

MADAGASCAR 2022 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 in November 2018, with a two-candidate run-off in December 2018. The winner, Andry Rajoelina, took office in January 2019. 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 2019. Observers judged these elections to be generally free and fair, with some irregularities. In 2020 Senate elections, the ruling party and those closely aligned with it won all seats since opposition parties boycotted. Observers judged the Senate elections to be generally free and fair.

National police, under the authority of the Ministry of Public Security, are responsible for maintaining law and order in urban areas. The gendarmerie and military report to the Ministry of National Defense. The gendarmerie 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 in maintaining order in areas affected by cattle rustling and banditry. Civilian authorities at times did not maintain effective control over the security forces. There were reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; torture or cases of cruel, inhuman, or degrading treatment or punishment by government agents; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; serious restrictions on free expression and media, including unjustified arrests or

prosecutions of social media activists, censorship, and enforcement of criminal libel laws; substantial interference with the freedom of peaceful assembly; serious government corruption; lack of investigation of and accountability for gender-based violence; and trafficking in persons.

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. The situation was the same regarding corruption – officials were sometimes investigated or prosecuted, but impunity 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 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.

The gendarmerie and police inspection offices investigated abuses perpetrated by their officers. The office of army command conducted investigations of military personnel. These offices investigated formal complaints and, more often, incidents that were widely covered in traditional and social media and triggered a backlash from the public. In isolated cases, these investigations led to arrest, conviction, and imprisonment of accused security force members.

Between January and September, media reported at least 150 deaths during security force operations, including members of the security forces and ordinary 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. There were reports of security forces executing suspected cattle thieves or bandits after capture; in most cases, security forces claimed those killed attempted to escape and refused to respond to warning shots. These statements by security forces often could not be substantiated. In isolated cases, the government launched investigations, arrested, and jailed the accused security force members. In other isolated cases, security forces pressured the relatives of persons killed in custody to make false statements.

On February 21, a recruit at the military academy of Antsirabe died from acute kidney failure, according to doctors who attended him. His family alleged, however, that he died from physical violence perpetrated during a hazing ceremony because his remains showed serious injuries to his knees and upper body. In early March, the National Independent Human Rights Commission (CNIDH) announced the opening of an investigation, but there were no known results as of year's end.

On August 29, security forces composed of gendarmes, police, and prison guards who were responsible for protecting the gendarmerie station of Ikongo opened fire on a crowd, killing nine persons instantly and injuring several others. Twelve others died later in the hospital. The shooting was in reaction to an event on August 22 in the same locality when bandits kidnapped a child, age 18 months, with albinism and killed the child's mother in the process. Several days later, the gendarmerie arrested four suspects and held them in custody. On August 29, an angry crowd assaulted the gendarmerie station seeking the release of the suspects so they could face mob justice. The prime minister led an official delegation to Ikongo the next day and announced the opening of an investigation. Separately, the gendarmerie offered zebras (cattle) to the local population as a sign of reconciliation.

On September 15, the state secretary in charge of the gendarmerie stated that the security forces at the station had acted in self-defense as they had issued multiple warnings and fired tear gas before resorting to deadly force. Eyewitnesses who were interviewed by a private television channel, however, said they heard only one warning shot before the security forces opened fire and denied having heard or seen any tear gas. The chair of the CNIDH called for the opening of a separate investigation to determine the legitimacy of the claims that the security forces acted in self-defense. Observers from the international community and the opposition parties denounced the August 29 event as an excessive use of force.

On June 2, a mob in the rural commune of Mangarivotra killed an activist named Henri Rakotoarisoa. As the founder of a local environmental nongovernmental organization (NGO), he had actively campaigned against forest looting and illicit exploitation of protected hardwoods in his locality. Community members opposed to the NGO's activities beat him to death. After the killing, 37 persons surrendered to the local gendarmerie, of whom seven remained in detention while their trial proceeded. The first court hearing took place on June 20, and on November 18, the regional Ambatolampy Court of First Instance sentenced eight persons to life in prison, three persons to three years in prison, and acquitted the others.

In January the Court of Antananarivo, which handles federal and regional cases, reportedly released 13 military personnel who had been accused of a killing. In June 2021, military units from the BANI, an air force and navy base on the outskirts of Antananarivo, reportedly beat to death Nasandratra Valimbavaka, a boy age 15, while he was in their custody. In November 2021, the court placed 13 members of the military in pretrial detention after the Ministry of Defense authorized their prosecution. The trial was scheduled to take place in November 2021. There were no developments since the accused were released in January.

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 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 (see section 1.a., case of Nasandratra). During the year, multiple persons who had been accused of a crime claimed during their court hearings that some police involved in their investigations had used physical violence to extort confessions.

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.

On September 6, a civilian employee at the military academy of Antsirabe, known as Julien, died from a stroke, according to school officials. His relatives, however, claimed that he had been kidnapped and severely beaten by local newly graduated military officers who had accused him of stealing their property. The same day as the kidnapping, the employee's family was informed that the body had been found at the academy. The family lodged a complaint with the local police. As of year's end, no military officers had been referred for investigation.

Impunity was a significant problem in the security forces. Factors contributing to impunity included corruption and a lack of reporting of abuses. Offices that investigated abuses included inspection bodies within the gendarmerie, police, and

army command. The government collaborated with international organizations to build security forces' capacity on specific law enforcement problems such as trafficking in persons and child protection. In September the minister of public security announced that the police training curricula included components related to human rights and corruption.

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 inadequate prison infrastructure created a serious overcrowding problem. As of September, the Ministry of Justice recorded 28,830 detainees in the 92 prisons and detention centers nationwide, which had a designed capacity of 11,000 detainees.

