

MADAGASCAR 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Madagascar is a semipresidential democratic republic with a popularly elected president, a bicameral legislature (Senate and National Assembly), prime minister, and cabinet. A presidential election was held on November 7, 2018, with a two-candidate run-off on December 19, 2018. The winner, Andry Rajoelina, took office on January 19. Independent observers judged the election to be generally free and fair, despite several candidates' allegations of irregularities in the electoral process, including voter suppression. Legislative elections took place in late May with no major incidents. Observers judged these elections to be generally free and fair, with some irregularities. Nationwide municipal elections took place on November 27 and were generally considered to be free and fair.

The national police, under the authority of the Ministry of Public Security, are responsible for maintaining law and order in urban areas. The gendarmerie, under the Ministry of National Defense, is responsible for maintaining law and order in rural areas at the village level, protecting government facilities, and operating a maritime police contingent. The military is also active in rural areas, particularly to maintain order in areas affected by cattle rustling and banditry, and reports to the Ministry of National Defense. Civilian authorities at times did not maintain effective control over the security forces.

Significant human rights issues included: arbitrary or unlawful killings by government agents; torture by government agents; arbitrary detention by government agents; harsh and life-threatening prison and detention center conditions; substantial interference with the right of peaceful assembly; pervasive corruption; trafficking in persons; violence against women and children, which the government took little action to prevent or prosecute; and use of forced child labor.

The government prosecuted and punished some officials who committed abuses, whether in the security forces or elsewhere in the government; however, impunity remained a problem.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that the government or its agents committed arbitrary or unlawful killings of criminal suspects. Most killings occurred during security force operations to stem cattle rustling by armed criminal groups in the central, west, and southwest areas as well as during police raids to combat insecurity in urban areas.

In January the National Gendarmerie told press that in its efforts to combat insecurity, gendarmes had killed 786 criminal suspects in 2018, compared with 217 the year before. Between January and September, press reports of at least 160 deaths from security force actions to combat insecurity included members of the security forces and ordinary civilians as well as presumed thieves. Media reports suggested clashes between alleged cattle thieves and the security forces occurred at least monthly. Usually the security forces were composed of police and gendarmes, but occasionally they included military elements. There were reports of security forces executing cattle thieves or bandits after capture. These often could not be substantiated; however, in isolated cases, the government launched investigations, arrested, and jailed the accused security force members.

On August 23, the Anti-Gang Unit of the police shot and killed two men accused of being part of a gang suspected of several holdups. Police killed one alleged robber in Antsahamanitra during an armed confrontation between police and the robbers, who were attempting to rob a civilian making a cash deposit. Police tracked down other gang members in Ampefiloha, and video footage showed a police officer killing one of the captured alleged robbers. Minister of Public Security Roger Rafanomezantsoa announced an investigation of the actions of the police officer who killed the second suspect; authorities placed the officer in pretrial detention. A spokesperson of the CNIDH, the National Independent Human Rights Commission, confirmed in a newspaper interview the incident was an arbitrary killing, stating that the suspect had already surrendered.

The isolated investigations that did take place related mainly to cases that received extensive coverage on social media and had triggered a backlash from the public.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law provide for the inviolability of the person and prohibit such practices, but security forces subjected prisoners and criminal suspects to physical and mental abuse, including torture during coerced confessions, according to the CNIDH.

Security personnel reportedly used beatings as punishment for alleged crimes or as a means of coercion. There were reports that off-duty and sometimes intoxicated members of the armed forces assaulted civilians. Investigations into these incidents announced by security officials rarely resulted in prosecutions.

L'Express newspaper reported that on May 1, four military personnel briefly arrested eight persons in the marketplace in Miandrivazo. According to eyewitnesses, the four personnel assaulted them and made them perform push-ups, “duck walk” under the hot sun, and take off their pants in public. The persons arrested included the son of an alleged witch whom military personnel allegedly shot and killed and dismembered the previous day. The alleged witch had been accused of the murder of a military official in 2018.

The gendarmerie did, however, undertake investigations and arrests resulting in convictions of a number of its members, including for crimes considered gross violations of human rights. The gendarmerie opened a complaints office in February and publicized the telephone number where persons could report abuses.

On May 30, press reported that a military team forcibly entered the residence of a suspected thief in the commune of Soamadinika in the district of Tsaratanana. The team reportedly tortured the suspect while questioning him about a shotgun found in his house, although he had a permit for the weapon. According to press, a gendarme from the Soamadinika station arrived and tried to take the injured suspect to the hospital, but the military team refused to let him. The military team reportedly demanded 10 million ariary (\$2,700) from the villagers in exchange for release of the suspect. The military team then reportedly killed the suspect and took six million ariary (\$1,600) from the villagers.

Prison and Detention Center Conditions

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

Physical Conditions: Lengthy pretrial detentions, inefficiencies in the judicial system, and inadequate prison infrastructure created a serious overcrowding

problem. One penitentiary surpassed its official capacity by nearly eightfold. As of October, the country's 83 prisons and detention centers held 27,903 inmates, 15,853 of whom were in pretrial detention. The total number of inmates, consisting of 25,310 men, 1,548 women, and 1,045 minors, was well over twice the official capacity. As of July the Antalaha Prison, with an official capacity of 280, held 2,380 detainees.

On March 9, media reported the number of female detainees in Antanimora Prison went from an average of 300 in previous years to 423. The official capacity was 125. The 423 inmates included 332 in pretrial detention, 10 of whom were pregnant, and 18 children younger than age two who were incarcerated with their mothers.

Lengthy pretrial detention was pervasive, contributing significantly to overcrowding. Authorities sometimes held pretrial detainees with convicted prisoners. In August the CNIDH noted worsening conditions during its visit to 23 of 83 facilities.

