

MADAGASCAR 2020 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 beliefs against abuses by government or private actors. The government continued implementation of the nationality law passed in 2017. Muslims born in the country continued to report that despite generations of residence, some members of their community were unable to acquire Malagasy nationality. In particular, the nationality law failed to provide a mechanism to naturalize children born in the country of two stateless parents.

Members of some evangelical Protestant churches reported they experienced discrimination in employment practices due to their religious affiliation, especially those who observed a Saturday Sabbath.

U.S. embassy officials engaged with Ministry of the Interior officials responsible for registration of religious groups. Embassy officials engaged with religious leaders throughout the year and organized an online roundtable on the status of religious freedom in October with representatives of religious minority groups and civil society.

Section I. Religious Demography

The U.S. government estimates the total population at 27.0 million (midyear 2020 estimate). According to the most recent national census in 1993, 52 percent adhere to indigenous beliefs, 41 percent is Christian, and 7 percent is Muslim. 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.

Muslim leaders and local scholars estimate Muslims currently constitute between 15 and 25 percent of the population. 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 Church). Smaller Christian groups include The Church of Jesus Christ of Latter-day Saints, Jehovah's Witnesses, Seventh-day Adventists, the Eastern Orthodox Church, and a growing number of local evangelical Protestant denominations.

There are small numbers of Hindus and Jews.

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 beliefs 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.

The law requires religious groups to register with the Ministry of the Interior. By registering, a religious group attains 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, including 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, after which 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 tax-free 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 of the board, it may form an association "reputed to be foreign." An association is reputed to be foreign only if the leader or members of the board include foreign nationals. Such foreign

associations may only attain temporary authorizations, subject to periodic renewal and other conditions. The law does not prohibit national associations from having foreign nationals as members.

Public schools do not offer religious education. There is no law prohibiting or limiting religious education in public or private schools.

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

According to Muslim leaders and media, nationality determination issues continued to affect Muslim community members, but to a lesser extent than before 2017, when the government adopted a new code of nationality. The 2017 code did not address the issue of children born of two stateless parents. These individuals remained unable to obtain citizenship, even after several generations of residence in the country. Under the nationality code, children with unknown parentage are to be evaluated based on appearance, ethnicity, and other factors. The 2017 changes in the code, however, allowed Malagasy mothers to confer nationality on their children, which Muslim leaders said appeared to ease the nationality determination problem somewhat. Muslim leaders continued to state the law affected the Muslim community disproportionately, since many members were descendants of immigrants and were unable to acquire citizenship, despite generations of residence in the country. Children of ethnic Indian, Pakistani, and Comorian descent often had difficulty obtaining citizenship, leaving a disproportionate number of Muslims stateless. A legislator proposing an amendment to the nationality code estimated in June that approximately 15,000 stateless persons could potentially take advantage of such an amendment.

The government continued to include Eid al-Fitr and Eid al-Adha in the list of national holidays and consulted the Muslim community when setting the appropriate date.

City officials in Antananarivo maintained limitations on the hours of service for the Vahao ny Oloko (Release my People) evangelical Christian church. City authorities imposed restrictions in 2019 following neighborhood complaints of excessive noise at various hours of the day coming from the church. In response,

church leaders relocated outside the city in October to avoid similar complaints and resumed their prior religious service schedule.

Some religious leaders stated that the government interfered excessively when imposing restrictions on the reopening of places of worship after a total suspension to prevent the proliferation of COVID-19. For example, the government prohibited the distribution of communion for all faiths, reportedly because of a perceived infection risk. A representative from the Presbyterian Church stated the prohibition on communion for all faiths was excessive since, he said, the Presbyterian Church's ritual did not offer the same risk of disease transmission due to the use of individual and disposable equipment.

Religious groups stated the government did not always enforce registration requirements and did not deny requests for registration.

Religious leaders, including representatives of Vahao ny Oloko, continued to state that inadequate government enforcement of labor laws resulted in some employers requiring their employees to work during regular days of worship. Faith-based social centers, who received complaints from workers and labor unions, continued to report that employers failed to respect the labor code provisions requiring a 24-hour break weekly, which affected factory workers' ability to attend worship services.

The leadership of the Muslim Malagasy Association reported some Muslims continued to encounter difficulty obtaining official documents, such as national identity cards and passports, and when requesting services from public administration offices because of their non-Malagasy-sounding names. They reported "harassment and mocking" by public service agents who considered them as foreigners even though they possessed national identity cards.

State-run Malagasy National Television continued to provide free broadcasting to Seventh-day Adventists, Catholics, Lutherans, Anglicans, and Presbyterians on weekends, and to the Muslim community once a week. During Ramadan, it provided additional broadcast time to the Muslim community. Vahao ny Oloko obtained free airtime to broadcast religious services every morning on public radio and television channels during the COVID health emergency and continued to broadcast after the reopening of churches.

Section III. Status of Societal Respect for Religious Freedom

Leaders of the Muslim Malagasy Association said some members of the public often associated them with Islamists and extremists. Other Muslim leaders, however, reported generally good relations between members of their community and other faiths across the country.

Adherents of some evangelical Protestant churches, especially those celebrating their Sabbath on Saturdays, stated they were sometimes denied access to employment and believed it was due to their religious affiliation. A leader of an evangelical church in Antananarivo said several female members were victims of violence committed by their husbands who did not agree with their wives' religious beliefs.

Muslim leaders said that most Muslims could participate in the observance of Eid al-Adha. Some employers in areas outside of the capital reportedly required Muslim employees to work on officially-decreed Muslim holidays.

Representatives of religious groups stated there were unexpected, positive consequences of COVID-19 restrictions, including the government's willingness to allow the use of various means of communication for virtual religious services.

Section IV. U.S. Government Policy and Engagement

Embassy representatives periodically met with government officials to discuss common concerns among different religious faiths, including statelessness issues.

On October 22, the embassy organized a virtual roundtable for religious leaders from different faiths to discuss the impact of COVID-19 on religious practices in the country. Participants shared experiences and ideas on alternative means of practicing their faith after authorities closed places of worship during the national health emergency. In addition, embassy officials interacted regularly with religious leaders, especially during the health emergency, to discuss the impact of COVID-related restrictions. Embassy officials also met with human rights organizations concerning religious freedom issues.