Authorities did not always hold juveniles separately from adults, and some children younger than school age shared cells with their incarcerated mothers. According to Ministry of Justice figures, 34 percent of the 93 prisons and detention centers did not have a separate area for juvenile detainees. NGOs assisting detainees noted a worsening of detention conditions, including regarding sleeping conditions, access to hygiene, and infrastructure.

The Ministry of Justice recorded 117 deaths between January and September compiled from all the detention and prison facilities of the country. The most frequent causes of death from physical conditions were linked to malnutrition or respiratory infection.

In May the website *Prison Insider* published the written testimony of a political detainee in the high security prison of Tsiafahy. The prisoner complained he had

been serving his prison sentence in solitary confinement since his arrest in December 2021 and that he could only leave his cell for a daily walk of less than one hour per day (see also section 1.e., Political Prisoners and Detainees). He claimed that because of inadequate ventilation he suffered from severe winter cold and summer heat, and that his cell smelled of sewage and human waste. He was allowed only brief and monitored visits twice a week. The Tsiafahy high-security prison held 1,000 detainees despite an official capacity of 500.

In June a detainee who was released from the Antanimora prison of reported having starved during his detention because he had only one meal, composed of cassava, per day. He also reported respiratory problems, which he attributed to sleeping in a small room with more than 200 persons (see section 1.e., Political Prisoners and Detainees).

Administration: While a formal process exists to submit complaints to judicial authorities, few detainees used it due to fear of reprisal and lack of knowledge of the law. Authorities rarely investigated the complaints they received.

Independent Monitoring: Authorities generally permitted independent monitoring of prison conditions by local NGOs and some diplomatic missions.

Improvements: The Ministry of Justice collaborated with several partners, including Humanity and Inclusion, Positif Planète International, Population Services International Madagascar, and Youth Mobile Crisis Intervention to provide training to government officials serving within the penitentiary administration during the year.

The Ministry of Justice and the Ministry of Defense collaborated to build the capacity of penitentiary nurses to improve medical assistance to detainees. Institut Pasteur Madagascar supported the penitentiary administration to strengthen medical assistance to detainees suffering from tuberculosis and HIV through the

donation of technical and health equipment to the prisons of Antanimora in Antananarivo, as well as prisons in Mahajanga, Toamasina, and Manakara.

Humanity and Inclusion supported the Ministry of Justice to develop a social reintegration manual for detainees post detention. In addition, the organization trained 45 penitentiary staff members in charge of social reintegration of former detainees in four regions. They also carried out socioeducational activities for detainees in Antananarivo, Mahajanga, and Toamasina; established a radio station in the prison of Antanimora in Antananarivo; and updated posters in prison and detention facilities informing the detainees of their rights.

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.

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, and

some suspects were held incommunicado. 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 to eight months and regulates the use of the writ, although authorities often exceeded this limit.

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

On June 17, authorities in Nosy Be, an island in the northwest of the country, arrested opposition leader Eliane Bezara, also known as Ninie Donia, whom they accused of criminal association. She previously advocated for local residents whom she considered to have been unfairly evicted from their homes in June after a land dispute, and she also denounced a high-level official who was involved in the ruling on the case as corrupt. Authorities arrested her along with 12 others who took part in a demonstration to protest the eviction. On June 30, the Nosy Be Court of First Instance sentenced all of the accused to six months in prison.

On July 23, security forces arrested two leaders of the I Love Madagasca (TIM) opposition party in Antananarivo near Magro Behoririka, a compound belonging to former President Marc Ravalomanana. Members of the opposition party were planning to hold a rally in the area on that day, but security forces banned their entry to the former president's compound. The gendarmerie criminal search unit held the arrested leaders in their office for an investigation that lasted several hours before releasing them later the same day. Members of multiple opposition parties denounced the arrests since the local prefecture had already authorized the rally.

Pretrial Detention: As of September, approximately 50 percent of inmates nationwide were in pretrial detention, ranging 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

head of the Madagascar Bar Association stated in 2021 that although the law permits pretrial detention with legal justification from a judge, 90 percent of pretrial detention placement orders were issued without such justification. 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 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.

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 charges, denial of bail, and postponed hearings were common. The law provides for the presumption of innocence, but authorities often ignored this right.

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. The law stipulates, however, that the defendant has the right to refuse an interpreter. 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 confess guilt. The head of the Madagascar Bar Association publicly stated that defendants' rights were far from being fully respected. For example, judiciary police officials often denied defendants access to the records of charges against them during preliminary investigations.

The law gives 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. Estimates of their number ranged in the single digits. They generally received the same protections as other prisoners and detainees. The government permitted access to them by humanitarian and human rights organizations.

In December 2021, the Court of Antananarivo found five individuals guilty of organizing a coup attempt and assassination plot to kill the president earlier that year, and the five individuals remained in prison as of year's end. The convicted individuals included former security agents in charge of protecting former President Hery Rajaonarimampianina, and their prison sentences ranged from five years to 20 years with hard labor. The defense attorney subsequently questioned the veracity of the accusations and the verdict, since he claimed no evidence was provided. On July 25, the Court of Cassation rejected the defendants' lawyers'

request for appeal. One of the convicted persons wrote on a local website that authorities had placed him in solitary confinement since his conviction in December. He wrote that the longest confinement that had previously occurred in the prison facility was two months, but that he had been in solitary confinement for several months.