Authorities did not always hold juveniles separately from adults, and some children under school age shared cells with their incarcerated mothers. According to the Ministry of Justice, 65 percent of the 44 prisons holding juvenile detainees had separate areas for minors in 2018.

According to the International Committee of the Red Cross (ICRC), almost one in two prisoners nationwide suffered from moderate or severe malnutrition in 2018. Each inmate received approximately 10.5 ounces of cassava per day, compared with the recommended 26 ounces. The ICRC, in collaboration with the Catholic Chaplaincy for Prisons, treated almost 7,500 prisoners in 14 detention centers for malnutrition during the previous year, in addition to approximately 2,000 sick prisoners and breastfeeding women.

Deteriorating prison infrastructure that often lacked sanitation facilities and potable water resulted in disease and insect and rodent infestations. Prison officials carried out minor renovations, small construction projects, and extermination efforts against insects and rats, with the ICRC's financial support. Access to medical care was limited. The ICRC, however, continued to supply the Ministry of Justice central pharmacy for prisons with essential medications for approximately 22,000 persons in 2018. Ventilation, lighting, and temperature control were inadequate or nonexistent in many of the smaller facilities hosting fewer than 300 inmates; larger facilities were renovated during the year to address these issues.

The Ministry of Justice recorded 43 deaths between January and October compiled from all the detention and prison facilities of the country. The most frequent causes of death were tuberculosis, high blood pressure, and gastrointestinal issues.

On May 27, guards at the understaffed Mananara Nord prison shot at five detainees attempting escape. One was seriously injured and died several days later. Another received medical care and returned to prison, while the three others remained at large at year's end.

Administration: While a formal process exists to submit complaints to judicial authorities, few detainees used it due to reprisals. Officials authorized weekly visits from relatives and permitted religious observance. Visits outside scheduled days were reportedly possible by bribing guards and penitentiary agents. NGOs reported bribes could purchase small privileges, such as allowing family members to bring food for prisoners.

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

The Ministry of Justice announced in May a doubling of the penitentiary administration department budget. The detainees' diet improved, with the provision of one complete meal per day per person in addition to the daily 10.5 ounces of cassava provided previously. The new diet, corresponding to 2,000 calories per day, was in accordance with the Detainees Feeding Manual developed by the Ministry of Justice with the support of ICRC in December 2018.

In May, four units within the national police officially started to use two tools developed by the Ministry of Justice, the Bar Association, and NGO ACAT Madagascar to strengthen the protection of persons held in custody. The first tool was an improved register recording all actions taken by judiciary officials during the custody process, and the second was a list of legal rights read to and signed by the arrested person.

In September the Ministry of Justice inaugurated a new solar energy system to supply permanent electricity for Tsiafahy Prison, the separate administrative

building, and the apartments of the penitentiary staff. The United Nations Development Program (UNDP) funded the equipment through the United Nations Peacebuilding Fund.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but authorities did not always respect these provisions. Authorities arrested persons on vague charges and detained many suspects for long periods without trial.

The law gives traditional village institutions authority to protect property and public order. In some rural areas, a community-organized judicial system known as *dina* resolved civil disputes between villagers over such issues as alleged cattle rustling. *Dina* procedures sometimes conflicted with national laws by imposing harsh sentences without due process or by failing to protect the rights of victims.

Arrest Procedures and Treatment of Detainees

The law requires arrest warrants in all cases except those involving “hot pursuit” (the apprehension of a suspect during or immediately after a crime is committed), but authorities often detained persons based on accusations and without judicial authorization. The law requires authorities to charge or release criminal suspects within 48 hours of arrest, but they often held individuals for significantly longer periods before charging or releasing them. Defendants have a right to counsel, and the law entitles those who cannot afford a lawyer to one provided by the state. Many citizens were unaware of this right, and few requested attorneys. Defendants have the right to know the charges against them, but authorities did not always respect this right. Authorities frequently denied bail without justification. Magistrates often resorted to a *mandat de depot* (retaining writ) under which defendants were held in detention for the entire pretrial period. The law limits the duration of pretrial detention and regulates the use of the writ, with a theoretical maximum of eight months for criminal cases. Family members generally had access to prisoners, although authorities further limited access for prisoners in solitary confinement or those reportedly arrested for political reasons.

Arbitrary Arrest: Security forces arbitrarily arrested journalists, political opponents of the government, demonstrators, and other civilians.

In early May authorities arrested nine villagers accused of vandalism while protesting mining activities in Ranobe Toliara. A group of civil society organizations characterized the arrests as arbitrary. Approximately one month after the arrests, a court imposed a six-month suspended sentence on each villager and released them.

Pretrial Detention: As of October, 15,853 of 27,903 inmates nationwide were in pretrial detention. Pretrial detention ranged from several days to several years. Poor recordkeeping, an outdated judicial system, insufficient numbers of magistrates, and too few courts of first instance contributed to the problem. The length of pretrial detention often exceeded the maximum sentence for the alleged crime. In March, Amnesty International indicated a number of women were held in lengthy pretrial detention on vague charges and were unlikely to face trial in the short term as they had no access to a lawyer.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The law provides for the defendant's right to file an appeal concerning his or her pretrial detention with no specific provision concerning his or her right to prompt release and compensation. The law states, however, that a defendant must be released immediately if a prosecutor approves a temporary release requested by the defendant.

e. Denial of Fair Public Trial

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

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

Trial Procedures

The law provides for the right to a fair and public trial, but the courts have the authority to direct that a trial be closed to protect the victim or to maintain public order. Trials were often delayed. Prolonged incarceration without charge, denial of bail, and postponed hearings were common. The law provides for a presumption of innocence, but authorities often ignored this right. Defendants have the right to be informed promptly and in detail of the charges against them, and the law provides free interpretation as necessary, from the moment charged through all appeals.

