

# Madagascar 2023 Human Rights Report

## Executive Summary

There were no significant changes in the human rights situation in Madagascar during the year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment by government agents; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; political prisoners or detainees; punishment of family members for alleged offenses by a relative; serious restrictions on freedom of expression and media freedom, including unjustified arrests or prosecutions of social media activists, censorship, and enforcement of criminal libel laws to limit expression; substantial interference with the freedom of peaceful assembly; serious government corruption; extensive gender-based violence; and trafficking in persons, including forced labor.

The government took credible steps to identify and punish officials who may have committed human rights abuses. Impunity, however, remained a problem.

## **Section 1. Respect for the Integrity of the Person**

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

There were reports some government 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.

Between January and September, media reported at least 200 deaths during security force operations, including members of the security forces and civilians, as well as those suspected of crimes. The security forces involved were usually composed of police and gendarmes, but occasionally they included military personnel.

On September 20, gendarmes in Marolambo shot and killed a man, age 32, with a mental disability. According to his relatives with whom he was staying, he went out at night to buy cigarettes and somehow arrived in another community several miles away where gendarmes arrested him for dressing like security forces. The next day, his relatives identified his body, which was badly bruised and riddled with bullet wounds. The gendarmes defended their conduct, claiming the man tried to escape, but the family

accused the gendarmes of battering and killing him in custody. The investigation into their conduct continued through the regional Gendarmerie Department of Judiciary Police. The incident was publicized in a community Facebook page.

## **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, and Other Related Abuses**

The constitution and law provided for the inviolability of the person and prohibited such practices, but security forces subjected prisoners and criminal suspects to physical and mental abuse, including torture during coerced confessions, according to the National Independent Human Rights Commission (CNIDH). Security personnel reportedly used beatings as punishment for alleged crimes or as a means of coercion. There were reports off-duty and sometimes intoxicated members of the armed forces assaulted civilians. Investigations into these incidents by security officials rarely resulted in prosecutions.

The death of prominent Malagasy singer and human rights activist Nini Donia (Eliane Virginie Bezara) on November 19, while serving a prison

sentence for advocating for land rights of villagers in Nosy Be, was characterized as a violation of the convention against torture by the Office of the United Nations High Commissioner for Human Rights (OHCHR) for failing to facilitate a medical furlough for her deteriorating health condition.

Impunity remained a problem in the army, the police, and the gendarmerie; however, due to lack of police cooperation, it was difficult to obtain official information on the outcomes of cases reported in media. A few cases, especially those reported on social networks, led to investigations and legal sanctions.

## **Prison and Detention Center Conditions**

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

**Abusive Physical Conditions:** Lengthy pretrial detentions, inefficiencies in the judicial system, and poor prison infrastructure created an overcrowding problem. After their visit in May, the UN Subcommittee on Prevention of Torture characterized the gross overcrowding in prison facilities as cruel, inhuman, and degrading and stated these standards were contrary to those set by international law, with some prisons filled at 1,000 percent of capacity. In October, the Ministry of Justice recorded 30,530 detainees in the 82 prisons and detention facilities nationwide with a combined official capacity of 11,000. Based on a study it performed during the year, in March

the Pasteur Institute of Madagascar reported the rate of malnutrition among prisoners was 18 percent (16 percent moderate and 2 percent severe). The government provided one daily meal of approximately 11 ounces of manioc, supplemented by food brought in by the family. The same study noted the health impacts of overcrowding, including poor hygiene, limited access to water and medical care, and insufficient infrastructure.

**Administration:** While a formal process existed to submit complaints to judicial authorities, few detainees used it due to fear of reprisal and lack of knowledge of the law. Authorities did not often investigate complaints they received.

**Independent Monitoring:** Authorities generally permitted independent monitoring of prison conditions by local nongovernmental organizations (NGOs) and some diplomatic missions.

**Improvements:** During the year, the Ministry of Justice strengthened efforts to accelerate the processing of criminal cases in all jurisdictions to address the large number for detainees in pretrial detention.

The government coordinated training sessions for penitentiary nurses to provide better medical assistance for detainees.

The government also utilized farmland near the penitentiaries in eight regions to grow crops to improve the detainees' conditions.

Through the support of foreign donors, the government provided services and care for young children living in prison with their incarcerated mothers, while also facilitating their placement outside the prisons. Other donor-supported programs trained penitentiary agents to educate detainees on their fundamental rights in detention centers and how to accelerate the judicial process for pretrial detainees.

Several NGO-funded programs continued during the year to improve prison conditions. Those programs included supplementing detainees' diets; renovating prison facilities including kitchens, dormitories, and sanitation facilities; and preparing detainees for socio-professional reintegration through education and cultural activities and vocational training. The NGO programs also worked to prevent the spread of COVID-19, tuberculosis, and HIV, as well as working to address psychological distress and promote reproductive health for women and girls. Some organizations such as Grandir Dignement (Grow up with Dignity) conducted more targeted programs for juvenile detainees.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court, but authorities did not always respect these provisions. Authorities arrested persons on vague charges and detained

suspects for extended periods without trial.

## **Arrest Procedures and Treatment of Detainees**

The law required arrest warrants in all cases except those involving “hot pursuit” (the apprehension of a suspect during or immediately after a crime was committed), but authorities on several occasions detained persons based on accusations and without judicial authorization. The law required authorities to charge or release criminal suspects within 48 hours of arrest; however, they held some individuals for longer periods before charging or releasing them. Defendants had a right to counsel, and the law entitled those who could not afford a lawyer to have one provided by the state. Many citizens were unaware of this right, and few requested attorneys. Defendants had the right to know the charges against them, but authorities did not always respect this right. NGOs and members of the Bar Association reported authorities frequently denied bail without justification, and some suspects were held incommunicado. There were instances when magistrates resorted to a *mandat de depot* (retaining writ) under which defendants were held in detention for the entire pretrial period. The law limited the duration of pretrial detention to eight months and regulated the use of the writ, although it was reported that authorities exceeded this limit.

**Arbitrary Arrest:** Security forces were accused of arbitrarily or spuriously arresting political opponents of the government, demonstrators, human rights activists, and other civilians.

On July 5, court bailiffs within the national chamber took part in a general strike after the arrest of their colleague Kanto Rakotonantoandro in Mahajanga, an arrest they deemed abusive and arbitrary. As a court bailiff, Rakotonantoandro assisted a woman in collecting alimony ordered after her divorce. When the woman's husband refused to pay, Rakotonantoandro warned the court would seize his belongings. Angered, the husband sued the bailiff for abuse of power.

