

# MADAGASCAR 2017 INTERNATIONAL RELIGIOUS FREEDOM REPORT

## **Executive Summary**

The constitution provides for freedom of religious thought and expression and prohibits religious discrimination in the workplace. Other laws protect individual religious freedom against abuses by government or private actors. In January the government promulgated a law amending the nationality code and allowing a Malagasy woman to transmit her nationality to a child regardless of her marital status. Muslims born in the country continued to report they were unable to obtain citizenship documentation based on nationality laws that fail to provide a mechanism for some stateless children born in Madagascar to naturalize. In April the minister of education threatened to close 16 Islamic schools he classified as “Quranic,” stating the schools were among 190 private schools identified as not complying with various administrative requirements.

Members of the Muslim community and adherents of some evangelical Protestant churches reported they were denied admission into private schools and sometimes had limited access to employment due to their religious affiliation, while members of a small Jewish community reported a general improvement of their interaction with society.

U.S. embassy officials regularly engaged with Ministry of Interior officials responsible for registration of religious groups and with Ministry of Justice officials on the nationality code. Embassy officials continued to engage with international community representatives to minimize the impact of the nationality code on stateless persons, including Muslims with long-standing ties to the country. The embassy regularly met with religious leaders throughout the year and organized an interfaith public forum to encourage solidarity among different religious faiths around a common concern.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 25 million (July 2017 estimate). According to the last national census in 1993, 52 percent adheres to indigenous beliefs, 41 percent is Christian, and 7 percent is Muslim. Muslim leaders and local scholars estimate Muslims currently constitute between 20 and 25 percent of the population. They state it is common to alternate between religious identities or to mix traditions, and many individuals hold a combination of

indigenous and Christian or Muslim beliefs. Muslims predominate in the northwestern coastal areas and Christians predominate in the highlands. According to local Muslim religious leaders and secular academics, the majority of Muslims are Sunni. Citizens of ethnic Indian and Pakistani descent and Comorian immigrants represent the majority of Muslims, although there is a growing number of ethnic Malagasy converts.

Local religious groups state nearly half of the population is Christian. The four principal Christian groups are Roman Catholics, Lutherans, Anglicans, and the (Presbyterian) Church of Jesus Christ in Madagascar. Smaller Christian groups include The Church of Jesus Christ of Latter-day Saints (Mormons), Jehovah's Witnesses, Seventh-day Adventists, and a growing number of local evangelical Protestant denominations.

There are small numbers of Hindus and approximately 360 Jews across the country.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal Framework**

The constitution provides for freedom of religious thought and expression and prohibits religious discrimination in the workplace. Other laws protect individual religious freedom against abuses by government or private actors. The constitution states that such rights may be limited by the need to protect the rights of others or to preserve public order, national dignity, or state security. The labor code prohibits religious discrimination in labor unions and professional associations. Public schools do not offer religious education. There is no law prohibiting or limiting religious education in public or private schools.

The law requires religious groups to register with the Ministry of the Interior. By registering, a religious group receives the legal status necessary to receive direct bequests and other donations. Once registered, the group may apply for a tax exemption each time it receives a gift from abroad. Registered religious groups also have the right to acquire land from individuals to build places of worship; however, the law states landowners should first cede the land back to the state, and the state will then transfer it to the religious group. To qualify for registration, a group must have at least 100 members and an elected administrative council of no more than nine members, all of whom must be citizens.

Groups failing to meet registration requirements may instead register as “simple associations.” Simple associations may not receive donations or hold religious services, but the law allows them to conduct various types of community and social projects. Associations engaging in dangerous or destabilizing activities may be disbanded or have their registration withdrawn. Simple associations must apply for a tax exemption each time they receive a donation from abroad. If an association has foreign leadership and/or members, it may form an association “reputed to be foreign.” An association is reputed foreign only if the leader or members of the board include foreign nationals. Such foreign associations may receive only temporary authorizations, subject to periodic renewal and other conditions. The law does not prohibit national associations from having foreign nationals as members.

The government requires a permit for all public demonstrations, including religious events such as outdoor worship services.

The country is a party to the International Covenant on Civil and Political Rights.

### **Government Practices**

In January the government promulgated a law amending the nationality code, mainly to address inequality between the rights of men and women to transmit nationality to their children. The new law enables a Malagasy woman to transmit her nationality to a child regardless of her marital status. According to the law, however, children born of two stateless parents remain unable to obtain Malagasy citizenship, even after several generations of residence in the country. Children with unknown parentage are evaluated based on appearance, ethnicity, and other factors. Muslim leaders continued to state that the nationality code affected the Muslim community disproportionately, as many members are descendants of immigrants and have been unable to acquire Malagasy nationality, despite generations of residence in the country. Children of ethnic Indian, Pakistani, and Comorian descent often have had difficulty obtaining citizenship, leaving a disproportionate number of Muslims stateless. A 2014 study by the NGO Focus Development and the UN High Commissioner for Refugees (UNHCR) estimated that approximately 6 percent of individuals in the communities surveyed were stateless and of this number, more than 85 percent were born in the country. No statistics were available on the number of children born of Malagasy women able to profit retroactively from the amendment to the nationality code.