Defendants have the right to legal counsel at every stage of the proceedings. Many citizens were unaware of their right to counsel, however, and authorities did not systematically inform them of it. Defendants who did not request or could not afford counsel generally received very limited time to prepare their cases. Defendants have the right to be present at their trials, to present and confront witnesses, and to present evidence. Authorities generally respected such rights if defendants had legal representation. The law provides the right to an interpreter for the judicial police, examining magistrate, and the defendant's legal advisor but does not mention any such right for the defendant, nor whether it is a free service. The law stipulates, however, that the defendant has the right to refuse an interpreter. In practice, if an interpreter must be hired, it is at the defendant's expense. Legislation outlining defendants' rights does not specifically refer to the right not to be compelled to testify or not to confess guilt. It does include the right to assistance by another person during the investigation and trial. Defendants have the right to appeal convictions.

By law the above rights apply to all defendants, and there were no reports any groups were denied these rights.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The judiciary deals with all civil matters, including human rights cases, and individuals or organizations may seek civil remedies for human rights violations through domestic courts. Courts lacked independence, were subject to influence, and often encountered difficulty in enforcing civil judgments. There is no prohibition against appealing to regional human rights bodies, but there was no

known case of an appeal. The legal system does not recognize the jurisdiction of the African Court on Human and Peoples' Rights.

Property Restitution

During the year the government announced construction projects related to a new bypass road linking parts of Antananarivo that would require the eviction of approximately 1,000 households. As of June, 69 of 507 landowners had received compensation. Media noted a delay in payment for some of the expropriated households due to the long process of verifying land ownership. In July media reported authorities had ordered the occupants of a house leave their property, while the occupants said they had not received any explanation or proposal for compensation.

In October the government announced the imminent eviction of approximately 750 households in Ambohitrimanjaka, southwest of Antananarivo, an area that was to host a public project for a new city. Inhabitants held demonstrations and resisted the evictions. Many observers raised concerns of irregularities in the process and lack of notifications required by law. Compensation questions remained unresolved.

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

The law prohibits such actions, but there were reports the government failed to respect these provisions.

On November 13, the CNIDH reported the continuing arrest and preventive detention of women through the pretext of their supposed complicity in the alleged crimes of male family members being sought by authorities. The CNIDH noted the women were entitled to a presumption of innocence and described the practice as ineffective, as male family members rarely turned themselves in to free the detained women.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, but these “may be limited by the respect for the freedoms and rights of others, and by

the imperative of safeguarding public order, national dignity, and state security.” The government sometimes restricted these rights. The communications code includes several provisions limiting freedom of speech and expression. The code also grants broad powers to the government to deny media licenses to political opponents, seize equipment, and impose fines.

The government arrested journalists and activists who had publicly denounced the misbehavior of public authorities. The government often used unrelated charges to prosecute them.

Freedom of Expression: In accordance with the constitution, the law restricts individuals’ ability to criticize the government publicly.

On May 13, the police commissioner of Antananarivo limited activities meant to commemorate the 1972 political movement in which some demonstrators died. He prohibited political speeches, with only representatives of associations and political parties allowed to enter the city hall and lay wreaths on the memorial to “avoid overflow.”

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views, but not without restriction. The communications code contains several articles limiting press and media freedoms. For example, Article 85 requires the owner of a media company to be the chief publisher. This article may permit candidates for political office, who are also media owners, to use their outlets to advocate against opponents.

The communications code gives the communications ministry far-reaching powers to suspend media licenses and seize property of media outlets if one of their journalists commits two infractions of the code. Finally, the code allows only state-owned radio and television stations the right to broadcast nationally, although this limitation was not always enforced.

The country had numerous independent newspapers. More than 300 radio and television stations operated in the country, although many shifted to live call-in shows in recent years to distance themselves from editorial responsibility for content. Many of them continued to have a national audience, despite the code’s limitations. The opposition had greater access to state-run media than in previous years.

Violence and Harassment: There were several reports of journalists being harassed for criticizing the government and public services. A columnist and human rights activist was reportedly the target of anonymous threats and insults on social media for writing an open letter denouncing the failure of the government to address the most urgent issues affecting the population.

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

Libel/Slander Laws: Although defamation is not a criminal offense in the communications code, a separate cybercrime law allows for the charge of criminal defamation for anything published online. It is unclear whether the cyber criminality law, which includes prison sentences for online defamation, has precedence over the communications code, as all newspapers are also published online. The fines allowed for offenses under the communications code are many times higher than the average journalist's annual salary.

There were several reports of government authorities using libel, slander, or defamation laws to restrict public discussion. During the year journalists and citizens faced police investigation and legal prosecution for defamation and infringement of public order for posting criticism of government performance and public services on social media.

In June authorities tried Mahery Lanto Manandafy, son of a political party president, for defamation using information technology for criticizing the president's development plan on his Facebook page. The court acquitted him on June 22.

On September 16, three journalists and the cultural director of Antananarivo municipality went on trial on charges of spreading false news and disparaging the army. The journalists, who worked for press associated with the opposition party, reported in August on an army helicopter hovering above the municipal stadium of Mahamasina without the municipality's authorization. They reported Chinese investors interested in bidding on a stadium renovation project were on board the helicopter, while the Ministry of Defense claimed the helicopter was performing a security drill ahead of the Pope's visit. On September 19, the court sentenced two of the journalists to a fine of 10 million ariary (\$2,700) each for defamation of the army while acquitting the two other defendants.

Internet Freedom

The government did not restrict or disrupt access to the internet, and there were no credible reports the government monitored private online communications without appropriate legal authority.

