perpetrators, 56 men and four women were convicted. Of underage perpetrators, 34 boys and three girls were convicted.

The law prohibits domestic violence, but it was a problem. The government's National Institute for Public Health estimated that 55 percent of women were victims of domestic violence. The UN Population Fund (UNFPA) estimated that one out of three women would suffer from violence at some point in her life. A survey on conjugal violence conducted by the Ministry of Health in collaboration with two NGOs found that of 400 women surveyed in Antananarivo, 45 percent were subjected to psychological violence, and 35 percent were victims of physical violence. Police and legal authorities generally intervened when physical abuse was reported. The Ministry of Health continued working with NGOs in Antananarivo and Fianarantsoa to provide victims with legal advice. The government established three new legal clinics to provide women with counseling regarding domestic violence. Statistics on the number of domestic abusers prosecuted, convicted, or punished were unavailable.

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. The government continued with its national awareness campaign by posting signs throughout airports and hotels, including a full-page warning in the customs booklet given to arriving international passengers. Sex tourism was generally covered under sexual harassment laws. In December the government adopted a law that defines child sexual exploitation, child sex tourism, child pornography and trafficking in persons and stipulates sanctions for the authors of such crimes, particularly when committed against children.

Sexual harassment is against the law, but the practice was widespread, particularly in export processing zone (EPZ) factories. The UNFPA estimated that 50 percent of women working in EPZs were victims of sexual harassment. The government enforced sexual harassment laws when brought to court; however, cases were rarely reported.

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 ended. 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.

The government conducted a study on discriminatory customs against women in the northwest of the country. At year's end results were pending.

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 and education play the principal role in addressing child welfare, but the ministries of justice, civil services and labor, youth and sports, and the State Secretariat for Public Security also play a role. A lack of funding resulted in inadequate services and precluded the compilation of reliable statistics.

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 were not registered.

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. Children in rural areas generally studied through middle school, whereas children in urban areas commonly finished the baccalaureate examination process for entrance into university.

Girls and boys had the equal access to education and medical care.

Child abuse was a problem. In December the government adopted a 2008-12 national action plan on violence against children, including child labor, sexual exploitation, and trafficking. During the year the Ministry of Health, in collaboration with UNICEF, operated more than 14 multi-sector networks throughout the country to prevent children from abuse and exploitation. In light of recent child-related legislation, several ministries worked with UNICEF to develop training manuals on child rights and safeguards for officials working on child protection networks. In July, in collaboration with UNICEF, the government also completed a one-year program to train and assist security forces in the protection of children.

Government statistics indicated that 33 percent of girls between the ages of 15 and 19 were already married. Child marriage was especially prevalent in rural areas where most couples were united in traditional local ceremonies outside the legal system. On April 30, the government adopted a law setting the legal age for marriage without parental authorization at 18 for both boys and girls; previously, the law allowed the marriage of girls at 14 and of boys at 17.

Children engaged in prostitution for survival without third-party involvement. Child prostitution constituted one of the primary forms of child labor. A 2007 UNICEF study in the coastal cities of Toamasina and Nosy Be found that between 30 and 50 percent of female sex workers were under 18.

According to UNICEF, between May and October, at least four child abusers were prosecuted, among them a Swiss man convicted in Nosy Be of pedophilia with young girls. One nightclub was closed.

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 were a last resort. A traditional superstition in the southeast against giving birth to twins led some parents in the region to abandon one or both of their twin children, who were sometimes left to die. The government completed a study on the treatment of twins in Mananzary, and at year's end the results were pending.

Trafficking in Persons

As of December the law specifically prohibits trafficking in persons but there were reports that persons were trafficked within the country. The vast majority of cases involved children and young women, mostly from rural areas, trafficked for sexual exploitation and forced labor including domestic servitude, mining, and street vending. A sex tourism problem existed in coastal cities, as well as the capital city of Antananarivo, with a significant number of children being exploited as prostitutes. International trafficking was rare, with unconfirmed anecdotal reports of a limited number of women and girls trafficked for prostitution to the neighboring islands of Mauritius and Reunion.

The principal traffickers ranged from organized criminals to "friends" to taxi drivers to distant family members. Traffickers often took advantage of young women, girls, and boys in rural areas by promising employment opportunities in urban areas.

Traffickers may be prosecuted under provisions prohibiting procurement of minors for prostitution, pedophilia, pimping, and deceptive labor practices. In August a new law was adopted prohibiting all forms of violence against children, including sexual exploitation and punishment of adult exploiters of child prostitutes. In December the government adopted a law defining trafficking in persons, among other crimes, and stipulating sanctions for the authors of such crimes, particularly when committed against children. The Ministry of Justice is responsible for enforcement of such laws.

There were no reports during the year of arrests specifically for trafficking. However, the absence of a centralized database of legal cases and a law specifically defining trafficking activities or sanctions before December impeded prosecution and recordkeeping.

Police cooperated with neighboring countries and Interpol in the investigation and prosecution of trafficking cases. The government did not extradite persons charged with trafficking in other countries, nor did they permit extradition of Malagasy nationals. Whether because of corruption, pressure from the local community, or fear of an international incident, local police and magistrates in tourist areas often hesitated to prosecute foreign pedophiles.

The government continued to address child labor and trafficking through aggressive educational and birth registration campaigns. Child workers taken into the country's three welcome centers were either given vocational training or placed back in school. The Ministry of Health worked with UNICEF to establish new multi-sector child protection networks throughout the country to handle individual cases of child exploitation, including trafficking.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities, broadly defines their rights, and provides for a national commission and regional subcommissions to promote the rights of persons with disabilities. There were no reports of official discrimination against persons with disabilities in employment, education, or in access to state services. However, there were reports of mainstream schools rejecting students with disabilities on the basis of inadequate facilities. While laws encourage building access for persons with disabilities, it is not obligatory for existing buildings. However, construction permits for new buildings are now issued only upon verification of accessibility for persons with disabilities. 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.