Until her death on November 19, human rights activist and artist Nini Donia (Eliane Bezara), convicted and imprisoned in 2022 for criminal association, remained in prison in Nosy Be for advocating for land rights of villagers and denouncing high-level corruption. Although her six-month sentence ended in December 2022, authorities kept her detained on additional charges filed by the state-owned National Water and Electricity Company (JIRAMA), the national utility company. In April, a court sentenced her to 18 months in prison for conviction of criminal association and disruption of public order, considered by many fellow political activists as political repression. In August, the president pardoned her after a fellow artist advocated for her release. According to her family, however, she was not released because she lacked official documentation of the pardon. Bezara died while serving her sentence due to a deteriorating medical condition. Authorities previously denied all requests for a medical transfer.

**Pretrial Detention:** As of October, approximately 47 percent of inmates

nationwide were in pretrial detention, according to the Ministry of Justice. The detention period ranged from several days to several years, according to the UN Subcommittee on Prevention of Torture. 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.

### **e. Denial of Fair Public Trial**

Although the constitution and law provided for an independent judiciary, the government did not always respect judicial independence and impartiality. The judiciary was viewed as susceptible to outside influence at all levels, and corruption remained a significant problem. There were instances in which the outcome of trials appeared predetermined, and authorities did not always enforce court orders.

On March 15, the newspaper *La Gazette* reported the minister of justice ordered the Anti-Corruption Court to suspend prosecution of the mayor of Vavatenina for public funds embezzlement and forgery. The prosecution continued regardless, and the court placed the defendant in pretrial detention in Antananarivo. The newspaper stated the mayor pleaded guilty during a hearing. A few days later, the defendant was released after the minister reportedly weighed in on her case.

Court bailiffs reported during their strike in July that they were often

pressured or threatened by high-ranking government officials or their representatives seeking to prevent them from enforcing court judgements.

## **Trial Procedures**

The law provided for the right to a fair and public trial, but courts had the authority to direct that a trial be closed to protect the victim or to maintain public order. Trials were often delayed. The law provided for the presumption of innocence, but authorities often ignored this right.

Defendants had the right to legal counsel at every stage of the proceedings. Many citizens, however, were unaware of their right to counsel and authorities did not routinely inform them of it. Defendants who did not request or could not afford counsel generally received very limited time to prepare their cases. Defendants had the right to be present at their trials, to present and confront witnesses, and to present evidence. Authorities generally respected such rights only if defendants had legal representation. The law provided the right to an interpreter for the judicial police, examining magistrate, and the defendant's legal advisor but did not mention any such right for the defendant. The law stipulated, however, that the defendant had the right to refuse an interpreter. If an interpreter had to be hired, it was at the defendant's expense. Legislation outlining defendants' rights did not specifically refer to the right not to be compelled to testify or confess guilt.

The law gave traditional village institutions authority to protect property and public order. In some rural areas, a community-organized traditional judicial system known as *dina* resolved disputes among villagers concerning such problems 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.

### **Political Prisoners and Detainees**

There were reports of political prisoners and detainees. Authorities arrested and imprisoned political leaders and activists, ostensibly on charges unrelated to their political positions or for offenses against the public order. It was widely reported in media that the number of political detainees increased during the lead-up to the presidential elections to at least a dozen. They generally received the same protections as other prisoners and detainees. The government permitted access to them by humanitarian and human rights organizations.

On February 14, the Court of Antananarivo sentenced former Minister of Communication under former President Hery Rajaonarimampianina, Harry Laurent Rahajason (known as Rolly Mercia), to 30 months in prison and a two million ariary (\$440) fine for conviction of false testimony and slanderous allegations. In 2019, prominent businessman Mamy Ravatomanga filed a complaint against the former minister for having testified against him at the National and Financial Court of Paris. Rolly

Mercia had been in prison since 2020, serving a 44-month sentence for organizing an unauthorized demonstration in Antananarivo. His lawyer maintained the prosecution was politically motivated as Mamy Ravatomanga was a close advisor to President Rajoelina and a major donor to his 2023 re-election campaign.

On October 2, security forces arrested Ny Rina Randriamasinoro, Secretary General of the major opposition party Tiako I Madagasikara (TIM-I Love Madagascar) during a political movement led by a coalition of 11 presidential candidates contesting the candidacy of the former president and the electoral process. Two weeks later he was charged with disturbing the peace, a charge considered by media outlets and NGOs to be politically motivated, and released under judicial supervision pending trial. He was convicted and, on December 5, a court ordered a two-year suspended sentence on the condition he committed no further infractions.

As of September, four of the five individuals convicted on questionable evidence in 2021 for a coup attempt and plot to assassinate the president remained in prison. The convicted individuals included former security agents in charge of protecting former President Rajaonarimampianina, and their prison sentences ranged from five years to 20 years with hard labor. In June, the newspaper *L'Express* reported a bilateral agreement with the French government allowed the transfer of one of the prisoners – a French national – to France.

## **f. Transnational Repression**

Not applicable.

## **g. Property Seizure and Restitution**

In December 2022, the government began construction of a highway linking the capital city to Toamasina, home to the largest port in the country. The government seized rice fields of inhabitants of the northern part of Antananarivo to start the construction. The inhabitants complained several times during the year that they had not received any compensation. In December, a private television network reported several owners of levelled rice fields and of rice fields affected by mudslides due to the construction testified the government had not provided any compensation for the loss of their lands and of their crops.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

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

In some southern localities with high rates of cattle rustling, authorities sometimes held the children, wives, or mothers of suspected bandits in detention to compel their male relatives to surrender.

## Section 2. Respect for Civil Liberties

### a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provided for freedom of expression, including for members of the press and other media, but stipulated that this “may be limited by 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 this right. The law included several provisions limiting freedom of speech and expression, including broad powers of the government to deny media licenses to political opponents, seize equipment, and impose fines. The law contained several articles limiting press and media freedom. The law gave the Ministry of Communications far-reaching powers to suspend media licenses and seize property of media outlets if one of their journalists committed two infractions of the law. The law allowed only state-owned radio and television stations to broadcast nationally, although this limitation was not always enforced.

**Freedom of Expression:** In accordance with the constitution, the law restricted individuals’ ability to criticize the government in public. There were cases of government intimidation and harassment of individuals for their online activities criticizing the government.