The cybercrime law prohibits insulting or defaming a government official online. According to Reporters without Borders, “the law’s failure to define what is meant by ‘insult’ or ‘defamation’ leaves room for very broad interpretation and major abuses.” The law provides for punishment of two to five years’ imprisonment and a fine of two million to 100 million ariary (\$540 to \$28,000) for defamation. Following criticism from the media and the international community, the government promised to revise the law, but did not do so.

Public access to the internet was limited mainly to urban areas. Political groups, parties, and activists used the internet extensively to advance their agendas, share news, and criticize other parties. Observers generally considered the internet (not including social media) to be among the more reliable sources of information.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for peaceful assembly and association, but the government restricted these rights.

Freedom of Peaceful Assembly

The constitution and law provide for freedom of peaceful assembly, but authorities often restricted this right. The government required all public demonstrations to have official authorization from the municipalities and police prefectures, but these rarely gave authorization to opposition parties. Security forces regularly impeded opposition gatherings throughout the country and used excessive force to disperse demonstrators.

Several times during the year, security forces used tear gas to disperse demonstrations by university students, supporters of political opponents, and other groups. Students generally retaliated by throwing stones at security forces or set up roadblocks, which often resulted in injuries and arrests.

In January the police prefect of Antananarivo officially banned from city hall the supporters of presidential candidate Marc Ravalomanana, who contested the initial results of the presidential run-off. The demonstrators' attempts to enter the building led to confrontations with security forces, who used tear gas and blocked entry. The protests ended by mid-January when Ravalomanana officially announced his acceptance of the results.

In late May scattered protests took place in several localities contesting the initial results of the legislative elections. In some instances, security forces contained demonstrators by firing tear gas. There were no reports of serious injuries.

c. Freedom of Religion

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

d. Freedom of Movement

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

A 2013 decree prohibits citizens from leaving the country to work abroad in countries deemed "risky," as a measure to reduce trafficking in persons. Because destination countries are not specifically identified in the decree, citizens may be prevented from leaving the country to work abroad at the discretion of border agents.

Foreign Travel: During the year the government issued an exit ban to several individuals known to be close to the opposition or to the former regime. Authorities often justified such measures as necessary for investigative needs. In January the Ministry of Interior issued an exit ban against a group of five journalists and former presidential candidates who had publicly opposed the winning presidential candidate, accusing them of offenses against national security. There was no known further legal action against any of them, except for Mbola Rajaonah, who remained in prison as of September under separate corruption charges.

In March and August, the government issued an exit ban against two former government officials who served under the former regime for their presumed involvement in corruption and public fund embezzlement.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Official refugees or asylum seekers were present in Madagascar in small numbers.

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

Freedom of Movement: Refugees and asylum seekers reported that police frequently detained some of them and sometimes did not honor UNHCR-issued documents certifying their status or tore them up, rendering them vulnerable to arrest or expulsion.

Employment: Refugees and asylum seekers did not have access to employment, because without a resident visa they were unable to get a work permit.

Access to Basic Services: Refugees and asylum seekers received no support from the government, but the government did not interfere with support provided by UNHCR via a local NGO. Refugees and asylum seekers complained that the amount of support they received was insufficient because they could not work and received no government support. Hospitals and service providers charged refugees higher rates as foreigners, making basic medical care unaffordable to refugees.

g. Stateless Persons

The nationality code promulgated by the president in 2017 gives men and women equal rights to pass their nationality to their children and more protection to women and children against the loss of their nationality. The code's main reform grants women the right to transmit nationality to their children regardless of a

woman's marital status. The loss of citizenship for any reason mentioned in the law does not affect the spouse and the children of the deprived person.

The provisions of the previous code of nationality resulted in many stateless persons in the minority Muslim community, many belonging to families that had lived in the country for generations. Muslim leaders estimated the laws affected as much as 5 percent of the approximately two million Muslims in the country. Members of the wider Muslim community suggested a Muslim sounding name alone could delay one's citizenship application indefinitely.

Requests for nationality certificates continued as a result of the 2017 legal reform. Even after the adoption of the new code, statelessness remained an issue for those who remained ineligible for nationality.

Some members of the South Asian community--who failed to register for Indian, Malagasy, or French citizenship following India's independence in 1947 and Madagascar's independence in 1960--were no longer eligible for any of the three citizenships; this circumstance applied to their descendants as well.

All stateless persons may apply for a foreign resident card, which precludes the right to vote, own property, or apply for a passport, thus limiting international travel. Stateless women may obtain nationality by marrying a citizen and may request citizenship before the wedding date, but women cannot confer citizenship on a stateless husband. Stateless persons had difficulty accessing education and health care, could not get jobs or buy land, and lived in fear of arrest.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The country held a presidential election on November 7, 2018, followed by a run-off on December 19, 2018. On January 8, the High Constitutional Court (HCC) validated Andry Rajoelina as winner with 55 percent of the vote. The HCC received more than 300 complaints lodged by both political campaigns and rejected those complaints. International and local observers judged the elections peaceful and transparent. Several candidates alleged voter

suppression through the selective absence of voter registration materials, vote buying, and other irregularities.

Legislative elections took place in May. Local election observers noted some irregularities such as failure of government officials to remain neutral during the campaign and on election day. A number of candidates and their supporters claimed fraud. International observers generally found the elections free and fair but recommended legal reforms to ensure effective neutrality of administrative officials during elections.

Municipal elections occurred on November 27, and were generally considered to be free and fair, despite allegations of precampaigning by candidates.

Political Parties and Political Participation: The government restricted opposition parties and denied them the right to demonstrate spontaneously. Official permission is required for all demonstrations, and there were reports the government denied or delayed permission for demonstrations by opposition parties.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

Of the 214 members of parliament (both houses), 39 were women; six of the 22 members of the cabinet were women. Some observers claimed cultural and traditional factors prevented women from participating in political life in the same way as men.

