



Freedom in the World 2018

Madagascar *Profile*

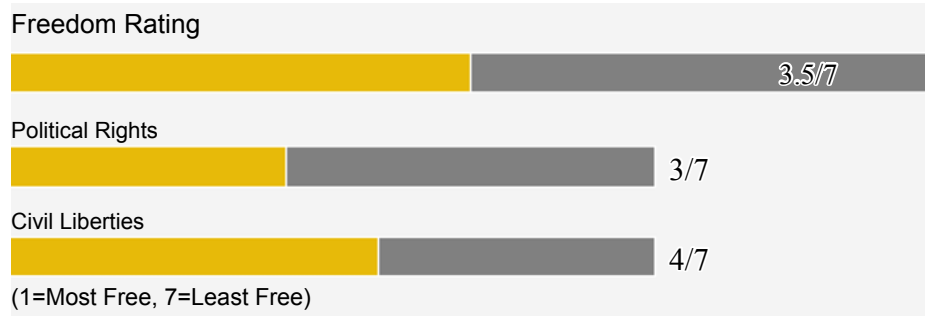
FREEDOM STATUS:
PARTLY FREE



Freedom in the World

Scores

Quick Facts



Aggregate Score: 56/100 (0=Least Free, 100=Most Free)

Overview:

An unelected administration governed Madagascar following a 2009 coup, but the country returned to electoral politics in 2013. However, the judiciary remains weak, and government corruption and a lack of accountability persist. Defamation and other laws restrict press freedom, and demonstrations are frequently banned or dispersed. The government has struggled to manage lawlessness in the south.

Key Developments in 2017:





- In May 2017, an investigative reporter was arrested for forgery and defamation in connection with statements he made implicating authorities in illicit mining activities.
- The former chief of staff at the Communications Ministry was convicted of embezzling public funds in April, in what was viewed as a victory in a difficult fight against government corruption.
- Madagascar reduced its efforts to decrease human trafficking, and government officials were accused of colluding with traffickers.

Political Rights and Civil Liberties:

POLITICAL RIGHTS:

24 / 40

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections?  

3 / 4

Madagascar is a semipresidential republic, with a president elected for a five-year term and a prime minister nominated by the National Assembly and appointed by the president. The 2013 presidential election—the first since the 2009 coup—was deemed competitive and generally well run by international election observers. Hery Rajaonarimampianina, head of the New Forces for Madagascar party (HVM), won the election, defeating more than 30 other candidates.

Rajaonarimampianina's HVM won more than half the races in the 2015 mayoral elections. Though the electoral process was relatively free and fair, there were complaints of inaccuracies on voter rolls, and the use of state resources for campaigning.

A2. Were the current national legislative representatives elected through free and fair elections? **3 / 4**

The bicameral legislature consists of the 63-seat Senate, in which one-third of seats are appointed by the president, and the remaining two-thirds are indirectly elected from an electoral college; senators serve six-year terms. Members of the 151-seat National Assembly are directly elected to four-year terms. The National Assembly elections, organized with the presidential election in 2013, were deemed competitive and credible by international observers, though irregularities with the voter rolls were noted. The With Andry Rajoelina (MAPAR) party won 49 of 151 National Assembly seats, and

over 50 other parties and independent candidates took the remainder.



The HVM won more than half the races in 2015 Senate elections. Though the electoral process was relatively free and fair, the opposition made accusations of fraud, and challenged the results. Ultimately, the High Constitutional Court (HCC) upheld the elections' results in early 2016.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Independent National Electoral Commission (CENI) is subject to some influence by the executive, which controls member nomination and budget allocation processes. An interministerial cabinet was organized in mid-2017 to review the electoral code, which still contains inconsistencies left over from the past political transition. However, at the end of 2017, draft electoral legislation had not yet been submitted to Parliament for approval.