The government arrested journalists and activists who criticized public figures. On September 15, the gendarmerie arrested Sylvia Randriatsotsy and accused her of inciting rebellion for a post on her Facebook page. While she spoke in general terms, her post was perceived as a call for military action against the government during a time of increased political tension before the presidential election. Randriatsotsy was a well-known social network blogger who regularly published posts criticizing the government and had during the year alleged irregularities in the electoral process. After 48 hours in custody, she appeared in court and was subsequently released temporarily. The Court of Antananarivo placed her under judicial supervision, so she was unable to leave the capital. The Court of Antananarivo convicted her of inciting rebellion and sentenced her to a one-year prison term, but she remained free as she appealed the ruling, and the court did not issue any arrest warrant when rendering the judgement. The court also ordered her to pay a four million ariary (\$900) fine for another Facebook publication related to the government's COVID-19 response.

**Violence and Harassment:** There were reports of journalists being harassed for criticizing the government and public services.

On March 25, the court of Antananarivo placed Lola Rasoamaharo, chief executive officer of *La Gazette*, in pretrial detention after a businesswoman sued him for defamation, extortion, and death threats. The plaintiff announced to the press that Rasoamaharo had tried to extort her into

paying a large sum of money, threatening to smear her name publicly if she refused. A few days later, JIRAMA seized the equipment of *La Gazette* for unpaid bills from 2016, preventing the outlet from printing newspapers. *La Gazette* was known to be critical of the government. Members of a federation of journalists denounced Rasoamaharo's arrest as politically motivated. The Court of Antananarivo sentenced him to five years in prison and ordered him to pay a 10 million ariary fine (\$2,280) and 20 million ariary (\$4,560) in damages to the plaintiff for threatening defamation and attempting extortion. *La Gazette's* equipment was not returned and print versions of the newspaper remained unavailable as of September, although it continued to publish articles online.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** Journalists practiced self-censorship due to retaliation from those targeted by their publications. Authors generally published books of a political nature abroad.

Many radio and television stations shifted to live call-in shows in recent years to distance themselves from editorial responsibility for content. Organizers of official events often invited only state-owned or ostensibly progovernment media outlets.

In September, several media outlets reported security forces prevented their journalists from accessing the Prime Minister's Office compound to cover a meeting of the security authorities. Only journalists from proregime

media companies could cover the event. MBS, a private television channel belonging to leading opposition figure and former President Marc Ravalomanana, remained unavailable on satellite television channels. This prevented the television channel from broadcasting nationally. In January, another private television channel reported it was removed from another satellite television company network. Other private television channels also struggled to obtain airtime through satellite television companies.

**Libel/Slander Laws:** Although defamation was not a criminal offense in the communications code, a separate cybercrime law allowed for the charge of criminal defamation for anything published online. It was unclear whether the cybercrime law, which provided for prison sentences for conviction of online defamation, had precedence over the communications code, since all newspapers were also published online. Fines allowed for offenses under the communications code were 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. 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.

On January 27, the gendarmerie of Mananjary arrested teacher Jeannot Randriamanana after the local penitentiary administration sued him for

defamation. On January 30, the Court of Mananjary placed him in pretrial detention. On February 16, he was tried; no reports were available on the outcome of the trial or on his status.

On January 31, the Court of Antananarivo sentenced Mahery Lanto Manandafy to 18 months in prison and a 600,000 ariary fine (\$140) for conviction of defamation. In September 2022, he denounced on his Facebook page a foreign national for providing ammunition to cattle rustlers in collaboration with a member of the president's staff.

**National Security:** On November 25, the Court of Antananarivo placed two union leaders under judicial supervision after they were held in custody for 48 hours at the gendarmerie. The government accused union leaders Sammy Gregoire Ravelonirina and Barson Rakotomanga of endangering national security for signing a statement issued by a group of civil society organizations calling for the army to take action against the government following the outcome of presidential elections.

**Nongovernmental Impact:** On July 3, a prominent journalists' union issued a communiqué that stated demonstrators around the QMM mining site in Tolagnaro accosted three journalists who were covering the demonstration. Armed demonstrators reportedly were arrested after sequestering the journalists for an hour. They accused the journalists of attempting to supply the security forces with ammunition.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content.

The law prohibited 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 provided for punishment of two to five years’ imprisonment and fines for conviction.

## **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provided for the freedoms of peaceful assembly and association, but the government did not equitably apply the right of peaceful assembly.

### **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 municipalities and police prefectures, but these authorities rarely gave authorization to requests by political opposition parties. Security forces regularly impeded opposition gatherings throughout the country and used excessive force to disperse demonstrators.

Security force members several times during the year used tear gas and discharged their weapons into the air to disperse demonstrations by university students, supporters of political opponents, vanilla farmers, inhabitants of several urban areas protesting frequent power outages and water shortages, and other groups. When criticized for the security force members' use of tear gas, government officials stated it was the only form of crowd control at their disposal.

On March 31, the minister of the interior issued a decree prohibiting all outdoor political gatherings in the run-up to the presidential election, which he justified as a necessary measure to preserve public order. He stated the ban would remain in place until the launch of presidential campaign season. Civil society observers and the international community criticized the measure as an abuse of fundamental rights and freedom of expression enshrined in the constitution. Political parties denounced the ban as a measure to suppress the opposition since the ban exempted government officials' public meetings with citizens. Members of civil society said the president frequently held precampaign events which were characterized by the administration as part of his civic duties.

This decree was enforced by security forces who prevented and interfered with political gatherings in several localities, particularly those led by potential presidential candidates.

In early October, a coalition of 11 of the 13 presidential candidates

increased efforts to contest incumbent president Rajoelina's candidacy and the legitimacy of the electoral process. The government deployed security forces in the capital city to prevent the candidates' political gatherings for several days, and stated they threatened public order. On October 2, approximately 800-1,000 demonstrators and multiple opposition presidential candidates organized a protest in downtown Antananarivo to demand government concessions related to the presidential election and to protest the government's restrictions on political gatherings in public spaces. Authorities, which included a mix of police, gendarmerie, and military, ultimately fired several rounds of tear gas to disperse the demonstrators. Two presidential candidates suffered injuries and the secretary general of the main opposition party TIM was arrested. During the presidential campaign, authorities continued to use nonlethal force, primarily tear gas, to disperse protesters and prevent rallies by opposition candidates attempting to reach 13 May Square, where attempts to overthrow the government were historically launched.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at

<https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the**

## Country

The constitution and law provided for freedom of internal movement, foreign travel, emigration, and repatriation, but the government did not always respect these rights.