Section 4. Corruption and Lack of Transparency in Government

The law provides for criminal penalties for official corruption, but the government did not implement the law effectively. Corruption was pervasive at all levels of government; however, the new administration focused greater attention on combating corruption, leading to multiple convictions.

Corruption: Corruption investigations by the Independent Anti-Corruption Bureau (BIANCO) led to several cases going to trial at the Anti-Corruption Court and resulted in the conviction of former high-level individuals for embezzlement and bribery. These legal actions targeted mainly former government officials and related to cases including public fund embezzlement, rosewood trafficking, and illegal sale of state-owned land.

For example on May 3, the Anti-Corruption Court (PAC) committed former senator Berthin Andriamihaingo to pretrial detention at Antanimora Prison on charges of favoritism, abuse of power, and public fund embezzlement totaling 618 million ariary (\$167,000), in regard to a vaccination campaign by the Ministry of Public Health in 2018.

In August the PAC sentenced Claudine Razaimamonjy, an unofficial advisor to the previous president, to seven years' imprisonment with hard labor and a fine of 100 million ariary (\$27,000) for public fund embezzlement. She had been held in pretrial detention since 2017.

During the year the government subjected working-level civil servants in the police, gendarmerie, and judiciary to legal procedures or disciplinary measures for bribery or involvement in natural resources smuggling. In March the Ministry of Justice ordered a six-month suspension for five magistrates from the Court of Appeals of Toamasina for collectively granting a temporary release to someone accused of masterminding a kidnapping scheme. The minister of justice stated the magistrates had acted corruptly in their release decision.

In its annual activities report for 2018, BIANCO reported receiving 2,689 complaints. It investigated 851 of those cases and referred 179 for prosecution, leading to the arrest of 147 persons, 39 of whom were put in pretrial detention. During the same period, BIANCO summoned approximately 150 government officials for hearings, including members of government, high-ranking civil servants, local authorities, elected officials, and members of the security forces.

In July the president issued a new law on recovery of illicit assets. The law provides for government seizure of assets proven to result from public fund embezzlement, corruption, and money laundering. A newspaper reported in early September the law was not yet enforced due to a delay in adoption of the enactment decree.

Government officials conducted surprise visits to departments that were highly affected by corruption, such as customs and passport delivery. Such visits led to disciplinary measures against agents. In May the Ministry of Justice installed surveillance cameras inside court buildings in Antananarivo and began implementing a more rigorous control of entry points to stem bribery and corruption. In May, in collaboration with a German foundation, BIANCO

officially launched an online grievance system to collect complaints related to corruption.

Financial Disclosure: The law requires regular income and asset declarations by individuals in the following positions: prime minister and other government ministers; members of the National Assembly and Senate; members of the High Constitutional Court; chiefs of regions and mayors; magistrates; civil servants holding positions of or equivalent to ministry director and above; inspectors of land titling, treasury, tax, and finances; military officers at the company level and above; inspectors from the state general inspection, the army's general inspection, and the national gendarmerie's general inspection; and judicial police officers.

As of September, according to the HCC website, the prime minister, 20 of the 22 members of his cabinet, and 112 of the 214 members of both houses of parliament had declared their assets as required by law.

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

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

In response to Amnesty International's call for an investigation into the killing of eight thieves by gendarmes on February 7 in Betroka, the state secretary for national gendarmes said the officers had acted legitimately and in self-defense, and he stood ready to protect them against criticism for their actions against wrongdoers.

Several domestic NGOs worked on human rights, but few had the capacity to work effectively and independently.

Government Human Rights Bodies: The CNIDH is composed of 11 commissioners, each elected by members of a different human rights organization and given a mandate to investigate cases of, and publish reports on, human rights violations. The government dedicated a budget for the commission to operate during the year. In addition, some international organizations and diplomatic missions provided some equipment.

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

Women

Rape and Domestic Violence: The law prohibits rape but does not address spousal rape. Penalties range from five years to life in prison. Rape of a pregnant woman is punishable by hard labor. Authorities may add an additional two to five years' imprisonment if the rape involves assault and battery. Authorities rarely enforced the law.

The law prohibits domestic violence, but it remained a widespread problem. Domestic violence is punishable by two to five years in prison and a fine of four million ariary (\$1,100), depending on the severity of injuries and whether the victim was pregnant. There were few shelters for battered women in the country, and many returned to the home of their parents, who often pressured victims to return to their abusers. Various media articles reported during the year a general reluctance of victims to report domestic violence. Women filing legal actions against their husbands faced criticism from their families and communities.

On January 14, a pastor in a local evangelical church in Sambava reportedly raped a church member who had lost her child at birth two months earlier. When the victim complained to her mother-in-law, the news spread rapidly, and the pastor fled to his own village, fearing mob violence. After the intervention of church board members, neither the victim nor her husband reported the incident to the police. There were no reports of legal action against the offender.

Victims of domestic violence from vulnerable populations could receive assistance from advisory centers, called Centers for Listening and Legal Advice, set up in several regions by the Ministry of Population, Social Protection, and Promotion of Women with the support of the United Nations Population Fund (UNFPA). These centers counseled survivors on where to go for medical care, provided psychological assistance, and helped them start legal procedures to receive alimony from their abusers.

In 2016 the government adopted a national strategy to oppose gender-based violence, which includes domestic violence, but implementation was limited to raising public awareness on the one national radio channel.

In April the UNFPA appointed First lady Mialy Rajoelina ambassador against gender-based violence in the country. In July the first lady, along with UNFPA, donated equipment to the Proximity Female Brigade within the national police. The mission of this unit included investigation of gender-based violence and raising public awareness of the issue.