In September 2017, Rajaonarimampianina expressed support for several amendments to the constitution. Civil society activists criticized his remarks, suggesting he sought a lengthy amendment process and public referendum that would in effect delay the 2018 presidential election.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

3 / 4

Almost 200 registered political parties participate in elections. However, the political parties law is widely viewed as a flawed document that places undue burdens on individual candidates, effectively mandating a high cost for political candidacy.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Opposition parties have the opportunity to increase their support through elections, but most political parties lack the financial resources to engage in vibrant competition. The government has habitually denied opposition parties permits to hold demonstrations, and opposition and independent political figures have experienced harassment in the form of frivolous legal cases.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4

Economic networks compete for power through strategic support of political candidates. In turn, a narrow group of political elites survive by supporting the interests of their private-sector patrons. As a result, lines between public and private expenditures are blurry, and democratic accountability

is reduced. Separately, political leaders frequently use religion, ethnicity, and caste as instruments to mobilize voters.



B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

The constitution guarantees political and electoral rights for all citizens, but in practice, discrimination impedes the political representation of some groups. While there is a small, active LGBT community in the capital, LGBT people face social stigma that discourages political participation and open advocacy for LGBT rights. Cultural norms can restrict the political participation of women, who hold approximately 20 percent of Senate and National Assembly seats. Muslims are disproportionately affected by the nationality code, which can make it difficult for them to secure citizenship documents and thus voting rights. Ethnicity and caste generally do not affect political rights.

C. FUNCTIONING OF GOVERNMENT: 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Following a 2009 coup, the country returned to electoral politics in 2013. However, government instability has been reflected in the frequent replacement of the prime minister, and frequent changes to the composition of the cabinet. In

2016, Rajaonarimampianina appointed the interior minister Olivier Mahafaly, as his third prime minister in three years. In August 2017, Rajaonarimampianina reshuffled the cabinet for the fourth time.



According to the constitution, the president determines policies, and Parliament evaluates and votes on them. However, in practice the National Assembly lacks the strength to act as an effective check on executive power. Additionally, economic elites have significant influence on the president and other elected officials.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains a serious problem in Madagascar, despite a series of recent reforms and anticorruption strategies aimed at addressing it. Investigations and prosecutions of corruption by the Independent Anticorruption Bureau (BIANCO) are infrequent and rarely target high-level officials. However, in what was viewed as a positive development, in April 2017 the former chief of staff of the Communications Ministry was convicted of embezzlement of public funds. He was sentenced to five years' hard labor.

C3. Does the government operate with openness and transparency? 2 / 4

The constitution provides for the right to information, but no law defines a formal procedure for requesting government information. There is little oversight of procurement processes. Asset declarations are required for most government officials,

and while many complied with these laws, there are few practical consequences for those who refuse.



CIVIL LIBERTIES: 32 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16

D1. Are there free and independent media? 2 / 4

The constitution provides for freedom of the press. However, this guarantee is undermined by criminal libel laws and other restrictions, as well as safety risks involved in the investigation of sensitive subjects such as cattle rustling and the illicit extraction and sale of natural resources. The government controls the issuance of broadcast licenses and can confiscate equipment or shut down stations if they violate sections of the Communications Code. In May 2017, an investigative reporter, Fernand Cello, was arrested for forgery and defamation, among other charges, over statements he made implicating authorities in illicit mining activities.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Religious freedom is provided for in the constitution, though this right is upheld inconsistently. Religious leaders have noted that some workers were unable to practice their religion due to poor enforcement of labor laws. The government has restricted

the Muslim community's access to education by threatening to close down Islamic schools.