In May the Antananarivo Anti-Corruption Court convicted businessman Mbola Rajaonah, known to be close to former President Rajaonarimampianina, to five years in prison and ordered him to pay 27 billion ariary (\$6.4 million) for the embezzlement of public funds and for customs fraud that occurred between 2014 and 2018. Mbola Rajaonah had been held in pretrial detention in the Tsiafahy prison since 2019. His relatives and lawyer complained several times concerning his detention conditions. On September 19, gendarmes, under orders from the Prosecutor's Office, conducted another search of his residence that included the search of his various tenants' apartments. According to the gendarmerie, the purpose of the search was suspicion of offense to public order. His lawyer denounced the search as an example of political harassment because the residence had already been searched three times since Rajaonah's arrest and the gendarmes had yet to find any illegal or compromising material.

Amnesty: The National Reconciliation Council reportedly granted amnesty to nine politicians during the year without providing any explanation.

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 abuses through domestic courts. The legal system does not recognize the jurisdiction of the African Court on Human and Peoples' Rights.

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

or Correspondence

The law prohibits such actions, and there were no reports that the government failed to respect these provisions.

Section 2. Respect for Civil Liberties

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

The constitution provides for freedom of expression, including for members of the press and other media, but 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 includes 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 contains several articles limiting press and media freedoms. For example, the law requires the owner of a media company to be the chief publisher. The law 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 law. The law allows only state-owned radio and television stations the right to broadcast nationally, although this limitation was not always enforced.

Freedom of Expression: In accordance with the constitution, the law restricts 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 denounced the misbehavior of public figures.

On March 1, police arrested teacher Jeannot Randriamanana for defamation after he posted on Facebook regarding irregularities in the distribution of food supplies in his region after cyclone disasters. On March 17, the Court of Mananjary sentenced him to two years in prison for defamation and the humiliation of members of parliament and civil servants. On July 12, after losing his appeal, the Court of Appeals of Fianarantsoa convicted him again but gave him a two-year suspended sentence and authorities released him. Although his sentence was suspended, civil society organizations and NGOs continued to advocate for the cancellation of his sentence and all charges against him.

On July 21, presidential guards arrested Mendrika Razafimahefa for having made a thumbs down sign during the passage of the presidential motorcade in a suburb of the capital city. A bystander interviewed by a private television channel said Razafimahefa was driving his car and refused to make way for the presidential motorcade, then gave a thumbs down sign when the motorcade passed. The gendarmerie released him after several days in custody. During his court hearing on July 28, he admitted having made a thumbs down sign but denied having blocked the presidential motorcade. The court sentenced him on August 10 to a one-month suspended prison sentence for a traffic violation.

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

On May 1, local newspaper *La Gazette* reported that a member of parliament close to the sitting administration made a death threat against one of its journalists for an article the journalist had written in February. *La Gazette* reported that it was the second time the member had threatened one of their journalists. *La Gazette* attributed the action to their denunciations of the member's attempts to use his influence to expropriate land. The article noted the member of parliament had also threatened family members of its journalists.

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. The business and political interests of the owner shaped the editorial perspectives of those outlets, thereby limiting the independence of journalists. Organizers of official events often invited only state-owned or ostensibly progovernment media outlets, and state-owned radio and television channels allegedly received unwritten orders from the minister of communication regarding who and what could appear on air.

On February 2, the Journalists' Crisis Unit, which was created during a contested election of the new president of the Journalists' Union in 2021, denounced discrimination against journalists during an official reception attended by the president in Toamasina. Officials from the Office of the President allegedly allowed some journalists to cover the event while prohibiting others, presumably for political reasons.

MBS, a private television channel belonging to former President Ravalomanana, who was also a leading opposition figure, remained unavailable on satellite television channels for a second year. This prevented the television channel from broadcasting nationally. The government ordered satellite television companies to suspend their contracts with MBS in 2021 because the channel was accused by the government of inciting hate and spreading fake news and defamatory speeches.

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 was unclear whether the cybercrime law, which provides for prison sentences for online defamation, has precedence

over the communications code, since all newspapers were also published online. Fines allowed for offenses under the communications code are many times higher than the average journalist's annual salary (see also subsection on Internet Freedom).

There were several reports of government authorities using libel, slander, or defamation laws to restrict public discussion. 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.

On January 29, the national police cybercrime unit summoned political activist Mahery Lanto Manandafy on charges of spreading false news. His alleged crime was having questioned on social media if a bridge in Moramanga was really damaged as reported. Police placed him in custody for 48 hours before the court convicted him and sentenced him to a six-month suspended prison sentence and ordered him to pay a six-million ariary (\$1,420) fine. In early February, two gendarmerie units (the criminal research division and the cybercrime division) accused him in court of inciting hatred and insulting the gendarmerie through his Facebook posts. There was no further legal action against him on the second series of charges as of year's end.

On September 30, the court placed Mahery Lanto Manandafy in pretrial detention for having denounced on his Facebook page a foreign national for providing ammunition to cattle rustlers in collaboration with a member of the president's staff. After a first hearing on November 28, the Court of Antananarivo sent him back to prison to await trial.

In May the cybercrime unit within the national police summoned opposition municipal counsellors Lily Rafaralahy and Clemence Raharinirina for investigation. A municipal counsellor supporting the mayor sued them for

defamation for having stated on television that the mayor was a stakeholder in a company that would soon manage the capital city's parking lots. On July 19, the Antananarivo Court of First Instance convicted the counsellors and sentenced them to pay a six-million ariary (\$1,420) fine. (See section 3., Political Participation).

National Security: Authorities cited the need to protect national security when engaging in legal actions against political opponents and civilians.

