

MADAGASCAR 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws protect religious freedom, and, in practice, the de facto regime generally respected religious freedom. However, there were reports of restrictions on religious freedom. The trend in the de facto regime's respect for religious freedom did not change significantly during the year.

There were isolated reports of societal discrimination based on religious affiliation, belief, or practice.

The U.S. government does not recognize the current de facto regime. The U.S. embassy supported religious freedom by speaking out publicly when the de facto regime imposed restrictions on religious leaders and by actively engaging with religious leaders. U.S. officials encouraged all interlocutors to respect religious freedom.

Section I. Religious Demography

The population is 22 million, according to a U.S. government source. Although neither precise nor official figures were available, religious groups report that approximately half of the population is Christian.

The Council of Christian Churches in Madagascar (FFKM) represents the four principal Christian groups: Roman Catholics, Lutherans, Anglicans, and members of the Reformed Protestant Church of Jesus Christ in Madagascar (FJKM). Smaller groups include The Church of Jesus Christ of Latter-day Saints (Mormons), Jehovah's Witnesses, and Seventh-day Adventists.

Local sources report that the most numerous non-Christian group includes adherents of indigenous religions, although the number is unknown. A local academic estimates Muslims constitute 10-15 percent of the population. According to religious leaders, Muslim populations are largely concentrated in the north, northwest, and southeast. Citizens of ethnic Indian and Pakistani origin, and Comoran immigrants represent the majority of Muslims.

There are also small numbers of Hindus and Jews.

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Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The law protects this right against abuse, either by governmental or private actors.

The law requires religious groups to register with the interior ministry, although there is no penalty for not registering. Registration confers the legal status necessary to receive direct bequests and other gifts. To qualify for registration, a group must have at least 100 members with an elected administrative council of no more than nine members, each of whom must be a citizen.

Religious groups failing to meet the registration requirements for religious groups may register as “simple associations.” Simple associations may not receive gifts or hold religious services. The law limits them to conducting social projects. Groups engaging in additional activities are subject to legal action. If a group’s leadership and members are foreign, it may form an association “reputed to be foreign.” Such foreign associations may only receive temporary authorizations, subject to periodic renewal and other conditions.

The law stipulates that if the parents of a child do not have Malagasy citizenship, the child is ineligible for citizenship.

The de facto regime observes the following religious holidays as national holidays: Easter, Ascension, Pentecost, Assumption, All Saints’ Day, and Christmas.

Government Practices

There were no reports of abuses of religious freedom; however, the unelected de facto regime, which assumed power with military support in 2009, imposed restrictions that affected members of religious groups.

The de facto regime often subjected members of the FJKM to harassment and restrictions, but this was due more to its association with ousted President Marc Ravalomanana than to an explicit policy to limit religious freedom.

In May a court acquitted two FJKM pastors of murder charges, inciting rebellion, and civil disobedience. The case was connected with the 2010 protests, which led

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to clashes between protesters, rebel gendarmes, and state security forces. Both continued to face threats and intimidation when they appeared publicly.

FJKM-sponsored Radio Fhazavana remained off the air. The de facto regime indefinitely postponed FJKM-sponsored legal actions to reopen the station, although at year's end the FJKM was still actively trying to reopen it.

The de facto regime restricted the right to perform religious acts in public, and limited the right to assemble for peaceful religious activities such as worship and preaching. The de facto regime allowed open-air worship only with official authorization. While most religious groups routinely received such authorization, the de facto regime permitted the FJKM-associated Ecclesiastic Movement (HMF) to hold public worship only twice, in May and November. Although the de facto regime denied nearly a dozen other requests, when it did grant requests, it was usually at the last minute and for a different location than asked. The de facto regime prevented the FJKM from holding worship services in large public spaces, such as stadiums and sports complexes, but allowed other religious groups to do so.

On April 23, de facto Vice Prime Minister Hajo Andrianainarivelo reportedly used security forces to expel the tenants of a building on formerly state-owned land. The former administration had reportedly sold the property to the FJKM, which had leased it until 2018 to a private company that also operated a Muslim charity. The de facto regime did not recognize the sale as legal, and evicted the tenants after they did not vacate the premises by the deadline imposed by authorities.

Muslim leaders estimated as many as 4 percent of Muslims do not have citizenship, despite being born in the country and having longstanding family ties, because the law restricts citizenship to children of two Malagasy citizens. Other Muslim leaders suggested that their ethnic and religious affiliation sometimes limited their access to government services and financial assistance. Muslims reported that access to basic administrative services, such as obtaining a national identification card, was often a more complicated and bureaucratic endeavor for citizens with Muslim-sounding names. Individuals attempting to register names of non-profit organizations containing Arabic words also reported difficulties.

Interior ministry officials estimated that 135 religious groups registered with the ministry. According to media reports, religious group registrations increased during the year, although many religious groups reportedly continued to operate without official state recognition.

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State-run Malagasy National Television (TVM) provided free broadcasting only to the Seventh-day Adventist church and to the four churches belonging to the FFKM on Sundays, and to the Islamic community, once a week. During Ramadan, the Islamic community was able to purchase additional airtime.

Section III. Status of Societal Respect for Religious Freedom

There were isolated reports of societal discrimination based on religious affiliation, belief, or practice. Because political affiliation and religion were often linked, it was difficult to categorize many incidents specifically as political or religious intolerance.

Members of the Muslim community reported that some women's associations excluded Muslim women who were active members of civil society. In other cases, Muslims who rented property reported that landlords harassed them because of their religion.

Involvement of religious leaders in the political process led to societal tension and discrimination against religious groups. The de facto regime routinely denied authorization for public gathering for religious events to the clerical movement HMF, closely tied with the FJKM, asserting that these were political activities aimed at opposing the regime.

During the year, divisions within its branches kept the FFKM from assuming its historical role as political mediator. Leaders from both civil society and some political parties publicly and privately called on FFKM leaders to rejoin and lead the political mediation process.

The Muslim community actively engaged in religious dialogue with leaders of other denominations.

Section IV. U.S. Government Policy

The U.S. government does not recognize the de facto regime, which took power in 2009. The embassy had limited interaction with the regime and its representatives.

U.S. embassy officials engaged regularly with civil society and religious leaders on matters relating to religious freedom and human rights. In meetings with Malagasy officials, embassy representatives actively encouraged respect for religious

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freedom and reiterated that the de facto regime should not harass religious leaders for their religious or political affiliation. On several occasions, U.S. officials also met with religious leaders and heard their concerns regarding the closure of Radio Fahazavana.

In November the embassy intervened when authorities ordered a local FJKM-affiliated association in Mahajanga to vacate a building from which they were conducting their community activities. The embassy reminded the regional authorities that contractual arrangements allowed the organization to perform its religious activities at that location. At year's end, the case was still pending.