**Foreign Travel:** The law prohibited citizens from leaving the country to work abroad in countries deemed “risky,” intended to reduce the risks of exploitation abroad. While Ministry of Labor and Ministry of Foreign Affairs officials stated these “risky” countries were all Middle Eastern countries where migrant workers have been exploited in the past, the destination countries were not specifically identified in the decree. Thus, citizens could be prevented from leaving the country to work abroad at the discretion of border agents.

### e. Protection of Refugees

The government generally did not interfere with representatives of the UN Refugee Agency (UNHCR) and other humanitarian organizations assisting the small number of refugees in the country.

**Access to Asylum:** The law did not include provisions for granting asylum or refugee status, and the government had no established system for providing protection to refugees.

**Abuse of Refugees and Asylum Seekers:** A domestic NGO that provided

assistance to refugees stated that refugees were at risk of arrest by police who did not recognize their UNHCR-issued-asylum-seeker certificates and therefore regarded them as undocumented foreigners.

**Employment:** Refugees and asylum seekers did not have access to employment, because they did not possess a resident visa or work permit. In September, police targeted Pakistani refugee families benefitting from an internationally-funded grant supporting income generating activities, preventing them from earning any income. The refugees' modest financial success drew attention on social media and scrutiny from local authorities. Without any legal basis, the police issued a notice prohibiting refugee engagement in any income generating activities in the country.

**Access to Basic Services:** Refugees and asylum seekers did not receive support from the government, but the government did not interfere with support provided by UNHCR via a local NGO. Refugees and asylum seekers complained the amount of support they received was insufficient. Absent UNHCR support, health care and education were generally unaffordable for refugees. Hospitals and service providers charged refugees higher rates than local nationals, treating them as foreigners.

## **f. Status and Treatment of Internally Displaced Persons (IDPs)**

Estimates of persons in the southeastern region displaced by cyclones

during the year ranged from an estimate of 53,000 by the International Organization for Migration (IOM) to the government's estimate of 90,000 IDPs.

Other predominant factors contributing to internal migration included drought-induced famine in the southern region and, to a lesser extent, economic migration to urban centers stemming from inflation and the already widespread poverty in that region. IOM's Displacement Tracking Matrix recorded more than 100,000 IDPs who left the southern region to flee drought and insecurity; the main destinations were the southwest, west, and northwest regions.

There were no reports of specific forms of abuse targeting IDPs during the year.

For further information about IDPs in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org>.

## **g. Stateless Persons**

The country contributed to statelessness through discrimination in nationality laws.

Members of the South Asian Karana community, many who were of the Muslim faith, were not eligible for citizenship. The community numbered

approximately 20,000 persons.

The provisions of a previous law resulted in as many as 15,000 stateless persons from the Muslim community, most belonging to Karana-Muslim families that had lived in the country for generations. Yet because religion and ethnicity were often closely linked, it was difficult to categorize citizenship discrimination based solely on Muslim identity, as many citizens harbored suspicion of the Karana community and their political and economic influence in the country. Muslim leaders estimated the previous law 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.

All stateless persons could apply for a foreign resident card, which precluded the right to vote, own property, or apply for a passport, thus limiting international travel. Stateless women could obtain nationality by marrying a citizen and could request citizenship before the wedding date, but women were not permitted to confer citizenship on a stateless husband. Stateless persons continued to have difficulty buying land and accessing education, health care, and employment.

### **Section 3. Freedom to Participate in the Political**

## Process

The constitution and law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The November 16 national elections were widely reported to be peaceful and nonviolent, with some irregularities.

## Elections and Political Participation

**Abuses or Irregularities in Recent Elections:** On November 16, the presidential election occurred relatively peacefully with incumbent Andry Rajoelina re-elected with 59 percent of the votes. While the lead-up to election day was fraught with restrictions on freedom of assembly and expression, political detentions, and a boycott by most opposition candidates who argued the electoral process was flawed and thus the results illegitimate, minimal election-related violence occurred on election day or the days that followed. While international election observers noted some irregularities at polling stations, there was no concrete evidence of coordinated, widescale election fraud. While some candidates complained about lack of access to media, opposition candidates were offered access to media at the beginning of the campaign season. The government reported some candidates refused media outlets in their boycott of the election.

There were unconfirmed reports by opposition parties of ballot stuffing.

International election observers noted campaigning at a handful of polling stations, primarily by representatives of the incumbent and president-elect Rajoelina, but also by representatives of major opposition candidate Siteny.

A local NGO reported some of its election observers were harassed by polling station officials.

While the government placed restrictions on holding political gatherings before the official start of campaign season, the president allegedly used government resources during this moratorium to further his campaign (see section 2.b., Freedom of Peaceful Assembly). Authorities dispersed political protests organized by opposition candidates with violent albeit nonlethal force (see section 2.b., Freedom of Peaceful Assembly). In addition, the state-owned radio and television channels predominantly broadcast ruling-party events, causing many observers to denounce the use of public media for campaigning.

In a July 27 instruction, the minister of interior advised prefects and district chiefs to maintain contact to share with the public the government's activities and achievements.

### **Participation of Women and Members of Marginalized or Vulnerable**

**Groups:** Some observers stated cultural and traditional factors, such as the traditional concept of men as “heads of household” and of women occupying roles subservient to men, prevented women from participating in

political life to the same extent as men.

## Section 4. Corruption in Government

The law provided for criminal penalties for official corruption, but the government did not implement the law consistently. There were numerous reports of government corruption during the year.

**Corruption:** Transparency International, Initiative Madagascar, civil society, and opposition parties reported pervasive corruption in the mining sector, import and export of goods, sectors responsible for monitoring wildlife and natural resources trafficking, managing bodies of emergency aid fund, cases involving land disputes, and in the education sector.

In January, social network users published a document signed by proregime member of parliament Lanto Rakotomanga authorizing the transportation of 75 logs of palisander seized by authorities. The Anti-Corruption Court ordered the Independent Anti-Corruption Bureau (BIANCO) to initiate an investigation and authorities subsequently placed the truck driver who transported the wood in pretrial detention. As of September, there was no known action taken against Rakotomanga.