D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally respected. However, a lack of resources and frequent strikes have hampered normal operations at the University of Antananarivo.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

There were no official reports of the government monitoring online activity. However, a cybercrimes law prohibits online defamation, and has been used to prosecute social media users. There are concerns that it could be used to restrict online speech during what is expected to be a tense 2018 presidential election campaign period.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 2 / 4

The constitution guarantees the freedom of assembly, but authorities routinely decline requests for protests and rallies in the name of public security. Political demonstrators are still occasionally subject to violence from security forces. In July 2017, police used tear gas to disperse a demonstration celebrating the anniversary of an opposition party's founding.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 3 / 4



Freedom of association is provided for in the constitution and is generally respected. A wide variety of nongovernmental organizations (NGOs) are active. Although no restrictions are placed on NGOs, the government was not always receptive to their opinions. Domestic human rights groups often lack the resources to operate independently.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers have the right to join unions, engage in collective bargaining, and strike. However, more than 80 percent of workers are engaged in agriculture, fishing, and forestry at a subsistence level, and therefore have no access to unions.

F. RULE OF LAW: 6 / 16

F1. Is there an independent judiciary? 1 / 4

The executive influences judicial decisions through the reassignment of judges. Trial outcomes are frequently predetermined and the Malagasy people generally regard the judiciary as corrupt. Local tribunals in particular are seen as overburdened and corrupt.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process rights are poorly upheld. A lack of training, resources, and personnel hampers the effectiveness of the criminal justice system. Case backlogs are lengthy, and some 50 percent of detained persons were being held before facing trial in 2017, according to the rights group Amnesty International. Many people held in pretrial detention do not have access to lawyers.



F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

The police and military are unable to assert authority over the entire country, and areas in southern Madagascar are subjected to raids and violence by bandits and criminal groups. Security forces operate with little oversight or accountability for extrajudicial killings, particularly against cattle thieves, known as *dahalo*.

Detainees and prisoners suffer from harsh and sometimes life-threatening conditions due to overcrowding in detention facilities, and substandard hygiene and health care. People convicted of crimes can be sentenced to hard labor.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Legal provisions prohibit discrimination based on race, gender, disability, and social status. However traditional, cultural, social, and economic constraints prevent women from having equal opportunities as men. There are no legal protections against discrimination on the basis of sexual orientation or

gender identity, and members of the LGBT (lesbian, gay, bisexual, and transgender) community face social stigma, particularly in rural areas, and experience employment discrimination and occasional acts of violence. Muslims have experienced employment and education discrimination.



G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Citizens are generally allowed to move freely within Madagascar, and may travel internationally. However, travel between cities can be dangerous due to bandit attacks in the south.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Madagascar's legal structure provides protections for private property rights, though enforcement of these protections is inconsistent, in part because the vast majority of farmers do not hold the official rights to their land. There is a history of competition between the state-recognized property rights system and customary land use practices, as well as attempts by the state to permit mining, commercial agriculture, and other economic pursuits on land where ownership is disputed.

In recent years, Madagascar has made it easier to start a business by reducing the number of procedures to register a business, and simplifying the payment of registration fees.



G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4 (+1)

Women and children have limited social freedoms in Madagascar, especially in rural areas. Forced child marriage and domestic abuse are common. Although sexual harassment is illegal, the law is not enforced and harassment is common. Abortion is illegal in Madagascar. No law prohibits same-sex sexual relations.

Score Change: Due to a methodological change, the score improved from 1 to 2; the methodology was reorganized to address sex trafficking and related problems under G4, which covers other forms of human trafficking, forced labor, and child labor. For more information see the report [methodology page](#).

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4 (-1)

Most people work in subsistence agriculture, making advancement in the local economy extremely challenging.

According to the U.S. State Department's 2017 *Trafficking in Persons Report*, Madagascar has recently reduced efforts to combat human trafficking. Government officials were

implicated in colluding with trafficking offenders, and no effort was made to investigate the allegations. These included claims of a network within the government that was helping to facilitate child sex trafficking through the forgery of identity papers.



Score Change: Due to a methodological change, the score declined from 2 to 1; the methodology was reorganized to address sex trafficking and related problems under G4. For more information see the report [methodology page](#).

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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