

MADAGASCAR

Executive Summary

The constitution and other laws and policies protect religious freedom, and, in practice, the de facto regime generally respected religious freedom. The de facto regime did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom.

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

As a result of the military coup d'etat in early 2009, the U.S. government does not recognize the current de facto authorities and has suspended all assistance programs that directly benefited the country's pre-coup d'état government, as well as all non-humanitarian assistance. The U.S. government's intent is to support international efforts led by the Southern African Development Community (SADC) to ensure that a transparent and credible electoral process, organized by an independent entity, takes place in the country.

Section I. Religious Demography

Although neither precise nor official figures were available, approximately half of the population is Christian. Four main Christian denominations compose the dominant religious association, the Council of Christian Churches in Madagascar (Fiombonan'ny Fiangonana Kristianina eto Madagasikara, or "FFKM"): Roman Catholic, Reformed Protestant Church of Jesus Christ in Madagascar (Fiangonan'i Jesoa Kristy eto Madagasikara, or "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

The constitution and other laws and policies protect religious freedom. De facto leader Andry Rajoelina's High Transitional Authority (HAT) regime called the legal validity of the constitution into question but did not specifically question religious freedom as a general principle. In 2010 the de facto regime drafted a new constitution, which it claims was approved by a public referendum. The referendum was rife with irregularities, deemed unilateral and not recognized by the U.S. government or most of the international community. The regime's new draft constitution upholds religious freedom, reaffirms the secular nature of the state, and makes it illegal for a standing president to hold a high-ranking position in a religious organization, further separating religion and state.

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.

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

Government Practices

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

In 2010 police intimidated, arrested, detained, and killed Protestant pastors involved with the Ecclesiastic Movement (Hetsiky ny mpitondra Fivavahana, or "HMF"). During an unauthorized demonstration of the HMF in May 2010, Ranaivo Rivoaharison, an FJKM pastor, was shot and killed during clashes between protesters, a rebel faction of the gendarmerie who had offered them protection, and

the state security forces. After the demonstration, police arrested FJKM Pastor Valisoa Lilia Rafanomezantsoa, beat him, and charged him with murder, incitement to rebellion, and attempting to threaten state security. Soon afterward, police arrested a second FJKM pastor, Tiburce Soavianarivo, during a raid on the FJKM radio station Fahazavana for allegedly spreading false news and inciting civil disobedience. During the year, de facto authorities released both arrested pastors under bail (“liberte provisoire”), but reportedly, at year’s end, they continued to receive threats of arrest from official and anonymous sources when they planned public appearances.

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

In November 2010 the police arrested FJKM Pastor Tsarahame Edouard for holding a public meeting without authorization. De facto authorities reportedly targeted him for his proximity to former President Albert Zafy rather than for religious reasons. Authorities released him in January.

During the year, the de facto authorities granted HMF leaders within FJKM the right to hold a public prayer meeting only once, on May 20, approving the use of a different location than the one requested by the HMF. The de facto authorities, through the Prefect of Police, denied dozens of other requests from the HMF to hold demonstrations and public prayer meetings in municipal stadiums and on private church property.

Muslim leaders estimated as many as 4 percent of Muslims do not have citizenship, despite being born in the country and having longstanding family roots. The law stipulates that if the parents of a child do not have Malagasy citizenship, the child is ineligible for citizenship. Given that many of the country’s Muslims are of South Asian background, this policy affected the Muslim community in particular. Lack of citizenship prohibited this community from eligibility to vote and to enjoy important civic benefits. If members of this community were eligible to apply for citizenship, they suggested that a Muslim-sounding name alone could delay one’s citizenship application indefinitely; others suggested that their ethnic and religious affiliation sometimes limited their access to government services and financial assistance.

Despite the MOI's registration requirements, ministry officials estimated in 2008 that there were more than 1,000 religious organizations in the country operating without official state recognition, including both simple associations and unregistered organizations. However, the Universal Church of the Kingdom of God remained banned after overstepping the limits of its registration in 2005.

State-run media granted religious organizations free access to state media provided its use constituted a public service. Malagasy National Television (TVM) provided free broadcast time every Sunday morning for five hours to the Malagasy Bible Society and churches that are members of FFKM. 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 provided 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.

Section III. Status of Societal Respect for Religious Freedom

There were few reports of societal 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 at that time, served as an intermediary in the early stages of the 2009 crisis. However, following the March 2009 coup, the FFKM withdrew entirely 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 openly criticized the regime. While both FJKM's and the Catholic Church's reputations as neutral actors in civil society were tainted by perceptions of partisan engagement since the 2009 coup d'état, leaders from both civil society and some political parties have publicly and privately called on FFKM leaders to rejoin and lead the political mediation process. Discrimination based on political affiliation has been evident during multiple political crises in the country; the role of religious leaders in the political process has thus led to societal tension and discrimination among religious communities.

Section IV. U.S. Government Policy

The U.S. government considers the series of events in Madagascar in early 2009 to be a military coup d'état and, as a result, does not recognize the de facto regime and has limited interaction with the regime and its representatives.