On August 19, the Office of the President announced the detention of a citizen who worked as a driver at the country's UNESCO office in Paris. The driver had published a photograph on social media suggesting that the president was receiving special privileges allowing him to check a bag exceeding the airline's weight limit. The press quoted gendarmerie sources saying that the driver, who had been repatriated to the country after the incident, was penalized for infringement on the president and his family's life and security, the disclosing of confidential information considered a state secret, and defamation and offense to the fulfilment of a state mission.

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 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 fines.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for peaceful assembly and association, but the

government restricted 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 forces several times used tear gas and discharged their weapons into the air to disperse demonstrations by university students, supporters of political opponents, taxi drivers, inhabitants of several urban areas protesting frequent power outages and water shortages, and other groups.

On March 2, security forces used tear gas to disperse students from the Polytechnic University of Antananarivo after they burned tires to block the road to the campus. The students were protesting to demand payment of five months of unpaid stipends. During a similar demonstration on the same campus on March 16, the gendarmes arrested two students; one gendarme was injured during the arrest. The court convicted the two students of using physical violence against gendarmes. They were given suspended sentences and ordered to pay a 100,000 ariary (\$24) fine.

During the year, the security forces prevented opposition members and supporters of former President Ravalomanana from entering his compounds in Antsirabe, Antsiranana, and Mahajanga. The compounds were used by the political party TIM to hold planning and strategy sessions (see also section 1.d., Arbitrary Arrest or Detention).

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

Foreign Travel: The law prohibits citizens from leaving the country to work abroad in countries deemed “risky,” intended to reduce the risks of exploitation abroad. 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.

In late February, the government announced the official reopening of the country's borders after they were closed during COVID-19. Various professional groups, the press, and other observers complained that the rules relating to international travel were vague and arbitrarily enforced. Testimonies on social media complained that authorities unevenly enforced the new measures, including COVID-19 testing and a quarantine requirement for newly arrived travelers.

In May the Ministry of Foreign Affairs announced new requirements for citizens departing the country for work as managerial staff, domestic workers, and au pairs. Authorities claimed the new measures were intended to better protect Malagasy migrant workers from human trafficking. Potential migrant workers complained on social media that the new requirements were excessive and intended to discourage others from advancing their careers abroad, or simply created a new opportunity for corruption.

e. Protection of Refugees

The government generally did not interfere with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting the small number of refugees in the country.

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.

Abuse of Migrants and Refugees: A Malagasy NGO that provides assistance to refugees said that refugees were at risk of arrest by police who did not recognize their UNHCR-issued asylum seekers certificates and therefore regarded them undocumented foreigners.

Employment: Refugees and asylum seekers did not have access to employment, because they did not possess a resident visa or work permit. A refugee reported that an online training platform refused to issue a certificate after a training session he attended because it did not recognize a UNHCR-issued asylum seeker certificate as a valid form of identification.

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 that 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. Refugees and asylum seekers sometimes had trouble withdrawing funds sent from overseas because the banks refused to recognize their UNHCR-issued asylum seeker certificate as a valid form of identification.

f. Status and Treatment of Internally Displaced Persons

Between January and March, the National Office for Risk and Disaster Management (BNGRC) reported that there were more than 180,000 internally displaced persons (IDPs) because of heavy rain in January followed by four cyclones that hit the east coast of the country in February and March. The International Organization for Migration (IOM) recorded only 78,040 IDPs. The government dedicated public facilities to serve as shelters, and through the BNGRC, coordinated and facilitated the responses of donors and humanitarian actors. All the temporary shelters closed two to three months after the cyclones.

Despite the announcement of a recovery and reconstruction plan during a cabinet meeting in March, there was subsequently no reporting on the government's contributions to assist IDPs.

In 2021 international organizations recorded a high number of IDPs fleeing drought and famine in the southern region of the country. In November IOM identified 90,219 individuals from 17,416 households who had migrated from the deep south region between 2019 and 2022; 8 percent of them returned to their home villages in the south.

In mid-March social workers assigned to shelters for cyclone victims in Antananarivo reported hundreds of gender-based violence cases. International organizations reported other complaints from IDPs related to the alleged unequal distribution of cash assistance.

g. Stateless Persons

Statelessness remained a problem for those who were ineligible for nationality. The country contributes to statelessness through discrimination in nationality laws.

The South Asian Karana community, who had lived in the country for more than

100 years, were not eligible for Malagasy citizenship following the country's independence in 1960; this circumstance applied to their descendants as well. The community numbered approximately 20,000.

The provisions of a previous law, amended in 2017, resulted in as many as 15,000 stateless persons from the Muslim community, many belonging to families that had lived in the country for generations. 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 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 may not 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 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 in November 2018, followed by a run-off a month later. In 2019 the High Constitutional Court validated Andry Rajoelina as the winner with 55 percent of the vote. 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 2019. 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 noted gaps in laws to encourage effective neutrality of administrative officials during elections.

In 2020 the government conducted indirect elections for a Senate reduced from 63 to 18 members (12 elected, six appointed by the president, with the voters consisting of mayors and municipal counselors). The ruling party and those closely aligned with it won all seats because the opposition boycotted the elections due to objections concerning the reduction in members, although the High Constitutional Court endorsed the reductions. Although an election observation platform denounced the distribution of money and other items to voters, observers judged the elections to be generally free and fair.

Political Parties and Political Participation: The government restricted opposition parties and denied them the right to demonstrate spontaneously in several cases involving the TIM party of former President Ravalomanana (see section 1.d, Arbitrary Arrest, and section 2.b., Freedom of Peaceful Assembly). Several times during the year, members of the ruling party held political gatherings for the same dates and in the same localities for which authorities denied authorization to opposition parties. In addition, the state-owned radio and television channels predominantly broadcast the ruling party events, causing many observers to denounce the use of public media for campaigning. In May security forces in Antsirabe also banned entry into opposition party compounds and proposed alternate locations for where the opposition could meet.

