

Madagascar - Human Rights Scorecard ¹

Since the 1990s, Madagascar has had a constitutional democracy with its capital based in the city of Antananarivo. A popular uprising and coup in 2009 led to an interruption of this constitutional democracy, but it was again restored in 2014 following an election deemed fair and transparent by the international community. Madagascar has seen economic growth in recent years, but the benefits of this growth have not been enjoyed by much of the population. ²

Official languages: Malagasy, French

Ethnic groups: 26% Merina, 15% Betsimisaraka, 12% Betsileo, 7% Tsimihety, 6% Sakalava, 5% Antaisaka, 5% Antandroy, 24% others

Government: Unitary semi-presidential republic

- President: Hery Rajaonarimampianina
- Prime Minister: Jean Ravelonarivo

Death penalty: De facto abolitionist

Population: 23.8 millions

Life expectancy: 65,5 years

Under-5 mortality: 52 per 1000

Adult literacy: 64.7 percent



Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Largely disrespected ³

Although no official statistics are available, there are numerous reports of security forces killing criminal suspects, both while in pursuit and during arrest. Most killings occurred during security force operations to stem illegal cattle rustling by armed criminal groups in the southwest.

Freedom from disappearance



Respected ⁴

There are no reports of politically motivated disappearances, abductions, or kidnappings.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Largely disrespected ⁵

The constitution prohibits such practices, but security forces subject prisoners and criminal suspects to physical and mental abuse, including torture. Clashes in the south among villagers, security forces, and cattle thieves resulted in deaths, injuries, and indiscriminate burning of villages.

Freedom from arbitrary arrest or detention



Largely disrespected ⁶

The constitution and law prohibit arbitrary arrest and detention, but authorities do not always respect these provisions. Authorities arrest persons on vague charges and detain suspects for long periods without trial.

Freedom from denial of fair public trial



Largely disrespected ⁷

Although the constitution and law provide for an independent judiciary, the judiciary remains susceptible to executive influence at all levels, and corruption remains a serious problem. The outcomes of some trials appear predetermined, and court orders are not always respected or enforced.

Freedom from arbitrary interference with privacy, family, home or correspondence



Respected ⁸

The law prohibits such actions, and there are no reports of security forces conducting warrantless searches of the homes or workplaces of opposition group members or punishing family members for offenses allegedly committed by relatives.

Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)⁹



Score: 28.62, Rank: 88 / 179 – Partially free, diverse and independent¹⁰

The constitution and law provide for freedom of speech and press, but the government continues to restrict these rights, although less so than in previous years.

Freedom from academic censorship



Respected¹¹

There are no government restrictions on academic freedom or cultural events.

Freedom of peaceful assembly and association



Largely disrespected¹²

The constitution and law provide for freedom of assembly, but authorities often restrict this right. Security forces regularly impede opposition gatherings throughout the country and use excessive force to disperse demonstrators.

Freedom of religion



Respected¹³

The constitution provides for freedom of religious thought and expression and prohibits discrimination based on religious affiliation in the workplace. The law protects individual religious freedom against abuses by governmental or private actors.

Protection of refugees and stateless persons



Largely disrespected¹⁴

The law does not include provisions for granting asylum or refugee status, but the government provides protection to refugees. However, an outmoded system of citizenship laws and procedures results in a large number of stateless persons in the minority Muslim community.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{15 16}



4 / 7 – Partly free¹⁷

Madagascar's legal structure provides protections for private property rights, and secured interests in property are recognized though not entirely enforced. Foreigners are prohibited from owning land.

Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

Overall protection of political rights (*FreedomHouse Political Rights Index*)¹⁸



4 / 7 – Partly free¹⁹

Madagascar's political rights rating improved from 5 to 4 due to a peaceful transition after recovery from an earlier coup and the seating of a new parliament that included significant opposition representation.

Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²⁰



Score: 28%, Rank: 123 / 168 – Highly corrupt²¹

The law provides criminal penalties for official corruption, but the government does not implement the law effectively, and officials engage in corrupt practices with impunity. Corruption is pervasive at all levels of government, and remains a serious problem according to the World Bank.

Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Respected²²

Domestic and international human rights groups generally operate without restriction, investigating and publishing their findings. Government officials are not always responsive to their views, but human rights orgs were allowed to conduct their work, and consult freely with other groups.

Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Rights of women (World Economic Forum Gender Gap Index)²³



Score: 72.1%, Rank: 41 / 142 – Somewhat unequal rights²⁴

The law prohibits rape, but does not address spousal rape, and the law is rarely enforced. Domestic violence is also widespread, although the law officially prohibits it. Women enjoy the same legal status and rights as men in some areas, but are discriminated in employment and inheritance.

