

MADAGASCAR 2016 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. A study by a nongovernmental organization (NGO) and the UN High Commissioner for Refugees (UNHCR) found many Muslims born in country were unable to obtain citizenship documentation based on nationality laws limiting the ability of Malagasy women to pass on citizenship to their children when the father is a noncitizen. The Ministry of Interior (MOI) deported 10 Pakistani imams who overstayed their visas. They had been operating a mosque and a Quranic school, which is not permitted on a tourist visa.

Members of both the small, newly-converted Jewish community and the Muslim community reported they were not granted admission into private schools due to their religious affiliation. Members of the Jewish community also reported they were the object of unwelcome attention because of their attire, which includes head coverings for women.

U.S. embassy officials continued to engage regularly with the government on issues affecting religious freedom, including the impact of the nationality code on many Muslims with long-standing ties to the country. The embassy held an internal roundtable discussion with representatives of different religious groups and the MOI to exchange perspectives on religious freedom in the country.

Section I. Religious Demography

The U.S. government estimates the total population at 24.4 million (July 2016 estimate), and according to the last national census in 1993, 52 percent adheres to indigenous beliefs, 41 percent is Christian, and 7 percent is Muslim. Although precise figures are not available, Muslim leaders and local scholars estimate Muslims currently constitute between 20 and 25 percent of the population, although they state it is common to alternate between religious identities, or to mix traditions. 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 (FJKM). Smaller Christian groups include The Church of Jesus Christ of Latter-day Saints (Mormons), Jehovah's Witnesses, Seventh-day Adventists, and local evangelical denominations.

According to Christian groups, the most numerous non-Christian groups are adherents of indigenous religions. In addition, many individuals hold a combination of indigenous and Christian or Muslim beliefs.

There are small numbers of Hindus and Jews across the country. The Jewish community reported it consists of approximately 150 individuals as of September.

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 also provides 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 within 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 MOI. By registering, a religious group receives the legal status necessary to receive direct bequests and other donations. Once registered, the group may apply for 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 those lands 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 additional activities are subject to legal action. Religious 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. The law does not prohibit national associations from having foreign nationals as members not in those positions. Such foreign associations may only receive temporary authorizations, subject to periodic renewal and other conditions.

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

Muslim leaders continued to state that because of their particular settlement history and mixed marriages over time, Muslims remained negatively affected by the country’s nationality code, which restricts children born of Malagasy mothers and foreign national fathers from obtaining citizenship. While there were no official figures on statelessness, a study by the NGO Focus Development and the UNHCR, which sampled residents in largely Muslim communities between October 2013 and January 2014, estimated that approximately 6 percent of individuals in the communities surveyed were stateless. Of this number, more than 85 percent were born in the country.

The MOI registered seven new religious groups through the middle of October, bringing the total to approximately 283 officially registered groups. Religious groups reported the government did not always enforce registration requirements and in general did not deny requests for registration.

Decisions by local authorities continued to affect the ability of some religious groups to practice their faith, according to religious leaders. Religious leaders also 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 that caters to factory workers stated some employers failed to respect the labor code provisions

requiring a 24-hour break weekly, which affects factory workers' ability to attend worship services.

The government failed to restore or reimburse the value of FJKM-owned Radio Fahazavana's equipment, which had been seized by the former government on the stated ground that the station was associated with deposed President Marc Ravalomanana.

Leadership of the Muslim Malagasy Association, which states it represents all Muslims in Madagascar, 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.

On September 19, local newspapers reported that the MOI deported 10 foreign imams working in the southeast. According to press reports, they were Pakistani nationals operating a mosque in Vohipeno and a Quranic school in Manakara. The MOI confirmed the deportation, noting that the imams had entered Malagasy territory on a 15-day tourist visa which was extended to a three-month visa at the regional police station. They noted that missionary work or other work-related activities were not permitted on a tourist visa. In November Prime Minister Olivier Mahafaly reaffirmed that the imams were deported because of their illegal immigration status. One of the newspapers added that the MOI started an investigation of the imams when the sacrifice of 200 zebus in Manakara and Vohipeno for the Eid al-Adha celebration on September 11-12 aroused local concerns. While zebu sacrifice is common among animists, Muslims, and occasionally at royal funerals, a single sponsor financing 200 zebus is extremely uncommon which led many in the local community to suspect foreign entities funded the sacrifice.

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.

For the fourth year, the government decreed that Eid al-Adha and Eid al-Fitr would be paid holidays for Muslims. Leaders of the Muslim community reported they continued to lobby without success for these holidays to be paid for everyone,

rather than just for Muslims, on an equal basis with national holidays based on the Christian faith.

Section III. Status of Societal Respect for Religious Freedom

In May after five years of self-study of Judaism, 121 members of a community of formerly messianic Christian individuals underwent formal Orthodox conversions in a process overseen by rabbis from the U.S. and Canada. These took place over a 10-day period and concluded with 12 weddings.

The new converts reported they were subjected to stares and unwelcome comments due to their uncommon attire, and some discrimination by people who learned of their Jewish faith. Some private schools refused to allow them to register their children after discovering they were Jewish. In one case, a landlord cancelled a leasing contract with one of the recent Jewish converts when he found out that the house was going to be used as a religious school.

Members of the Muslim community also reported some of their children were refused admission to private Catholic schools because they were unable to produce a baptismal certificate.

Section IV. U.S. Government Policy

U.S. embassy officials engaged regularly with the government on issues affecting religious freedom. Embassy officials discussed the nationality code with the prime minister, the Ministry of Foreign Affairs, local officials, members of the diplomatic community, and local representatives of the United Nations focused on human rights.

In September the U.S. embassy invited representatives of different religious groups and the MOI to exchange views on religious freedom. In an informal environment, participants openly communicated about the existing relationships among different religious groups in the country. A representative from the MOI answered questions related to the legal framework.