Authorities initiated legal actions against politicians who did not align their views

with those of the sitting government. For example, municipal council member Clemence Raharinirina, who was a frequent critic of the mayor of Antananarivo, was the subject of two legal actions during the year, the first for organizing an unauthorized rally and the second for defamation. A second municipal counselor from the opposition was also charged with defamation.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. 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 and Lack of Transparency in Government

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

Corruption investigations by the Independent Anti-Corruption Bureau 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.

Government anticorruption efforts during the year included the adoption of a decree establishing the Agency for Recovery of Illicit Assets and the appointment

of its director general. In February the Ministry of Economy and Finance launched the Procurement Review System, a new software system for better monitoring of public procurement, and in July began a computerized system aimed at increasing transparency in the management of public funds.

Corruption: In September the Anti-Corruption Bureau stated that the public sectors most affected by corruption were, from the highest to the lowest, decentralized local authorities, justice, land ownership management, gendarmerie, education, and police.

In February the Court of Auditors, whose mission included ensuring proper public fund management, issued the results of its audit on the use of 1.82 billion ariary (\$431,000) in COVID-19 relief funds allocated by donors in 2020. The court reported spending irregularities that strongly pointed to fraud, theft, and embezzlement. In addition, the court found that the Ministry of Finances transferred 180.9 billion ariary (\$42.9 million) of unused funds to another account labelled as “financial support to presidential projects” with no spending justification. NGOs issued multiple calls during the year for follow-up investigations into this scandal, but the government had not held any officials accountable as of year’s end.

In early March, a member of the opposition living in France revealed a case of fund mismanagement and embezzlement within CNAPS, the national social protection fund. The embezzlement occurred in 2020 and 2021 and involved approximately 30 billion ariary (\$7.1 million). The mismanagement reportedly included the purchase of a plot of land from one of the board members for 12.5 billion ariary (\$3.0 million) and an authorized 11 billion ariary (\$2.6 million) loan to the municipality of Antananarivo with no clear conditions regarding the loan’s reimbursement. The other irregularities were related to the paying of significant donations to organizations run by persons close to the president and his

administration. On March 15, the Anti-Corruption Court placed five senior officials within CNAPS in pretrial detention after a first trial. (See also section 7.a., Freedom of Association and the Right to Collective Bargaining).

Section 5. Governmental Posture Towards 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. Authorities reacted to accusations of human rights abuses more frequently but more negatively than during previous years. For example, in May the minister of communications and culture reacted to the World Press Freedom Ranking issued by Reporters Without Borders by dismissing the ranking as illegitimate, and he also denied that state broadcasters were under government influence.

Retribution against Human Rights Defenders (HRDs): Whistleblowers as well as human rights and environmental activists were the subject to reprisals by authorities and community members affected by their advocacy (see also section 1.d., Arbitrary Arrest or Detention).

The government investigated, prosecuted, and convicted individuals who had denounced malfeasance in the public administration. At least two whistleblowers had pending prison sentences during the year, limiting their ability to speak out. (See section 2.a., Freedom of Expression, Including for Members of the Press and Other Media.)

In addition, environmental NGOs reported that a couple campaigning for the protection of the Vohibola forest in the Atsinanana region were the object of continued harassment and death threats by those who illegally exploited the forest's natural resources. In a joint communiqué issued in June, a group of civil society organizations stated that the court rarely convicted suspects arrested for the illegal exploitation of Vohibola, but that acquitted traffickers became threats to environmental activists and other whistleblowers.

Government Human Rights Bodies: The CNIDH is composed of 11 commissioners, each elected by members of a different human rights organization, and has a mandate to investigate cases of, and publish reports on, human rights abuses. The government dedicated a budget for the commission to operate. 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 prohibits rape and spousal rape but does not address the gender of rape survivors. Penalties range from five years to life in prison. Rape of a pregnant woman is punishable by imprisonment with hard labor. Authorities may add an additional two to five years' imprisonment if the rape involves assault and battery. The law prohibits violence perpetrated within the family and society, as well as violence perpetrated or tolerated by the state, including sexual harassment. Penalties range from six months' to five years' imprisonment with fines. Authorities rarely enforced the law.

The law prohibits domestic violence, which remained a widespread problem.

Domestic violence is 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.

On March 15, a man living in Ankemba in the district of Toliara severely beat his wife, who was eight months' pregnant. Security forces arrested the offender, who denied the crime and refused to take his wife to the hospital or pay her medical expenses. The survivor did not pursue charges, and there were no known further legal actions against the husband.

Between September 2021 and February, the Ministry of Population in collaboration with a women's federation conducted a campaign to disseminate the new antigender-based violence law in 20 municipalities in 10 regions. After the campaign, the communities continued to raise awareness on gender-based violence, and the municipalities distributed copies of the law to newly married couples.

On June 3, the municipal government of Antananarivo hosted a raising-awareness session on gender-based violence for 50 women teachers from public primary schools. The Proximity Female Brigade within the national police conducted investigations of gender-based violence and raised public awareness of the problem. Both police and gendarmerie had their respective "brigades for morals and minors' protection" participate in the public event.

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.

Sexual Harassment: Sexual harassment is against the law, and penalties range from one to three years' imprisonment and include fines. The penalty increases to two to five years' imprisonment plus larger fines if the accused 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.