On August 10, the United Kingdom's National Crime Agency arrested the president's chief of staff Romy Andrianarisoa and a French business associate Philippe Tabuteau on suspicion of soliciting bribes from British

mining company Gemfields to obtain licenses in the country. The accused allegedly sought to secure £225,000 in bribes and a 5 percent equity stake in the company's projects. The president's office dismissed Andrianarisoa as chief of staff a few days later and stated she was on personal leave and not performing her government duties when she was arrested. On September 8, Andrianarisoa was charged with bribery and pleaded not guilty before a British court, which ordered both defendants be held pending trial. Many observers conjectured Andrianarisoa could have been working with other high-ranking government officials because she did not have the authority to approve a mining license.

Corruption investigations by BIANCO led to several cases going to trial at the Anti-Corruption Court and convictions and imprisonments of former and sitting government officials for embezzlement and bribery.

The government took legal and disciplinary measures against working-level civil servants in the gendarmerie, police, and judiciary for bribery and for their involvement in natural resource smuggling. In March, the Anti-Corruption Court issued a report that stated the Anti-Corruption Courts of Antananarivo and Mahajanga prosecuted at least 1,200 individuals for corruption and convicted more than 400 of them in 2022. The defendants were technical level civil servants and other civilians.

For additional information regarding corruption in the country, please see the Department of State's *Investment Climate Statement* for Madagascar,

and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated without restriction to monitor or investigate human rights conditions and publish their findings. 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.

**Retribution against Human Rights Defenders:** Whistleblowers as well as human rights and environmental activists were subject to reprisals by authorities and community members affected by their advocacy.

The government investigated, prosecuted, and convicted individuals who had denounced malfeasance in the public administration (see section 1.d, Arbitrary Arrest or Detention).

In July, Angélique Razafinjoary, an environmental activist engaged in the protection of the Vohibola forest, reported she had been targeted with continued harassment and death threats by those she stated illegally exploited the forest's natural resources. She stated the local court

summoned her and her fellow activists in the region regularly for hearings with false accusations. The minister of environment stated the ministry was collaborating with the gendarmerie to investigate the death threats, but authorities took no known concrete action as of September.

On November 20, the Anti-Corruption Court sentenced Thomas Razafindremaka, a human rights activist in Ihosy, to two years in prison for conviction of fraud and impersonation. Civil society organizations decried the verdict as an act of intimidation. The activist stated the legal action was a continuation of harassment he had been subjected to since 2020 when the gendarmerie of Ihosy arrested him for fraud and extortion. He regularly denounced corruption among security force and public officials in his region, and he and his and his fellow civil society members claimed these accusations were intended to silence him.

**Government Human Rights Bodies:** The CNIDH was composed of 11 commissioners, each elected by members of a different human rights organization, and had a mandate to investigate cases of, and publish reports on, human rights abuses. The CNIDH issued several communiqués highlighting human rights abuses perpetrated by government officials and launched investigations on outstanding incidents. Nevertheless, its independence and effectiveness were limited; investigations did not lead to concrete sanctions or convictions.

## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** The law prohibited rape and spousal rape but did not address the gender of rape survivors. Penalties for conviction ranged from five years to life in prison. Conviction of rape of a pregnant woman was punishable by imprisonment with hard labor. Authorities could add an additional two to five years' imprisonment if the rape involved assault and battery. The law prohibited domestic violence, assault, battery, and sexual harassment. Penalties for conviction ranged from six months to five years' imprisonment with fines. Authorities rarely enforced the law, often due to lack of resources (e.g., vehicles, gasoline) to investigate cases.

The law prohibited domestic violence, which remained a widespread problem. Conviction of domestic violence was punishable by two to five years in prison and substantial fines, depending on the severity of injuries and whether the survivor was pregnant. There were few shelters for women survivors of domestic violence in the country, and many returned to the home of their parents, who often pressured survivors to return to their abusers. Media reported a general reluctance of survivors to report domestic violence. Women filing legal actions against their husbands faced criticism from their families and communities.

In general, media only covered cases reported to authorities. The results of

a survey of 1,200 adults conducted by the consulting firm COEF Resources in October 2022 indicated 70 percent of respondents believed domestic violence was a family affair and not a criminal matter.

In March, in connection with International Women’s Day, the Ministry of Population with the support of nongovernmental partners organized a series of events in several regions to raise awareness of gender-based violence and in November, launched 16 days of activism to combat gender-based violence.

The Proximity Female Brigade within the national police conducted investigations of gender-based violence and raised public awareness. Both police and gendarmerie had their respective “brigades for morals and minors’ protection.”

Two specialized centers for gender-based violence survivors were available in Antananarivo to provide medical care, psychological support, legal counselling, and socioeconomic reintegration assistance, such as vocational training.

**Other Forms of Gender-based Violence or Harassment:** Sexual harassment was against the law. Authorities enforced the law, but sexual harassment, particularly verbal harassment, was culturally tolerated and widespread.

Labor union members reported sexual harassment prevailed in many sectors. There were reports some supervisors in manufacturing companies

compelled some of their women employees to have sexual relations to renew their contracts or secure promotions. Women teachers reportedly faced similar pressures when trying to negotiate permanent contracts in the public education system. A television documentary broadcast in March alleged male teachers compelled female university students to perform sex acts in exchange for high grades and in order to pass their final exams. Court rulings generally did not favor survivors who filed complaints.

**Discrimination:** Although women enjoyed the same legal status and rights as men in some areas, there were overt discrepancies in others, and authorities did not equitably enforce the law. Women experienced discrimination in inheritance. While widows with children had the right to inherit half of joint marital property, a husband's surviving kin had priority over widows without children if there was no written will or agreement to secure the inheritance of her deceased husband's estate. 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.

Labor laws prohibited workplace discrimination based on gender. There were legal restrictions on women's employment in occupations or tasks deemed dangerous and in industries such as construction, agriculture, and transportation. According to labor and social protection codes, such positions included night shifts in the manufacturing sector and certain

positions in the mining, metallurgy, and chemical industries. Women often did not receive equal pay for substantially similar work. Labor unions reported women faced discrimination in hiring and promotion, with men earning 15 percent more on average than women across all career fields.

In rural areas, where most of the population worked in subsistence farming, traditional social structures tended to favor entrenched gender roles, leading to a pattern of discrimination against women.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Some members of disability rights NGOs, however, reported some families discouraged girls with disabilities from having children and might have compelled them to have a sterilization procedure to prevent them from getting pregnant.