The Ministry of Health is responsible for protecting the rights of persons with disabilities and routinely provided NGOs with technical assistance. The government distributed identity cards identifying persons with certified disabilities to facilitate public health care; however the cards were not always accepted. In September President Ravalomanana signed the International Convention on the Rights of the Disabled. The government started a pilot project in 10 elementary schools to integrate students with disabilities into mainstream schools. It also established a program to manufacture prosthetic devices for persons with disabilities. Public markets and the town hall in Majunga also had special handicapped access.

National/Racial/Ethnic Minorities

None of the 18 Malagasy tribes constituted a majority. There were also minorities of Indo-Pakistani, Comoran, and

Chinese heritage in the country. Ethnicity, caste, and regional solidarity often were factors in hiring practices and were exploited in election campaigns. A long history of military conquest and political dominance of highland ethnic groups of Asian origin, particularly the Merina, over coastal groups of African ancestry has contributed to tension between citizens of highland and coastal descent.

Other Societal Abuses and Discrimination

The law does not prohibit discrimination against homosexuals, and there was general societal discrimination against them.

Although the national HIV/AIDS rate was low at approximately 1 percent, there was stigma and occasional discrimination attached to having HIV/AIDS. In July the government adopted a new law protecting HIV/AIDS patients' rights to free and quality health care and specifying sanctions against persons who discriminate or marginalize people with the disease. The law was enforced by the ministries of health and justice and the National Committee for the Fight Against AIDS in Madagascar.

Section 6 Worker 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. However, those classified as essential workers, including police, military, and firefighters may not form unions. Ministry of Civil Services and Labor statistics indicated that 14 percent of workers in EPZ companies and 10 percent of all workers were unionized. 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 antiunion discrimination by employers; 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. The law also provides workers in the private sector the right to bargain collectively; civil servants were not covered under such agreements.

The law provides most workers with the right to strike, including in EPZs, and workers exercised this right; however, workers must first exhaust the conciliation, mediation, and arbitration procedures. Civil servants and maritime workers have their own labor code; workers in other essential services, such as magistrates, have a recognized but more restricted right to strike.

There are no special laws or exemptions from regular labor laws in EPZs.

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. While 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 stipulated in the labor code, they can still be hired out for public use by government offices. Except for those condemned to forced labor, they are entitled to receive a salary.

Forced labor by children occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

There were laws to protect children from exploitation in the workplace and prohibit forced or compulsory labor, but the government sometimes encountered trouble enforcing these laws due to inadequate resources and insufficient personnel. Child labor was a widespread problem.

The minimum age for employment was 15 years of age, consistent with educational requirements. The law allows children to work a maximum of eight hours per day and 40 hours per week with no overtime. 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. 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 Household Survey of 2000 indicated that approximately 33 percent of the child population between the ages of seven and 17 were child laborers on a full or part-time basis. Children in rural areas worked mostly on subsistence family farms and as cattle herders, while those in urban areas worked in occupations such as domestic laborers, transport of goods by rickshaw, petty trading, prostitution, stone quarrying, working in bars, and begging. Children were engaged in salt production, fishing, deep sea diving, and the shrimp industry. The Ministry of Civil Services and Labor estimated that more than 19,000 children were working in the mines of Ilakaka in the south, mostly in the informal sector helping their families mine for gemstones or working as domestics and prostitutes. Children were trafficked internally for the purposes of forced labor and sexual exploitation.

The Ministry of Civil Services and Labor is responsible for enforcing child labor laws and policies in the formal sector and conducted 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.

The reduction of child labor is one of the government's main goals in the comprehensive five-year Madagascar Action Plan guiding the country's development. On July 3, the government adopted a decree regulating the working conditions of children, defining the worst forms of child labor, identifying penalties for employers, and establishing the institutional framework for its implementation.

The Ministry of Civil Services and Labor implemented its 15-year national plan to combat the worst forms of child labor, including prostitution. The National Steering Committee Against Child Labor made up of high-level government, donor, civil society, and religious group representatives mobilized resources for the World Day Against Child Labor in seven regions throughout the country. In addition to the existing Regional Committee to Combat Child Labor (CRLTE) in the north, two additional CRLTE were established in the southwest and the east coast. In May the ministries of civil services and labor and finance, supported by the International Program on the Elimination of Child Labor (IPEC) and UNICEF, launched a national survey on child labor and trafficking to better address child exploitation issues. Local officials also participated in IPEC-organized stakeholders' workshops around the country to combat child labor by identifying intervention strategies and partners. In May, as part of the ongoing "red card campaign" to raise awareness about the fight against child labor, the government worked with the Malagasy Soccer Federation to conduct awareness campaigns in Majunga and Sambava.

The government's welcome centers in Antananarivo, Tamatave, and Tulear continued to rescue victims of trafficking and forced labor.

e. Acceptable Conditions of Work

The Ministry of Civil Services and Labor was responsible for enforcing the working conditions and minimum wages prescribed in the labor code, but it sometimes encountered trouble enforcing these laws due to inadequate resources and insufficient personnel.

The monthly minimum wage was \$35 (62,543 ariary) for nonagricultural workers and \$36 (64,440 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. 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. Workers have an explicit right to leave a dangerous workplace without jeopardizing their employment as long as they inform their supervisor. However, this right was not always respected in practice.