Labor union members reported sexual harassment prevailed in many sectors. There were reports that 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. Court rulings generally did not favor victims when they filed complaints.

Women Break the Silence, a movement to combat sexual harassment, reported in March that sexual harassment was prevalent on public transportation. In May, with the support of the city of Antananarivo, the organization organized training for bus drivers on gender-based violence and the related legal framework.

In July 2021, Transparency International – Initiative Madagascar published the testimonies of medical university students who reported on male faculty members who demanded sexual acts from young female interns in return for certain professional privileges. Another woman reported that several male superiors forced her to have sex with them during her early career as a police officer and threatened to assign her to a remote locality when she tried to resist.

On August 1, the office of a French department that partnered with the Alaotra Mangoro region addressed a letter to the regional governor accusing him of inappropriate behavior towards female French volunteers. The alleged behavior included inappropriate comments regarding their bodies and attempts to touch and kiss them. The governor denied the accusation, but the government dismissed him several days after the revelations.

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 that 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 (see subsection on Persons with Disabilities).

Social and cultural barriers, resource problems, and 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 does not specifically provide for access to emergency contraception; however, emergency contraceptive pills were available for purchase in all drugstores.

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

According to data collected in 2018 and released in 2020 by the National Statistics Institute, 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. Major factors that contributed to high maternal mortality included: lack of autonomy to seek care, geographical and financial barriers to access health centers, the low quality of hospital services, chronic maternal malnutrition (including anemia), lack of adequate spacing between pregnancies, and a high rate of unsafe abortions. The high adolescent pregnancy rate also contributed to elevated rates of maternal deaths.

As discussions between parents and children regarding menstruation remained taboo in many communities, a lack of knowledge prevented many girls from

having adequate menstrual hygiene. The lack of appropriate facilities in schools combined with many families' inability to afford necessary menstruation-related materials impeded the ability of many girls to attend school during their 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 pregnancy and after childbirth because of social stigma and due to being teased.

Discrimination: Although women enjoyed the same legal status and rights as men in some areas, there were significant differences in others, and authorities did not enforce the law effectively. Women experienced discrimination in employment and inheritance. There are legal restrictions on women's employment in occupations or tasks deemed dangerous and in industries such as construction, agriculture, and transportation. (See section 7.d., Discrimination with Respect to Employment and Occupation). While widows with children inherit half of joint marital property, a husband's surviving kin have priority over widows without children, leaving the widow further down in line for inheritance absent any written agreement to the contrary. 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.

Systemic Racial or Ethnic Violence and Discrimination

The constitution states in its foreword the necessity of living together in an environment with no discrimination, including discrimination based on ethnic origins. The constitution prohibits 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 south of the country often resulted in social tensions with local communities related to scarce resources. During the year, the governor's office in the Boeny region launched a resettlement program for migrants from the south to mitigate interethnic conflict.

Children

Birth Registration: By law 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 child's right to obtain citizenship if one of the parents, regardless of their marital status, obtains citizenship.

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: The constitution provides for tuition-free public education for all citizens and makes primary education until the age 16 compulsory. Despite multiple statements by officials asserting that public education was free, some public-school principals continued to require parents 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. Girls faced difficulties remaining in schools during their periods, when pregnant, and after childbirth (see the subsection Women, Reproductive Rights). In 2021 UNICEF noted that with the closing of schools during the COVID-19 pandemic, girls were more likely to abandon their education and never return to school. In June local newspaper *L'Express* wrote that the pandemic deeply affected children's access to education in the Atsimo Andrefana region (Southwest). Parents who had 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.

Medical Care: In 2021 UNICEF stated the COVID-19 crisis had exacerbated the already difficult situation of girls in the country. Pandemic-related movement restrictions also reduced their access to health care.

Child Abuse: Child abuse, including rape, was a problem. A 2018 study on violence against children produced by the Ministry of Population in partnership with UNICEF revealed violence against children, including physical violence, sexual abuse, and rape, occurred in all environments: family, school, social circles, and workplaces. The study 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 stated they had reported cases of child abuse to police, while 19 percent had reported sexual abuse to police or gendarmerie. Survivors' families often agreed to mediated arrangements involving financial compensation by the wrongdoers and occasionally forced marriage of the survivor with the rapist.

Media reported a continued increase of child abuse and child rape in several

regions. Most of the survivors were girls. The youngest was two years old, 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.

In April media reported the result of a study conducted by a local NGO that found that street children, generally girls and sometimes boys, were more vulnerable to rape. Those victims almost never reported crimes to police due to reprisals from the offenders. Media continued to report that 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. With the support of UNICEF, 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.

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

options. The municipal government of Antananarivo managed an emergency center for children who were survivors of various forms of abuse such as rape, physical violence, and exploitation in domestic work and begging. The morals and minors' protection police as well as judges referred child victims to the emergency center.

Child, 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 *molety*, 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.

In addition, as reported by UNICEF in 2021 and local media during the year, the COVID-19 pandemic and food insecurity increased the risk for girls to be married in several regions as their parents sought to improve their financial situations.

The Ministry of Population with the support of donors continued to implement the national strategy against child marriage that was adopted in 2018 and was expected to run through 2024. Community leaders and volunteers in several regions, especially in the south, continued sensitization campaigns within their communities and continued to launch programs to implement this strategy.

Sexual Exploitation of Children: The law prohibits 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 is no specific mention of the sale or offering of children for commercial sexual exploitation. The law specifies 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. The law does not explicitly mention a minimum age for consensual sex. The antitrafficking law, however, defines a child as any person younger than 18 and stipulates that consent is not relevant in cases of child commercial sexual exploitation, as a child is too young to provide such consent.

Child sex trafficking and child sexual abuse, 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 the girls left their work, employers typically did not pay them. Many therefore remained rather than return empty-handed to their families and villages. UNICEF's 2018 study on violence against children stated all reported cases of sexual violence in the workplace took place in the domestic-labor sector.

The press reported during the year on increased numbers of employers who sexually abused and exploited child domestic workers working in their home.

The national gendarmerie operated a 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 minors 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.

An online portal allowed individuals worldwide to anonymously and safely report images and videos of sexual abuse of Malagasy children found on the internet (launched by the Internet Watch Foundation in collaboration with the Ministry of Population and UNICEF).

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 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 southeast of the country against giving birth to twins also contributed to the problem. A provision in the law prohibits traditional practices that harm human rights, including infanticide.

Displaced Children: Although child abandonment is against the law, it remained a 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 government system.

Institutionalized Children: The country's policies and social practices consisted of keeping abandoned children or children with disabilities, as well as elderly persons, within the family. Residential institutions, orphanages, and boarding or nursing homes were generally run by nongovernmental and faith-based organizations.

Antisemitism

The Jewish community consisted of approximately 360 members; there were no reports of antisemitic acts.

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: The law provides for a prison sentence of two to five years and fines for committing acts that are “indecent or against nature with an individual of the same sex younger than 21,” which are understood to include sexual relations. Authorities enforced the law. The penal code explicitly prescribes penalties for sexual contact between persons of the same sex if one of them is younger than age 21, yet there is no equivalent clause for heterosexual contact. While there is no legal provision stating the age for sexual consent, the penal code considers sexual conduct with a child younger than age 14 to be an aggravating circumstance and prescribes penal action. No law prohibits same-sex sexual conduct for those older than 21.

Violence against LGBTQI+ Persons: In May *L'Express* reported the testimony of a transgender person who was the victim of an assault in Antananarivo. While she was walking downtown at night, a man got out of his vehicle, beat her violently, and laughed and mocked her to his friends. She went home but did not contact police. In the same article, an activist for lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) issues reported members of the community living outside the capital were often physically attacked and security forces generally ignored their complaints. She reported that a group in Sambava publicly stripped a transgender person and nobody intervened.

Discrimination: No specific antidiscrimination provisions apply to LGBTQI+

persons. LGBTQI+ individuals reported physical and verbal abuse as well as lack of will by police to intervene. Members of the LGBTQI+ community often continued to face considerable social stigma and discrimination across society and within their own families, particularly in rural areas. Many individuals kept their LGBTQI+ identities hidden due to fear of violence and discrimination.

Availability of Legal Gender Recognition: Individuals cannot self-identify in their official documents. Certificates delivered and signed by health professionals at birth determine how gender is identified on birth certificates. The birth certificate generally serves as a required document when applying for any other official documents, such as national identity cards and passports.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: Members of the LGBTQI+ community reported that many of their friends, especially those younger than 17, were subjected to involuntary conversion practices imposed by their relatives such as forced consultations with psychologists, exorcism, religious rituals, and threatening of internment. No legal provisions specifically protect LGBTQI+ persons against such practices.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: In June the prefecture of the city of Toliara ordered the cancellation of a Tolerance Carnival planned for June 11-12. The advertising poster mentioned equal social and civil rights for LGBTQI+ persons and included rainbow-colored banners and signs. In its public statement, the prefecture stated that the event had not received proper authorization and added that it was against local moral values. The announcement of the event on the sponsoring NGO's Facebook page was heavily criticized for being against local culture and being "indecent."

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 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.” 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. In May parents of children with disabilities complained at a workshop organized by a disability rights NGO that the cost of attending specialized schools and centers was prohibitively high, limiting the access to education for children with disabilities. No official statistics were available regarding the number of children with disabilities taking the official end of year primary and secondary education exams, or regarding the number of children with disabilities attending schools.

In May authorities in Vohipeno in the southeast region arrested a pastor and his sons for having enslaved and killed a man with a mental disability. In 2016 the pastor proposed to host the victim to heal him but instead had him plow his land

during the day and sleep in the fields at night to guard his plantation. In addition, neighbors reported seeing the pastor's sons beat the victim until he fell unconscious on several occasions.

Members of disability organizations continued to report that families compelled some to undergo sterilization procedures to prevent them from becoming pregnant. Victims were generally reluctant to lodge complaints due to shame or fear of humiliating the family. Those who were part of disability associations had more capacity to protect themselves and refused those interventions.

Disability rights activists and NGOs continued to report that 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 prohibits discrimination against persons with disabilities and defines persons with disabilities as those presenting a congenital or acquired deficiency in their physical, mental, or sensory capacities. The law also provides for a national commission and regional subcommissions to promote their rights, but none had been established.

The law provides that individuals with disabilities should be assisted in casting their ballots, but it contains no other provisions to accommodate such voters. In 2019 the head of a disability rights federation told media that persons with disabilities believed they were excluded from the electoral process since many of the voting materials were not customized for them.

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. Some media and other observers believed the law was more likely to be enforced against perpetrators when it was in the interests of authorities or security forces. Groups of villagers in several localities assaulted police or gendarmerie stations.

On May 7, a group of angry villagers killed a man by hitting him in the head with a stone in Ambanja. The victim was the driver of a car that violently ran into a small hut, instantly killing the four persons inside. Gendarmes arrived after the crowd had dispersed after killing the man. The gendarmerie launched an investigation, but there were no arrests.

Persons with albinism in the southern regions of the country were increasingly the object of killings and kidnappings. During the year, the phenomenon affected other localities in the highlands and in the north, and media reported a higher number of cases of abduction of children and adults with albinism than during previous years.

Security forces rescued most victims and arrested several suspects. 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. In June the government-mandated High Council for the Defense of Democracy and the Rule of Law organized a workshop to sensitize communities on the protection of persons with albinism. In September the council reported 31 cases of persons with albinism had been kidnapped since 2020.

In January the Court of Toliara released the mayor of Bezaha, who had been in pretrial detention since October 2021 for the kidnapping and attempted trafficking of a child, age 12, with albinism. The official motive of the release was unknown, and the legal procedures against him had not resumed as of year's end.

Health-care providers subjected persons with HIV and AIDS to stigma and discrimination. HIV and AIDS patients have the right to free health care, and the law specifies sanctions against persons who discriminate against or marginalize persons with HIV and 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.

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. Seafarers are covered by the maritime code, which 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 (Free Zones). 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 law 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. Penalties for violations were not commensurate with other laws involving denials of civil rights such as discrimination.

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 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 requires 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 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. 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.

After worker unions reported a large-scale embezzlement by leaders of CNAPS, in early March, authorities arrested CNAPS employees, including the head of the workers union for disclosure of professional data. During the court hearing, all the defendants denied their guilt except the head of the union, who admitted having disclosed some data but within the scope of his work. On March 29, the court acquitted all the defendants. (See section 4., Corruption and Lack of Transparency in Government.)

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced labor. Forced child labor was a significant problem in the informal sector (see section 7.c.). Forced labor also persisted in dina judgments (see section 1.e.). In some communities, local dinas imposed forced labor to resolve conflicts or pay debt. The government did not effectively enforce the law.

The government has a national service requirement law, under which all citizens are required to perform two years of military service or other work, which the International Labor Organization (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 Free Zone companies. Workers were assigned higher targets each time they reached the previous goals, obliging them to work more hours to avoid sanctions such as salary withholding or dismissal for low

performance. 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

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 or gender identity, age, color, ethnicity or refugee and statelessness status. The government did not effectively enforce the law, and penalties were not commensurate with those for other violations of civil rights. Discrimination remained a problem. Employers subjected persons with disabilities and LGBTQI+ 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. (See section 6., Women, Discrimination.)

Sexual harassment prevailed in many sectors, especially in manufacturing companies, public education, and other public sectors (see section 6, Women, Sexual Harassment). Unions reported that women faced discrimination in hiring and promotion, with men earning 15 percent more on average than women across all career fields.

e. Acceptable Conditions of Work

Wage and Hour Laws: During the year, the government raised the minimum wage to an amount slightly above the poverty level as defined by the World Bank.

The standard workweek is 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. Some employers exploited the more relaxed labor codes in Free Zones to skirt minimum wage and overtime laws by paying employees based on production.

Occupational Safety and Health: The government sets occupational safety and

health (OSH) standards for workers and workplaces. Labor activists noted that standards, dating to the country's independence in some cases, were severely outdated. Labor unions reported that the law was deficient in protecting worker and human rights in mines. The ILO observed gaps between labor code provisions and international OSH standards. Inspectors for OSH were conducted by the same inspectors under the same authorities as wage and hours.

Workers, including foreign or migrant workers, have an explicit right to remove themselves from unsafe situations without jeopardizing their employment if they inform their supervisors. Employers did not always respect this right. In April a local newspaper quoted a labor inspector who reported that the number of work accidents had increased during the last five years and CNAPS recorded 20,000 work accidents for 2021. Garment factories and construction sectors had the largest increase in work accidents, in addition to those delivering items by motorcycle, many of whom were victims of road accidents.

In July the Ministry of Mines shut down four illegal and unlicensed gold mines on the Kamoro River and reported that Chinese nationals were operating heavy machinery for years in violation of the law. On September 20, three gold miners died in a gold quarry in the southwestern area of Miandrivazo. The victims were working in the artisanal mining site when a landslide occurred and buried them.

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, since it could not even cover entirely the formal sector, while the informal sector was much

larger. All labor inspections were unannounced. The labor code provides that labor inspectors have the right to enter, at any time and with no prior notice, any site subject to labor inspection. Labor inspectors do not have legal law enforcement status and as a result may not issue sanctions. When they observe a labor law violation, labor inspectors remind employers regarding the applicable legal provisions and related penalties, and they make recommendations to the court, which has the authority to assess penalties. Except in cases of serious threats to worker safety or health, the labor inspectorate submits a report for action once an allotted time to correct the situation has passed.

On April 29, the Ministry of Labor conducted sensitization sessions on work accidents within two garment factories in Andraharo, Antananarivo, during the celebration of the international day for occupational safety and health.

The ILO continued to support the government through its *Vision Zero Fund Program*, designed to build the capacity of national actors regarding occupational safety and health. During the year labor inspectors, labor controllers, occupational health doctors, labor unions, and representatives of workers received training. Ministry of Labor officials, including the minister, used the training sessions to promote a culture of accident prevention. The program targeted the garment and construction industries in addition to the lychee fruit production chain.

Informal Sector: 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 is 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 director general of ENAM, the professional civil service academy in the country, announced during a graduation ceremony that 50 labor inspectors would be assigned to the agricultural sector because that sector constituted the largest part of the informal economy, but there were no known impacts of the announcement during the year.

CNAPS provided social protection to domestic workers when their employers paid regular contributions to the fund. The national fund during the year allowed drivers to contribute to CNAPS, but there were no reports on the employers' willingness to contribute. The General Workers' Confederation labor union alleged that agricultural workers in the informal sector were not compensated for occupational injury, in violation of the law.