Sexual Harassment: Sexual harassment is against the law, and penalties range from one to three years' imprisonment and a fine of one to four million ariary (\$270 to \$1,100). The penalty increases to two to five years' imprisonment plus a fine of two to 10 million ariary (\$540 to \$2,700) if criminals forced or pressured the victim into sexual acts or punished the victim for refusing such advances. Authorities enforced the law, but sexual harassment was widespread.

In 2018 BIANCO, in collaboration with UNDP, conducted a study on sexual harassment and corruption. The results of the study revealed sexual harassment qualified as gender-based corruption and prevailed in all professional sectors, including in universities. Victims of harassment, however, generally did not complain, due to fear or shame. At a workshop connected to the study, students testified dissertation supervisors compelled them to provide sexual services in exchange for validation of their theses.

The collaboration between BIANCO and UNDP led to the development of a strategy to combat sexual harassment, which resulted in the setting up a prevention committee to receive anonymous complaints, protecting the confidentiality of victims' identities and conducting public awareness campaigns.

Labor union members reported sexual harassment prevailed in many sectors. There were reports that some supervisors in manufacturing companies compelled some of their female employees to have sexual relations to renew their contracts or secure promotions. Female teachers reportedly faced similar pressures when trying to negotiate permanent contracts in the public education system. Court rulings generally did not favor victims when they filed complaints.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: While women enjoyed the same legal status and rights as men in some areas, there were significant differences, and authorities did not enforce the law effectively. Women experienced discrimination in employment and inheritance. While widows with children inherit half of joint marital property, a

husband's surviving kin have priority over widows without children, leaving the widow eighth in line for inheritance if there is no prior agreement. Families at times gave women a more favored position in the areas of employment and inheritance, but there were no reports of women taking legal action in cases of alleged discrimination.

Children

Birth Registration: Under the 2017 nationality code, citizenship derives from one's parents. The law does not confer nationality on children born in the country if both parents are noncitizens. It does provide for a minor's right to obtain citizenship if one of the parents, regardless of their marital status, obtains citizenship.

The country has no uniformly enforced birth registration system, and unregistered children typically were not eligible to attend school or obtain health-care services. For additional information, see Appendix C.

Education: The constitution provides for tuition-free public education for all citizen children and makes primary education until the age of 16 compulsory. Nevertheless, parents were increasingly required to pay registration and various fees to subsidize teacher salaries and other costs. As a result, education remained inaccessible for many children. According to UNICEF, boys and girls generally had equal access to education, although girls were more likely to drop out during adolescence.

Child Abuse: Child abuse, including rape, was a problem. The press reported more than 15 cases of child rape, with most victims younger than 12; the youngest was five years old. In June 2018 the Ministry of Population, in partnership with UNICEF, published a study on violence against children in the country. The study revealed violence against children, including physical violence, sexual abuse, and rape, occurred in all environments: family, school, social circles, and working places. It found abuse was rarely reported due to lack of confidence in the justice system, precarious economic conditions, a desire to avoid social discord in the community, and intimidation. Only 4 percent of respondents to the survey said they had reported cases of child abuse to the police, while 19 percent had reported sexual abuse to the police or gendarmerie. Victims' families often agreed to mediated arrangements involving financial compensation by the wrongdoers and occasionally forced marriage of the victim with the rapist.

In some towns and cities, particularly in Antananarivo, homeless women raised small children in dangerous conditions and environments and forced children as young as three years old to beg on the streets. Sometimes babies were “rented” to beggars to try to increase sympathy from passersby. Government authorities rarely intervened in these cases of child endangerment.

Government efforts to combat child rape were limited, focusing primarily on child protection networks, which addressed the needs of victims and helped raise public awareness.

With the support of UNICEF, the cities of Antananarivo, Toamasina, Mahajanga, and Nosy Be hosted one-stop victim support centers, called Vonjy Centers, in public hospitals. These centers received child victims of sexual abuse, including rape and sexual exploitation. Apart from the medical care, these centers provided psychological support through social workers assigned by NGOs. Police from the minors and child protection brigade recorded their complaints, and volunteer lawyers provided free legal assistance.

In Nosy Be the local office of the Ministry of Population, in collaboration with UNICEF, established a foster family system for child abuse victims who needed placement. Some officials reported victims of child abuse were returned to the home where the abuse occurred due to a lack of other options.

Early and Forced Marriage: The legal age for marriage without parental consent is 18 for both sexes. Nevertheless, child marriage remained very common, particularly in rural areas and in the South.

The practice of *moletry*, in which girls are married at a young age in exchange for oxen received as a dowry, reportedly continued. The parents of a boy (approximately age 15) look for a spouse for their son (girls may be as young as 12), after which the parents of both children organize the wedding. For additional information, see Appendix C.

According to the results of a 2018 Multiple Indicator Cluster Survey, 37 percent of women between ages 20 and 49 married before the age of 18. The rate for men was 12 percent. Five regions presented the highest rate of early marriage for both men and women, with 60 percent for Atsimo Atsinanana, 66 percent for Atsimo Andrefana, 54 percent for Melaky, 51 percent for Betsiboka, and 54 percent for Sofia. Rural areas were more affected, with 44 percent married before age 18, and

15 percent before age 15. In urban areas 29 percent of women married before age 18 and 7 percent before age 15.

Sexual Exploitation of Children: Antitrafficking legislation provides a penalty of hard labor for recruitment and incitement to prostitution involving a child younger than 18, the sexual exploitation of a child younger than 15, and the commercial sexual exploitation of a child younger than 18. Both the penal code and antitrafficking laws specify penalties of two to five years' imprisonment and fines up to 10 million ariary (\$2,700) for perpetrators of child pornography. Authorities rarely enforced the provisions. There is no minimum legal age for consensual sex.

Sexual exploitation of children, sometimes with the involvement of parents, remained a significant problem.