Social and cultural barriers, resource problems, and poor access to youth-friendly services impeded the use of contraceptives. Obstacles included fear of side effects, lack of support from family members, and fear of family and community judgment. The law did not specifically provide for access to emergency contraception; however, emergency contraceptive pills were widely available for purchase in drugstores.

Private and public hospitals and health-care centers were legally required to have formal care protocols for post abortion complications although

abortion remained illegal.

The government provided access to sexual and reproductive health services to survivors of sexual violence. Specialized centers collaborated with private pharmacies to provide free emergency contraceptives to sexual violence survivors.

According to 2018 National Statistics Institute data, the estimated maternal mortality rate was 408 maternal deaths per 100,000 live births (308 in urban and 425 in rural areas). The country's adolescent fertility rate was 151 births per 1,000 women between the ages of 15 and 19. A high maternal mortality rate stemmed from: lack of autonomy to seek care; geographical and financial barriers to access health-care centers; low quality of hospital services; chronic maternal malnutrition (including anemia); lack of adequate spacing between pregnancies; and a high rate of unsafe abortions. An elevated adolescent pregnancy rate also contributed to higher rates of maternal deaths.

As discussions between parents and children regarding menstruation remained taboo, a lack of knowledge prevented many girls from having adequate menstrual hygiene. The lack of appropriate facilities in schools combined with the inability to afford necessary menstruation-related materials impeded the ability of many girls to attend school during their menstrual periods and negatively affected their performance.

Many public and private schools banned pregnant girls and adolescent mothers from attending school because they considered them a bad example for other students. In addition, the adolescent mothers themselves were often reluctant to continue attending school during their pregnancies and after childbirth because of social stigma.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution stated in its foreword the necessity of living together in an environment with no discrimination, including discrimination based on ethnic origins. The constitution prohibited the establishment of associations or political parties promoting totalitarianism or segregation based on ethnic origins.

None of the 18 tribes in the country had a membership that constituted most of the population. There were also minorities of Indian, Pakistani, Comorian, and Chinese heritage. Ethnicity, caste, and regional solidarity often were considered in hiring decisions and were exploited in politics. A long history of military conquest and political dominance by highland ethnic groups of Asian origin, particularly the Merina, over coastal groups of African ancestry contributed to tensions among citizens of highland and coastal descent, especially in politics. The government made efforts to address these problems by appointing diverse candidates from different regions as members of government and to other public institutions.

The migration of members of Antandroy and Antanosy tribes fleeing drought and famine from the deep southern region of the country often resulted in social tensions with local communities related to scarce resources.

## Children

**Birth Registration:** The country had no uniformly enforced birth registration system, and unregistered children typically were not eligible to attend school or obtain health-care services. Authorities generally adjudicated birth registration on a nondiscriminatory basis.

**Education:** According to UNICEF, boys and girls generally had equal access to education, although girls were more likely to drop out during adolescence. Girls faced difficulties remaining in schools during their menstrual periods, when pregnant, and after childbirth (see the subsection Women, Reproductive Rights). In 2022, a newspaper reported parents who lost their employment during the pandemic could no longer afford to pay the registration fees for all their children and preferred to keep their sons rather than their daughters in school.

**Child Abuse:** Child abuse, including rape, was a problem. Media reported a continued increase of child abuse and child rape in several regions. Most of the survivors were girls. The youngest was age one, and in most cases the offenders were male family members. In some towns and cities, particularly

in Antananarivo, homeless women raised small children in dangerous conditions and environments and forced children as young as age three 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.

During the year, authorities reported increased selling of children. Parents offered their newborn babies for sale to wealthier persons through an illegal adoption process facilitated by networks of intermediaries.

Media reported government efforts to raise public awareness of child rape and efforts to combat it led to an increase in the number of prosecutions of child rape cases.

Government efforts to combat other forms of child abuse were limited and focused primarily on child protection networks, which addressed the needs of survivors and helped raise public awareness. The cities of Antananarivo, Toamasina, Mahajanga, Nosy Be, Toliara, and Tolagnaro hosted one-stop survivor support centers, called Vonjy Centers, in public hospitals. These centers received child survivors of sexual abuse, including rape and sexual exploitation. In addition to medical care, these centers provided psychological support through social workers assigned by NGOs. Police from the Minors and Child Protection Brigade recorded survivors’ complaints, and volunteer lawyers provided free legal assistance.

**Child, Early, and Forced Marriage:** The legal age for marriage without parental consent was 18. Nevertheless, child marriage remained very common, particularly in rural areas and in the southern region.

The practice of *moletry*, in which girls were married at a young age in exchange for oxen received as a dowry, reportedly continued, involving girls as young as age 12. The Ministry of Population continued to implement a national strategy against child marriage. Community leaders and volunteers in several regions, especially in the south, conducted awareness campaigns within their communities and continued to launch programs to implement this strategy.

**Sexual Exploitation of Children:** The law prohibited recruitment and incitement to commercial sexual exploitation 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. There was no specific mention of the sale, grooming, or offering of children for commercial sexual exploitation. The law specified penalties for perpetrators of child pornography. Authorities rarely enforced the provisions. Traffickers continued to exploit girls as young as age 13 in child sex tourism in coastal areas, but NGOs also reported an increased number of boy survivors. The law did not explicitly mention a minimum age for consensual sex. The antitrafficking law, however, defined a child as any person younger than 18 and stipulated consent was not relevant in cases of child commercial sexual

exploitation, as a child was too young to provide such consent.

Child sex trafficking and child sexual abuse, sometimes with the involvement of parents, remained a significant problem.

According to media and NGO reports, employers often abused and raped young rural girls working as housekeepers in the capital and other cities. If the girls left their work, employers typically did not pay them. Many therefore remained rather than return empty-handed to their families and villages. NGOs also reported the sexual exploitation of children working in mines, or the sexual exploitation of children who lived in mining communities.

The national gendarmerie operated the Morals and Minors Protection Unit with responsibility for protecting children, including rape survivors, in rural areas not covered by the national police's Morals and Minors' Brigade. The Ministry of Justice, collaborating with UNICEF and telecommunications companies, operated the Arozaza (protect the child) website to combat online sexual exploitation of children and deter potential abusers. The website included a form to report child endangerment or online pornography. The website enabled police or other governmental entities to intervene immediately once a report was filed on the platform.

The Internet Watch Foundation portal allowed individuals worldwide to anonymously and safely report images and videos of sexual abuse of

Malagasy children found on the internet.