The Ministry of the Interior registered 17 new religious groups during the year, bringing the total to a reported 296 officially registered groups. Religious groups stated the government did not always enforce registration requirements and did not deny requests for registration.

Religious leaders stated that inadequate government enforcement of labor laws resulted in some employers requiring their employees to work during religious services. A Catholic priest in Antananarivo who managed a social services center catering to factory workers stated some employers failed to respect the labor code provisions requiring a 24-hour break weekly, which affected factory workers' ability to attend worship services.

Leadership of the Muslim Malagasy Association, which states it represents all Muslims in the country, reported that some Muslims continued to report difficulty obtaining official documents such as national identity cards and passports because of their Arabic-sounding names. Some Muslims reported religious discrimination when applying for civil service positions. For example, to apply to civil service positions, applicants must provide criminal records, which some Muslims found difficult to obtain from the government.

Members of the Muslim community reported that during the administration of baccalaureate exams, some test center managers required female Muslim students to remove their headscarves for admittance to the exam rooms, which they said caused feelings of trauma and humiliation in the students.

On April 21, Minister of Education Andrianiana Rabary threatened to close 16 Islamic schools he classified as "Quranic" because they provided more than the five weekly hours of religious classes permitted by the Ministry of Education for private religious schools. Representatives of the Muslim community denied the existence of such practices and called the minister's warning "Islamophobic." Others defended the schools, stating they were established specifically to teach the Quran and were not to be considered ordinary primary schools. The minister defended the decision on television, stating the 16 schools were among 190 private schools identified as not complying with various administrative requirements. The minister of education further recommended setting up a national directorate of all Islamic schools (similar to those that exist for several Christian groups) to facilitate their relationship with the government. While attending a ceremony marking the start of Ramadan, Prime Minister Olivier Solonandrasana underlined the right of Quranic schools to operate if they had the proper permits, but he stated they needed

to comply with the same laws as all other religious schools. As of the end of the year, there were no reports of any further reactions.

Religious leaders, especially those from smaller or minority religious groups, stated that politicians sought to use religion to improve their political image. During the year, several ceremonies organized by the Catholic, Methodist, and Lutheran Churches saw the presence of at least one, if not both, the current president and former President Marc Ravalomanana. According to some religious leaders, donations to religious groups had become a way to pressure some church leaders to help promote politicians' ambitions rather than to fulfill church tasks.

State-run Malagasy National Television continued to provide free broadcasting to the Seventh-day Adventist Church and to Roman Catholics, Lutherans, Anglicans, and Presbyterians on weekends, along with the Muslim community once a week. During Ramadan, the Muslim community was able to purchase additional airtime. The leader of a well-known local evangelical Christian church reported his church was rarely given access to the state-run television and radio, even if it agreed to pay for the broadcast time.

### **Section III. Status of Societal Respect for Religious Freedom**

The leader of the Jewish community reported a clear improvement in attitudes toward the community since the previous year, crediting multiple public interactions with the leaders of other religious groups that served as examples for the public. She said that local communities were no longer critical of the Jewish style of dress and that local schools no longer refused admission of Jewish children.

Adherents of some evangelical Christian churches, especially those celebrating their Sabbath on Saturdays, stated they were denied employment due to their religious affiliation.

### **Section IV. U.S. Government Policy and Engagement**

U.S. embassy officials regularly engaged with the Ministry of Interior to understand and monitor the status of various religious groups. Prior to the adoption of amendments to the nationality code, U.S. embassy officials met with Ministry of Justice representatives to discuss the importance of the measure, in line with recommendations made by UNHCR. Embassy officials continued to discuss the nationality code with members of the diplomatic community and local

representatives of the United Nations focused on human rights in order to undertake joint approaches to encourage the government to amend the new code to allow for naturalization of certain categories of stateless persons.

In January the embassy hosted an interfaith public discussion with five panelists from different faiths, including one representing traditional beliefs. The event sought to capitalize on the diversity of the country's religious landscape by encouraging more contact and dialogue among faith leaders and representatives. The UN human rights advisor for Madagascar and the U.S. Ambassador opened the event, which was broadcast live on Facebook. The audience was composed of students, representatives of different faiths, other diplomatic missions, civil society, government representatives, and the media. After the event, the participants and members of the audience exchanged contact details and discussed ideas for future collaboration.