

## Madagascar

**Country:**

Madagascar

**Year:**

2016

**Freedom Status:**

Partly Free

**Political Rights:**

3

**Civil Liberties:**

4

**Aggregate Score:**

56

**Freedom Rating:**

3.5

**Overview:**

Madagascar continued its progress toward democratic consolidation in 2015. Competitive elections for local government positions in July and the Senate in December completed the return to democratic government after Andry Rajoelina's 2009 military-backed coup. The National Assembly voted to impeach President Hery Rajaonarimampianina in May 2015, citing his failure to uphold the constitution, but a court ruling struck down the attempt.

Madagascar launched the "Fahalemana 2015" operation in August 2015 to combat widespread insecurity in the south from organized groups of cattle thieves. The state has only nominal control over the south of the country, where local security forces are often viewed to be complacent or cooperative with armed groups. Eight members of the army were killed in an ambush in August 2015. Human rights groups have highlighted security forces' abuses of citizens, including summary executions.

International funding has resumed since the 2009 coup and ensuing political crisis, but the fall in global commodities prices has undercut the mining sector, which serves as the main source of foreign investment. Large demonstrations took place in the coastal city of Toamasina in December 2014 and January 2015 over persistent outages from the power company, Jirama, and citizen perceptions of widespread corruption in the energy sector.

**Political Rights and Civil Liberties:**

**Political Rights: 24 / 40 (+2) [Key]**

**A. Electoral Process: 9 / 12**

The president and the lower house of parliament, the National Assembly, are directly elected to five-year terms. The 151 seats in the National Assembly are filled through a mix of party-list voting in multimember constituencies and majoritarian contests in single-member districts. The National Assembly nominates the prime minister and the president appoints the nominee. While the 2010 constitution calls for the establishment of a Senate, no members were chosen until December 2015. The president appoints one-third of the 33-member Senate while the remaining two-thirds are indirectly elected from each of the 22 districts of Madagascar. President Rajaonarimampianina's party, Hery Vaovao Madagasikara (HVM), won 65 percent of the vote. The formation of the Senate will mark the first time that the full executive and legislative bodies of Madagascar will fully function since Rajoelina ousted then-President Ravalomanana in a 2009 military coup.

Elections for the National Assembly took place in 2013 alongside the country's presidential elections. The parliamentary elections were deemed free and fair by international observers, though several hundred thousand people were left off the voter rolls during the election's first round. The With Andry Rajoelina (MAPAR) party won 49 of 151 parliamentary seats, the Ravalomanana Movement took 20, the Vondrona Politika Miara-Dia–Malagasy Miara-Miainga (VPM-MMM) party won 13, and various other parties and independent candidates took the remainder. For the presidency, Rajaonarimampianina—a former finance minister backed by Rajoelina—was elected with 54 percent of the vote. After taking office, Rajaonarimampianina broke from Rajoelina's influence.

In January 2015, opposition dissatisfaction led to the resignation of the prime minister. Continued dissatisfaction among opposition factions led to the new prime minister narrowly escaping a no-confidence vote in July. Meanwhile, the required two-thirds of the National Assembly voted in May 2015 to impeach President Rajaonarimampianina, citing his deliberate mixing of religion and politics and his failure to uphold the constitution. The High Constitutional Court ruled against the National Assembly's decision in June, calling the attempt unfounded. Rajoelina and members of his party, MAPAR, continued to call for the president to step down and for early elections to be held.

In July 2015 regional and municipal elections, Rajaonarimampianina's HVM won more than half the races. Though the electoral process was free and fair, there were accusations of inaccurate voter rolls and use of state resources for campaigning. Confusion over the electoral rules prior to the municipal elections advantaged state campaigns over smaller parties. The mandate of the transitional electoral management body ended after the municipal elections, and the government established a new independent body.

## **B. Political Pluralism and Participation: 10 / 16 (+1)**

Despite restrictions on opposition political activity during the transitional period under Rajoelina, political parties were generally able to operate ahead of the national elections in 2013, when 33 candidates ran for president. Rajaonarimampianina established his own party leading up to the presidential elections. In 2015 local elections, multiple opposition parties competed, many of which have advanced policies and platforms against the government.

The return of former president Marc Ravalomanana from exile in 2014, and his release from house arrest in May 2015, destabilized parliamentary alliances as he worked to reestablish his nascent political party structure. Ravalomanana was sentenced in 2010 in absentia to life in prison with hard labor for allegedly ordering the killing of at least 30 opposition protesters in 2009. He has not received amnesty for the conviction. In a test of his party's return to politics, Ravalomanana's wife, Lalao, won the mayoralty in Antananarivo in 2015.

### **C. Functioning of Government: 5 / 12 (+1)**

Elected officials are susceptible to outside influence; the large number of independent candidates in the National Assembly, as well as Rajaonarimampianina's constantly shifting coalition, have facilitated opportunities for vote buying among legislators.

Though Rajaonarimampianina has committed to reducing corruption, the independent anticorruption bureau released a report in September 2015 stating that corrupt activity has stayed level or worsened since the president took office. Funding for the bureau decreased for 2015. Madagascar was ranked 123 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index.