The Ministry of Population coordinated approximately 750 programs covering 22 regions throughout the country to protect children from abuse and exploitation; of which only approximately 450 child protection networks were operational. The ministry collaborated with UNICEF to identify child survivors and provide access to adequate medical and psychosocial services. The gendarmerie, Ministry of Justice, Ministry of Population, and UNICEF trained local authorities and other stakeholders in targeted regions on the rights of children.

**Infanticide, Including Infanticide of Children with Disabilities:** Media reported several deaths of newborns abandoned in gutters and dumpsters. A traditional taboo in the southeastern region against giving birth to twins also contributed to the problem. A provision in the law prohibited traditional practices that harmed human rights, including infanticide. The government did not always enforce the law.

## **Antisemitism**

The Jewish community consisted of approximately 360 members. There were no reports of antisemitic incidents.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, Or Sex Characteristics**

**Criminalization:** No law prohibited same-sex sexual conduct for those older than 21. The law provided for a prison sentence of two to five years and fines for conviction of committing acts that were “indecent or against nature with an individual of the same sex younger than 21,” which were understood to include sexual relations. Authorities enforced the law. The penal code explicitly prescribed penalties for sexual contact between persons of the same sex if one of them was younger than 21, yet there was no equivalent clause for heterosexual contact.

**Violence and Harassment:** Lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community members reported police violence against transgender individuals in commercial sex had increased. In May, a transgender individual in commercial sex reported she was assaulted during the year by members of the military. Community members said homophobic and hateful speech was increasing on social media.

**Discrimination:** The law did not prohibit discrimination by state or nonstate actors based on sexual orientation, gender identity or expression, or sex

characteristics. Members of the LGBTQI+ community often faced considerable social stigma and discrimination across society and within their own families, particularly in rural areas. Some were refused employment due to sexual orientation. Several members of the community reported they were not offered positions at the interview due to their gender presentation appearing inconsistent with the gender on their identification card and resume. Many individuals kept their LGBTQI+ identities hidden due to fear of violence and discrimination.

**Availability of Legal Gender Recognition:** Legal gender recognition was not available.

**Involuntary or Coercive Medical or Psychological Practices:** Members of the LGBTQI+ community reported many of their friends, especially those younger than age 17, were subjected to involuntary conversion practices imposed by their relatives such as forced consultations with psychologists, exorcism, religious rituals, and threats of internment. No legal provisions prohibited such practices.

There were no standards for medical or psychological care for intersex persons, nor were surgeries performed on children or nonconsenting adult intersex persons.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

There were no laws restricting discussion or reporting on LGBTQI+ matters

or preventing LGBTQI+ persons from legally registering organizations or convening events. In July, the governor of the Boeny region expressed his disapproval of the increasing visibility of LGBTQI+ persons. The statement came after several trans women announced their intention to participate in a women's beauty contest.

## **Persons with Disabilities**

Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. By law, persons with disabilities were entitled to receive health care, education, facilitated access to public transportation, and have the right to training and employment. The law did 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 specified the state “must facilitate, to the extent possible, access to its facilities, public spaces, and public transportation to accommodate persons with disabilities” but, many public facilities and services were not fully accessible to persons with disabilities. The government did not always provide government information and communication in accessible formats.

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.

Very few schools had the skills and training to accommodate learners with disabilities. Of the 500,000 candidates completing primary cycle (fifth grade) in June, only 99 children had recorded disabilities. Of the 305,836 students who completed their lower secondary school official exam, only 47 had recorded disabilities.

On June 23 in Toliara, an adult male raped a girl, age eight, who had a physical and mental disability. The doctor who treated the survivor attested the girl had been raped, and her family subsequently reported the incident to authorities. The perpetrator presented another document from a different doctor who testified the child was not raped, and the court subsequently released him. The case received broad coverage by local news outlets and was widely denounced on social media. Several days later, media reported police arrested the offender and the court committed him to pretrial detention.

Members of disability rights NGOs continued to report families compelled some persons with disabilities to undergo sterilization procedures to prevent them from becoming pregnant. Survivors were generally reluctant to file complaints due to shame or fear of humiliating the family. Those who were part of disability rights NGOs had more capacity to protect themselves

and refused those interventions.

The law prohibited discrimination against persons with disabilities and defined persons with disabilities as those presenting a congenital or acquired deficiency in their physical, mental, or sensory capacities. The law also provided for a national commission and regional sub commissions to promote their rights, but none had been established. Disability rights activists and NGOs reported persons with disabilities encountered discrimination in employment. They were also more likely to become targets of various types of abuse, sometimes perpetrated by their own relatives.

The law provided for assistance for individuals with disabilities in casting their ballots, but contained no other provisions to accommodate such voters. The Independent National Electoral Commission collaborated with the Federation of Associations of Visually Impaired Persons to design and print 3,000 ballots in braille for use in the presidential election. While these ballots were not available throughout the country, media showcased one blind citizen using the braille ballot in an Antananarivo suburb.

**Institutionalized Children:** The country's policies and social practices prioritized returning abandoned children to their families. Children with disabilities, as well as elderly persons, often stayed with their families.

## 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 if security forces did not arrive in time to halt the violence. Authorities sometimes arrested the perpetrators, but fear of creating renewed anger hindered prosecution. During the year, many news articles reported incidents of mob violence, demonstrating the population's lack of trust in law enforcement authorities and the justice system.

On May 26, a group of angry residents in a village outside the city of Fianarantsoa killed three persons in a vehicle that had stopped near the village. The inhabitants believed the persons had kidnapped children for the purpose of forced organ harvesting. Relatives of the victims filed a complaint with authorities, claiming the victims were gemstone traders who traveled frequently in the region. The gendarmerie arrested implicated persons. They were charged with murder and on June 5, the Court of First Instance of Fianarantsoa placed 47 of 107 defendants in pretrial detention and released the other persons.

Persons with albinism in the southern regions of the country continued to be the object of killings and kidnappings. The phenomenon increasingly affected localities in the central highlands and the northern region. In

August, members of an association of persons with albinism reported 12 persons with albinism were kidnapped since the beginning of the year and two died.

Security forces rescued most victims and arrested several suspects in cases of kidnapping of persons with albinism. In addition, local authorities in some localities provided financial and technical support to newly created associations for persons with albinism engaged in awareness-raising campaigns. On October 1, however, during a press conference, members of the community of persons with albinism denounced the lack of proactive action by authorities to address their cases. They also generally blamed authorities for failing to conduct thorough investigations or work to address the root cause for their continued insecurity. For example, they said authorities did not act to rescue a child with albinism, age 18 months, kidnapped the previous week.