Rights of Children (KidsRights Index Overall Score)²⁵



Score: 43%, Rank: 150 / 165 – Highly vulnerable²⁶

Madagascar has no uniformly enforced birth registration system which results in some children not being eligible to attend school or obtain health-care services. Child abuse is widespread. The sexual exploitation of children, sometimes with the involvement of parents, remains significant.

Rights of persons with disabilities



Partially respected²⁷

Authorities rarely enforce the rights of persons with disabilities. Key themes such as accessibility, autonomy, personal mobility, equality, access to justice, the ability to participate in public life and politics are all excluded from the current legal framework covering disability rights.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Largely disrespected²⁸

None of the 18 tribes constitutes a majority. Ethnicity, caste, and regional solidarity often are factors in hiring and are exploited in politics. A history of political dominance contributes to tension between citizens of highland and coastal descent, particularly in the political sphere.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely disrespected^{29 30}

Although homosexuality is not illegal, the law prohibits acts that are “indecent or against nature with an individual of the same sex under the age of 21.” There are reports of official discrimination and of local officials abusing LGBT persons or failing to protect them from societal violence.

Section 7: Workers’ Rights

Workers’ rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Partially respected³¹

The law generally allows for union activities and provides most workers with the right to strike. Strikes are prohibited, however, if there is a possibility of “disruption of public order.” The law prohibits antiunion discrimination by employers.

Freedom from forced or compulsory labour



Largely disrespected³²

While the law prohibits forced labour, it remained a significant problem among children in the informal sector. Forced labour also persists in the context of “dinas”: informal arrangements for payment or in response to wrongdoing. Authorities do not effectively enforce the law in this sphere.

Freedom from forced labour for children, and a minimum age of employment



Partially respected³³

The law regulates the working conditions of children, but the government does not effectively enforce the law. Child labour is a widespread problem, and some children are trafficked internally for the purposes of forced labour, including child prostitution.

Right to acceptable conditions of work



Largely disrespected³⁴

The government is charged with setting safety and health standards for workers, but there are no established penalties for noncompliance. Some standards are severely outdated, particularly regarding health and occupational hazards. There is no enforcement in the larger informal sector.

Right to employment



3.8% - Reasonable unemployment³⁵

Madagascar's economy is predominantly services-based. Agriculture accounts for 26.37% of GDP and employs 80.40% of the population. Manufacturing and industry accounts for 16.15% of GDP and employs 3.70% of the population.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2013." Amnesty International. March 24, 2014. Accessed February 9, 2016.

<https://www.amnesty.org/en/documents/act50/001/2014/en/>.

³ "Country Reports on Human Rights Practices for 2014 Madagascar." U.S Department of State. January 1, 2014. Accessed February 9, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

⁴ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁵ Ibid. U.S Department of State.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹⁰ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2014. Accessed February 9, 2016.

<http://rsf.org/index2014/en-index2014.php>.

¹¹ "Country Reports on Human Rights Practices for 2014 Madagascar." U.S Department of State. January 1, 2014. Accessed February 9, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹² Ibid. U.S Department of State.

¹³ "Madagascar." International Religious Freedom Report for 2014. January 1, 2014. Accessed February 9, 2016.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

¹⁴ "Country Reports on Human Rights Practices for 2014 Madagascar." U.S Department of State. January 1, 2014. Accessed February 9, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹⁵ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁶ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed February 9, 2016

<https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁷ "Madagascar." Freedom in the World 2014: Madagascar. January 1, 2014. Accessed February 9, 2016. <https://freedomhouse.org/report/freedom-world/2016/madagascar>.

¹⁸ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed February 9, 2016 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁹ "Madagascar." Freedom in the World 2014: Madagascar. January 1, 2014. Accessed February 9, 2016. <https://freedomhouse.org/report/freedom-world/2016/madagascar>.

²⁰ Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²¹ "Madagascar." Corruption by Country. January 1, 2014. Accessed February 9, 2016. <http://www.transparency.org/country#MDG>.

²² "Country Reports on Human Rights Practices for 2014 Madagascar." U.S Department of State. January 1, 2014. Accessed February 9, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²³ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁴ "Madagascar." World Economic Forum. January 1, 2014. Accessed February 9, 2016. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=MDG>.

²⁵ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

²⁶ "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed February 9, 2016. <http://www.kidsrightsindex.org/>

²⁷ "Country Reports on Human Rights Practices for 2014 Madagascar." U.S Department of State. January 1, 2014. Accessed February 9, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²⁸ Ibid. U.S Department of State.

²⁹ "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed February 9, 2016. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁰ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³¹ "Country Reports on Human Rights Practices for 2014 Madagascar." U.S Department of State. January 1, 2014. Accessed February 9, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³² Ibid. U.S Department of State.

³³ Ibid. U.S Department of State.

³⁴ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁵ "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed February 9, 2016. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm.