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Madagascar

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

July-December, 2010 International Religious Freedom Report

Report

September 13, 2011

The constitution and other laws and policies protect religious freedom, and in practice, the de facto government generally enforced these protections.

The authorities generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom during the reporting period.

There were few reports of societal abuses and discrimination based on religious affiliation, belief, or practice.

Before the March 2009 coup d'etat, the U.S. government discussed religious freedom with the government as part of its overall policy to promote human rights, but since the coup, U.S. interaction with the de facto authorities has been extremely limited.

Section I. Religious Demography

The country has an area of 226,657 square miles and a population of 20.6 million. Although precise official figures were unavailable, approximately half of the population is Christian. There are four main Christian denominations, which compose the dominant religious association, the Council of Christian Churches in Madagascar (FFKM): Roman Catholic, Reformed Protestant Church of Jesus Christ in Madagascar (FJKM), Lutheran, and Anglican. Smaller groups include The Church of Jesus Christ of Latter-day Saints (Mormons), Jehovah's Witnesses, and Seventh-day Adventists. A significant minority of citizens also observe indigenous religious practices.

Muslims constitute 10 to 15 percent of the population, with strong concentrations in the north, northwest, and southeast. Native-born persons and ethnic Indian and Pakistani immigrants represent the majority of Muslims; there is also a small number of Hindus.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom, and in practice, the regime generally enforced these protections. De facto leader Andry Rajoelina's regime called the legal validity of the constitution into question but did not specifically question religious freedom as a general principle. The regime drafted a new constitution, which it claims was approved by a public referendum on November 17. The referendum was rife with irregularities, deemed unilateral, and not recognized by the U.S. government or most of the international community. However, the new constitution was being applied by the regime, reaffirmed the secular nature of the state, and made it illegal for a standing president to also hold a high-ranking position in a religious organization, further separating church and state.

The de facto authorities denied the leaders of the Ecclesiastical Movement (HMF) within FJKM the right to hold demonstrations and public prayer meetings in municipal stadiums and on private church property.

The law mandates that religious organizations register with the Ministry of Interior (MOI). By registering, religious organizations acquire the legal status necessary to receive direct bequests and other gifts. To qualify as a religious association, a group must consist of at least 100 members with an elected administrative council of no more than nine members, each of whom must be a citizen. If the group's leadership and members are foreign, they have the right to form an association "reputed to be foreign."

Religious organizations that fail to meet the MOI's registration requirements can register as "simple associations." Simple associations do not have the right to receive gifts or hold religious services, which limited them to social projects. If these groups overstepped the allowances of their status, thus violating the law, they could be subject to legal action. Ministry officials estimated in 2008 there were more than 1,000 religious organizations in the country operating without official state recognition, including both simple associations and unregistered organizations.

State-run media granted religious organizations free access to state media provided that their use constituted a public service. Malagasy National Television (TVM) provided free broadcast time every Sunday morning for five hours to churches that are members of FFKM and the Malagasy Bible Society. Several evangelical denominations also signed contracts with TVM, approved by the station's director, to purchase broadcast time on weekdays. TVM also provided Muslims free broadcast time twice daily during Ramadan. National radio provides 30 minutes weekly to the FFKM, each of its four branches, the Adventist church, and Muslims, as well as an additional 30 minutes of religious musical programming.

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

Restrictions on Religious Freedom

The de facto authorities generally respected religious freedom in law and in practice.

Muslim leaders estimated that the authorities considered as many as 4 percent of Muslims noncitizens – despite being born in the country and having longstanding family roots – because of citizenship laws and procedures. Lack of citizenship prohibits them from voting and enjoying important civic benefits. Members of the Muslim community suggested that a Muslim-sounding name alone could delay one's citizenship application indefinitely; others suggested that their ethnic and religious difference sometimes limited their access to government services and financial assistance.

The Universal Church of the Kingdom of God remained banned after overstepping the limits of its registration in 2005.

Abuses of Religious Freedom

There were reports of abuses of religious freedom in the country, including religious prisoners and detainees.

Police intimidated, arrested, detained, and killed Protestant pastors involved with the Ecclesiastic Movement (HMF).

Following an unauthorized demonstration of the HMF on May 20, police arrested FJKM Pastor Valisoa Lilia Rafanomezantsoa. While in detention police beat the pastor, who was subsequently hospitalized and charged with murder, incitement to rebellion, and attempting to threaten state security. Police arrested a second FJKM pastor, Tiburce Soavianarivo, soon afterwards during a raid on the FJKM radio station Fahazavana for allegedly spreading false news and inciting civil disobedience. A third FJKM pastor, Ranaivo Rivoharison, was shot and killed during clashes between protesters, a rebel faction of the gendarmerie who had offered them protection, and the state security forces on May 20. The regime conducted an investigation into this incident; however, it was suspended while investigators waited for testimonies from eight religious movement leaders who were in hiding.

Police threatened additional leaders of the HMF movement with arrest. Police targeted members of the FJKM, and particularly the HMF, due to the organization's political activities and association with ousted President Ravalomanana and his supporters rather than an explicit policy by the regime to limit religious freedom.

On November 11 the police arrested FJKM Pastor Tsarahame Edwourd for holding a public meeting without authorization. He was reportedly targeted for his proximity to former President Zafy rather than for religious reasons. At year's end, he remained in prison.

Section III. Status of Societal Action Affecting Enjoyment of Religious Freedom

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

The four largest Christian denominations occupied an important role in public life. The FFKM, led by the Catholic archbishop, served as an intermediary in the early stages of the 2009 crisis but withdrew entirely following the March 2009 coup and has not assumed its historical role as mediator due to divisions within its branches. Leaders of the Catholic Church (associated with the regime of Andry Rajoelina) publicly tried to maintain a careful distance from the political struggle, while the FJKM association was openly critical of the regime. Both FJKM's and the Catholic Church's reputations as neutral actors in civil society were severely tainted by perceptions of partisan engagement during the year's political turbulence.

Section IV. U.S. Government Policy

Before the March 2009 coup, the U.S. government discussed religious freedom with the government and civil society as part of its overall policy to promote human rights. Since the coup, however, U.S. interaction with the de facto regime has been extremely limited and remained so at the end of the reporting period.

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