Health-care providers subjected persons with HIV and AIDS to stigma and discrimination. HIV and AIDS patients had the right to free health care, and the law specified sanctions against persons who discriminated against or marginalized persons with HIV and AIDS. A special decree on HIV in the workplace banned discrimination based on serology status. While the National Committee for the Fight against AIDS in Madagascar worked to enforce the law, national institutions including the Ministries of Health and Justice did not consistently do so.

Although the law prohibited discrimination based on religion, members of some evangelical churches reported limited access to employment if their sabbath was not on Sunday.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law stated public and private sector workers could establish and join labor unions of their choice without prior authorization or excessive requirements. Civil servants and maritime workers had separate labor codes. Essential workers, including police, military, and firefighters, were not permitted to form unions. Seafarers were covered by the maritime code, which did not specifically provide the right to form unions.

The law generally allowed for union activities and provided most workers the right to strike, including workers in export processing zones (Free Zones). Authorities prohibited strikes, however, if there was a possibility of “disruption of public order” or if the strike would endanger the life, safety, or health of the population. Workers were required first to exhaust conciliation, mediation, and compulsory arbitration remedies, which could take eight months to two and one-half years. Magistrates and workers in “essential services” (not defined by law) had a recognized but more

restricted right to strike. The law required them to maintain a basic level of service and to give prior notice to their employer. The law also provided for a fine, imprisonment, or both for the “instigators and leaders of illegal strikes.”

The law prohibited antiunion discrimination by employers. In the event of antiunion activity, unions or their members could file suit against the employer in civil court. The law did not accord civil servants and other public-sector employees legal protection against antiunion discrimination and interference. Penalties for violations were not commensurate with other laws involving denials of civil rights such as discrimination.

The law provided 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, did not have the right to bargain collectively. 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 Free Zones and in smaller local companies. Union representatives reported workers in such companies often were reluctant to make demands due to fear of reprisal.

The government did not effectively enforce the law. Penalties were rarely

applied against violators. The law required that unions operate independently of the government and political parties. Union representatives stated employers attempted to dissuade, influence, or otherwise interfere with unions, which often prevented workers from organizing or advocating for better working conditions. Unions reported 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. Trade unions complained of persistent antiunion discrimination in telecommunications, banking, textiles, the salt industry, mining, public sector, and fishing.

Strikes occurred throughout the year, including by public school and university teachers and ministry employees.

The government did not protect workers against retaliation for legal union activities. On September 15, the Court of Appeals of Antananarivo rejected the request of Sento Marcel Zotiakobanjina to reverse his July 2022 defamation conviction. Marcel was the union leader within a garment factory named Etoile. His employer sued him for defamation after he reported on his Facebook page details of an agreement between his employer and his fellow employees on the calculations of overtime allowance. At his trial, he claimed he published the post to raise awareness

as part of his union leader duties, but Etoile's lawyer claimed he had no right to disclose the details. He served nine months in prison before his sentence was curtailed three months. He reported to IndustriALL, a global union, that the court's refusal to rescind his conviction would mean he would need to work in the informal sector, since his criminal record would prevent him from being rehired in the formal sector.

## **b. Prohibition of Forced or Compulsory Labor**

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**

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/>.

## **d. Discrimination (see section 6)**

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** In May, the government adopted a decree setting the monthly minimum wage to an amount slightly lower than the World Bank defined poverty threshold.

The standard workweek was 40 hours in nonagricultural industries and 42.5 hours in the agricultural sector. The law limited workers to 20 hours of overtime per week and required two and one-half days of paid annual leave per month. The law required overtime pay, generally for more than 40 hours work in one week, but the exact circumstances requiring such pay were unclear. If the hours worked exceeded the legal limits for working hours (2,200 hours per year in agriculture and 173 hours per month in other sectors), employers were legally required to pay overtime in accordance with a Labor Council decree that also denoted the required amount of overtime pay. Some employers exploited the more relaxed labor codes in free zones to skirt minimum wage and overtime laws by paying employees based on production. According to union leaders, workers hired for online positions were often victims of unfair remuneration due to the absence of specific legislation for free zones, allowing the employers to set their own rules.

**Occupational Safety and Health:** The government set occupational safety and health (OSH) standards for workers and workplaces. Labor activists noted standards, dating to the country's independence in some cases, were severely outdated. Labor unions reported the law was deficient in protecting worker and human rights in mines.

Workers, including foreign or migrant workers, had the explicit right to remove themselves from unsafe situations without jeopardizing their

employment if they informed their supervisors. Employers did not always respect this right.

**Wage, Hour, and OSH Enforcement:** The government did not always enforce the law. Penalties were rarely applied against violators. There were no prosecutions, and penalties were not commensurate with those for crimes like negligence.

The Ministry of Civil Service, Labor, and Social Laws was responsible for enforcing wage and hour laws. The number of labor inspectors working nationwide was insufficient, according to Ministry of Labor officials, and unable to monitor appropriately the formal sector much less the much larger informal sector. All labor inspections were unannounced. The labor code provided labor inspectors with the right to enter, at any time and with no prior notice, any site subject to labor inspection. Labor inspectors did not have legal law enforcement authority and as a result did not issue sanctions. When they observed a labor law violation, labor inspectors reminded employers regarding the applicable legal provisions and related penalties, and they made recommendations to the court, which had the authority to assess penalties. Except in cases of serious threats to worker safety or health, the labor inspectorate submitted a report for action once an allotted time to correct the situation passed.

In April, for Occupational Safety and Health World Day, the Ministry of Labor organized a one-week campaign to promote OSH. In collaboration with the

International Labor Organization and other ministries, the Ministry of Labor sensitized companies on how to structure working environments to preserve safety and health and to reduce the risk of work accidents.

The informal sector made up 95 percent of employment in the country, according to available data, with most persons self-employed in fishing, forestry, and agriculture at the subsistence level. Up to two million informal-sector workers earned their living through artisanal and small-scale gold mining.

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 the law was meant to cover all types of working contracts, including the informal sector and part-time workers, labor inspection did not cover the informal sector due to insufficient staffing. The General Workers' Confederation labor union alleged agricultural workers in the informal sector were not compensated for occupational injury, in violation of the law.