Employers often abused and raped young rural girls working as housekeepers in the capital. If they left their work, employers typically did not pay them, so many remained rather than return empty-handed to their families and villages. UNICEF's 2018 study on violence against children indicated all reported cases of sexual violence in the workplace took place in the domestic labor sector.

In 2017 the national gendarmerie officially launched a morals and minors protection unit with responsibility for protecting children, including rape victims in rural areas not covered by the national police's morals and minors brigade. The Ministry of Justice, collaborating with UNICEF and telecommunications companies, implemented a website called *Arozaza* (protect the child) that is intended to combat online sexual exploitation of minors and warn potential abusers. The website includes a form to report child endangerment or online pornography.

The Ministry of Population operated approximately 750 programs covering 22 regions throughout the country to protect children from abuse and exploitation. The ministry collaborated with UNICEF to identify child victims and provide access to adequate medical and psychosocial services. The gendarmerie, Ministry of Justice, Ministry of Population, and UNICEF trained local law enforcement officials and other stakeholders in targeted regions on the rights of children. The country was a destination for child sex tourism.

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

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

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish community consisted of approximately 360 members; there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and defines persons with disabilities as those presenting congenital or acquired deficiency in their physical, mental, or sensory capacities (without mentioning intellectual disability). The law also provides for a national commission and regional subcommissions to promote their rights, but none had been set up. By law persons with disabilities are entitled to receive health care, education, facilitated access to public transportation, and have the right to training and employment; the law does not address access to the judicial system, information, and communications. Educational institutions were encouraged to make necessary infrastructure adjustments to accommodate students with disabilities. The law also specifies the state “must facilitate, to the extent possible, access to its facilities, public spaces, and public transportation to accommodate persons with disabilities.”

Authorities rarely enforced the rights of persons with disabilities, and the legal framework for promoting accessibility remained perfunctory.

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

Persons with disabilities encountered discrimination in employment. They were also more likely to become victims of various types of abuse, sometimes perpetrated by their own relatives. In August the head of an association of women with disabilities with more than 600 members reported a significant number were victims of rape and sexual abuse. In addition, an estimated 50 percent of their members had been forced by their own families to undergo forced ligation (a form of sterilization), abortion, or both. She noted this practice persisted to a lesser extent during the last few years, thanks to intensive sensitization campaigns conducted by the association.

The electoral code provides that individuals with disabilities should be assisted in casting their ballots, but it contains no other provisions to accommodate such voters. In May the head of a disability rights federation told media persons with disabilities felt excluded from the electoral process since many of the voting materials were not customized for them.

In Antananarivo persons with disabilities were often seen begging for money, sometimes accompanied by someone who was not disabled to call attention to the disabled person's condition. Security force members did not intervene, even when disabled persons sat between moving lanes of traffic, making it difficult for those in cars to see them.

National/Racial/Ethnic Minorities

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

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

The law provides for a prison sentence of two to five years and a fine of two to 10 million ariary (\$540 to \$2,700) for acts that are “indecent or against nature with an individual of the same sex younger than 21,” which is understood to include sexual relations. There is no law prohibiting same-sex sexual conduct for those older than 21. Members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community reportedly were unaware of the risk of arrest for “corruption of a minor,” and arrests occurred for such acts, although there were no official statistics.

There are no specific antidiscrimination provisions that apply to LGBTI persons. There were no reports of discrimination in housing, employment, nationality laws, or access to government services. No laws prevent transgender persons from identifying with their chosen gender.

There were no reports of police or other government agents inciting, perpetrating, or condoning violence against LGBTI individuals.

As evidenced by comments in occasional news items involving well known LGBTI personalities, members of the LGBTI community often continued to face considerable social stigma and discrimination within their own families, particularly in rural areas.

HIV and AIDS Social Stigma

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

Other Societal Violence or Discrimination

Mob violence occurred in both urban and rural areas, in large part due to crime and lack of public confidence in police and the judiciary. Crowds killed, beat, burned, or otherwise injured suspected criminals or accomplices, and the media reported 25 deaths resulting from mob violence between January and September. Authorities sometimes arrested the perpetrators, but fear of creating renewed anger hindered prosecution. Media and observers believed the law was more likely to be enforced against perpetrators when it was in the interests of authorities or security forces.

In July the gendarmerie carried out sensitization campaigns against mob violence, especially during the vanilla crop season.

On August 18, in Vohemar, a group of villagers beat to death six presumed thieves who had allegedly robbed 330 pounds of vanilla from a house. The gendarmes arrived on site after the killing and called on the villagers not to engage in mob violence but made no arrests.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

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

The law provides workers in the private sector, except seafarers, the right to bargain collectively. Public sector employees not engaged in the administration of the state, such as teachers hired under the auspices of donor organizations or parent associations in public schools, do not have the right to bargain collectively. Authorities did not always enforce applicable laws, and penalties were not

sufficient to deter violations. Procedures were subject to lengthy delays and appeals. Larger international firms, such as in the telecommunications and banking sectors, more readily exercised and respected collective bargaining rights. These rights, however, were reportedly more difficult to exercise in EPZs and smaller local companies. Union representatives reported workers in such companies often were reluctant to make demands due to fear of reprisal.

The government was inconsistent in its respect for freedom of association and collective bargaining rights. The law requires that unions operate independently of the government and political parties. Union representatives indicated employers increasingly attempted to dissuade or influence unions, which often prevented workers from organizing or criticizing poor working conditions. Unions reported that many employers hindered their employees' ability to form or join labor unions through intimidation and threats of dismissal for professional misconduct. Due to pervasive corruption, labor inspectors, bribed by some employers, usually approved dismissal of union leaders. As a result, workers were reluctant to join or lead unions.

Strikes occurred throughout the year, including by public school and university teachers, staff of some municipalities, and national company employees. There were no reports of official sanctions taken against any labor leaders.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, with penalties that were sufficient to deter violations. Trafficking in children was a significant problem in the informal sector. Forced labor also persisted in dina judgments (see section 1.d.). In some communities, local dinas imposed forced labor to resolve conflicts or pay debt. These arrangements persisted because authorities did not effectively enforce the law. The legal definition of trafficking includes forced labor.

The government has a national service requirement law, under which all men are required to perform two years of military service or other work, which the ILO criticized as a potential means of mobilizing compulsory labor for economic development. The national service requirement, however, was not enforced, because those wishing to enlist exceeded the available spaces and funding.

Union representatives charged that working conditions in some garment factories were akin to forced labor. Setting production targets instead of paying overtime allowances became a general practice among EPZ companies. Workers were

assigned higher targets each time they reached the previous goals, obliging them to work more hours to avoid sanctions like salary withholding or even dismissal for low performance. The media and union representatives reported additional abuses perpetrated in call centers run by offshore companies and reported that managers required employees to work overtime beyond legal limits.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law establishes a legal minimum working age of 16, with various restrictions. The law also regulates working conditions of children, defines the worst forms of child labor, identifies penalties for employers, and establishes the institutional framework for implementation. The law allows children to work a maximum of eight hours per day and 40 hours per week with no overtime and prohibits persons younger than 18 from working at night or where there is an imminent danger to health, safety, or morals. The law prohibits hazardous occupations and activities for children. The law requires working children to undergo a semiannual medical checkup performed by the company's doctor or an authorized doctor at the expense of the employer.

The government did not effectively enforce the law. Penalties were insufficient to deter violations. The Ministry of Civil Services, Administrative Reform, Labor, and Social Laws is responsible for enforcing child labor laws.

Child labor was a widespread problem. Centers operated by NGOs in Antananarivo, Antsirabe, and Toamasina cared for children who were victims of human trafficking and forced labor. Children in rural areas worked mostly in agriculture, fishing, and livestock herding, while those in urban areas worked in domestic labor, transport of goods by rickshaw, petty trading, stone quarrying, artisanal mining for gemstones such as sapphires, in bars, and as beggars. Children also worked in the vanilla sector, salt production, mining, deep-sea diving, and the shrimp industry. Some children were victims of human trafficking, which included child sex trafficking and forced labor. The results of the 2018 Multiple Indicator Cluster Survey indicated 47 percent of children were involved in child labor, including 36 percent of those between five and 11 years old. In addition, 32 percent of children between ages five and 17 worked in dangerous environments or occupations.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

Labor laws prohibit workplace discrimination based on race, gender, religion, political opinion, origin, or disability. A special decree on HIV in the workplace bans discrimination based on serology status. The law does not prohibit discrimination based on sexual orientation, gender identity, age, or language. The government did not effectively enforce the law, and penalties were not sufficient to deter violations. Discrimination remained a problem. Employers subjected persons with disabilities and LGBTI individuals to hiring discrimination. Stateless persons had difficulty accessing employment, and refugees and asylum seekers were barred from employment. Members of some evangelical churches reported limited access to employment if their Sabbath was not on Sunday.

In rural areas, where most of the population engaged in subsistence farming, traditional social structures tended to favor entrenched gender roles, leading to a pattern of discrimination against women. While there was little discrimination in access to employment and credit, women often did not receive equal pay for substantially similar work. The law does not permit women to work in positions that might endanger their health, safety, or morals. According to the labor and social protection codes, such positions included night shifts in the manufacturing sector and certain positions in the mining, metallurgy, and chemical industries, and this was generally respected in the formal sectors.

e. Acceptable Conditions of Work

The government raised the minimum wage to an amount slightly above the poverty level as defined by the World Bank. The standard workweek was 40 hours in nonagricultural and service industries and 42.5 hours in the agricultural sector.

The law limits workers to 20 hours of overtime per week and requires two and one-half days of paid annual leave per month. The law requires overtime pay, generally for more than 40 hours work in one week, but the exact circumstances requiring such pay are unclear. If the hours worked exceed the legal limits for working hours (2,200 hours per year in agriculture and 173.33 hours per month in

other sectors), employers are legally required to pay overtime in accordance with a labor council decree that also denotes the required amount of overtime pay.

The government sets occupational safety and health standards for workers and workplaces, but the labor code does not define penalties for noncompliance, and only requires an inspection before a company may open. Workers, including foreign or migrant workers, have an explicit right to leave a dangerous workplace without jeopardizing their employment as long as they inform their supervisors. Employers did not always respect this right. Labor activists noted that standards, dating to the country's independence in some cases, were severely outdated, particularly regarding health and occupational hazards and classification of professional positions. There was no enforcement in the large informal sector, which was estimated to comprise as much as 85 percent of the work force.

The Ministry of Civil Services' Department of Administrative Reform, Labor, and Social Laws is responsible for enforcing minimum wage and working conditions but did not effectively enforce the law. The number of labor inspectors was insufficient to monitor conditions outside of the capital. Apart from the insufficient number of inspections, authorities reportedly took no other action during the year to prevent violations and improve working conditions. There were no prosecutions, and penalties were insufficient to deter violations.

Violations of wage, overtime, or occupational safety and health standards were common in the informal sector and in domestic work, where many worked long hours for less than minimum wage. Although most employees knew the legal minimum wage, high unemployment and widespread poverty led workers to accept lower wages.

Media and union representatives reported that employees of offshore companies operating in customer service and online commerce generally worked in harsh conditions. These employees were subjected to long working hours including night shifts, weekends, and holidays, generally with no appropriate allowances such as overtime pay. Representatives reported many of them were frequently sick or gave up their jobs within a few days as a result.