Despite a 2010 decree that prohibited the logging, transport, trading, and export of precious woods, the illegal trade continues. In 2014, the Extractive Industries Transparency Initiative (EITI) lifted its three-year suspension of Madagascar, citing the commitments of the newly elected government to EITI standards. Illegally harvested rosewood and other precious timbers continue to be smuggled offshore with low levels of government intervention and occasional official complicity in the practice. Finance budgets are open to the public and introduced in parliament. The government has added civil society positions to lawmaking panels.

### **Civil Liberties: 30 / 60 (+2)**

#### **D. Freedom of Expression and Belief: 10 / 16 (+1)**

The constitution provides for freedoms of speech and of the press. While Rajoelina's transitional government routinely ignored press freedom, the current government has demonstrated greater respect for media freedom and freedom of expression. Government censorship and intimidation of journalists continue, though at lower levels. There are a variety of newspaper, radio, and television outlets available to citizens, though political leaders own or operate several of the papers as a means to promote their party and personal interests. The state-run radio and television stations favor the government. The government occasionally interferes with the media, including in 2015 radio and television stations owned by Ravalomanana and Rajoelina. In August 2015, unknown assailants ransacked and destroyed a MAPAR-backed television station in the city of Fianarantsoa following its criticism of municipal election results. However, violence against journalists has generally decreased. A 2014 cybercrime law punishes online defamation of state officials with up to five years' imprisonment.

The Malagasy people have traditionally enjoyed religious freedom. In April 2015, the government relaxed limitations on a Protestant church closely associated with Ravalomanana, which was subject to frequent government intervention during the transition period. Academic freedom is generally respected.

#### **E. Associational and Organizational Rights: 8 / 12**

Rajaonarimampiana's administration has eased the freedom of assembly restrictions imposed after the 2009 coup. Repression of political gatherings has generally declined in the past two years and political rallies in the lead-up to the 2015 elections were rarely prevented. Nevertheless, political demonstrators are still occasionally subject to violence from security forces or restrictions on assembly.

Freedom of association is generally respected, and hundreds of nongovernmental organizations, including human rights groups, are active. 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**

The judiciary remains susceptible to corruption and executive influence. In 2014, Rajaonarimampianina appointed a new president and three additional new members to the High Constitutional Court (HCC). Although legal, the new appointments were in the president's interests and raised concerns about the separation of powers. In June 2015, the HCC ruled against the National Assembly's vote to impeach the president. Judges evaluating the hundreds of complaints submitted over the 2015 electoral process were largely seen to be impartial, though they reportedly received a number of unspecified threats. The executive continues to exert pressure on judges through reassigning magistrates to different locations.

A lack of training, resources, and personnel hampers judicial effectiveness, and case backlogs are lengthy. More than half of the people held in the country's prisons are pretrial detainees, and prisoners suffer from harsh and sometimes life-threatening conditions due to overcrowding and substandard hygiene and health care. Parliament unanimously voted to abolish the death penalty in 2014. Customary-law courts in rural areas continue to lack due process guarantees and regularly issue summary and severe punishments.

The army and security forces demonstrated neutrality during the 2015 impeachment attempt and the municipal elections, though loyalty in the security forces is historically fractured between different political movements. The police and military are unable to assert authority over the entirety of Madagascar. In addition, cattle thieves, known as *dahalo*, exist in portions of the south and often collude with security officials. In August 2015, the government launched a large security operation against the dahalos, leading to reports of military involvement in a number of civilian deaths and summary executions of suspected thieves.

A political cleavage has traditionally existed between the coastal *côtier* and the highland Merina peoples, of continental African and Southeast Asian origins, respectively. Due to past military conquest and longstanding political dominance, the Merina tend to have higher status than the *côtier*. Ethnicity, caste, and regional solidarity often lead to discrimination. Same-sex sexual relations are not criminalized, but LGBT (lesbian, gay, bisexual, and transgender) people still face discrimination from some segments of the state and society.

## **G. Personal Autonomy and Individual Rights: 8 / 16 (+1)**

Despite decentralized village patrols and the escalation of government operations, dahalo groups hamper the free movement of citizens in certain regions. Security patrols cease operations after dark. Dahalo raids have led to an uptick in internally displaced people.

Madagascar's legal structure provides protections for private property rights, and secured interests in property are recognized though not entirely enforced. The vast majority of farmers do not hold the official rights to their land. Foreigners are prohibited from owning land. Citizens, companies, and foreign entities are able to buy and sell property, though corruption impedes proper functioning of the system.

The proportion of women in parliament increased from 17.5 percent to 20.5 percent after the 2013 elections. Women still face societal discrimination and enjoy fewer opportunities than men for higher education and employment. Though women are legally allowed to own land, when a couple applies for certification it will appear, at least 80 percent of the time, in only the man's name. According to the U.S. State Department's 2015 *Trafficking in Persons Report*, Madagascar has improved its efforts to reduce trafficking of men, women, and children into forced labor and sex work at home and abroad. The government created a human trafficking bureau in March 2015 and began a nationwide awareness campaign in July.

**Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

**Full Methodology**

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