



SUPPORTING
AN ENABLING ENVIRONMENT
FOR CIVIL SOCIETY

Enabling Environment Snapshot Madagascar 27 January 2025



*This document has been produced by
Transparency International Initiative Madagascar*

Context

Madagascar has experienced [democratic backsliding](#) over the past few years, and currently performs poorly on various governance indices, particularly regarding the [rule of law and human rights](#). In late 2023, incumbent President Andry Rajoelina was [re-elected](#) in elections characterised by opposition boycotts and low voter turnout. This was followed by [legislative elections](#) in 2024, in which the incumbent coalition regained its parliamentary majority. Over the past year, Malagasy civil society witnessed [political and electoral tensions](#), as well as [restrictions on public freedoms](#), all while continuing efforts to promote more inclusive and participatory governance.

1. Respect and protection of fundamental freedoms

Although the [Malagasy Constitution of 2010](#) guarantees freedom of expression, association, and peaceful assembly, as well as the right to participate in public and political life without discrimination (Articles 10, 13, and 14, respectively), respect for and protection of fundamental freedoms remain ineffective. This is evidenced by the intimidation and arbitrary arrests of human rights defenders, in particular environmental defenders, that have been widely [reported](#). For instance, in July 2023 environmental activist [Angélique Décampe Razafindrazoary](#) was subjected to threats after raising the alarm about the destruction of the Vohibola forest. Similarly, in November 2023, [Thomas Razafindremaka](#), a human rights activist in Ihosy, was sentenced to two years in prison by the Anti-Corruption Court (PAC) after exposing corruption in his community. Members of the opposition are not spared. In May 2024, Malagasy MP [Marie Jeanne d'Arc Masy Goulamaly](#) was placed under house arrest on accusations of organising demonstrations against irregularities in the 2023 presidential and 2024 legislative elections.

The Malagasy electoral context (2023–2024), particularly the presidential elections (November 2023–January 2024), has significantly worsened the country's social and political climate. [Social tensions](#) were exacerbated by various political conflicts in 2024 during the legislative and communal elections. Electoral irregularities and corruption fostered a climate of mistrust and heated exchanges among political parties, the electoral administration, the State, civil society, and citizens. Notably, intimidation of opposition members and certain election observers [was reported](#).

The government also [imposed restrictions](#) on outdoor political meetings during the electoral campaign. On 1 April 2023, authorities [declared](#) that any public demonstration required prior authorisation, citing the need to preserve security and public order. Consequently, tensions between law enforcement and participants in public demonstrations escalated, with [reports](#) of violence, excessive use of force and arrests of protesters reported in unauthorised protests. Violations of the freedom to peacefully assemble occur regularly. For example, on 27 August 2024, protests against the re-opening of the operations of the Base Tuléar mining

project, deemed harmful to the ecosystem and the health of local residents, were [repressed](#), including through arbitrary arrests of protesters.

2. Supportive legal framework for the work of civil society actors

Associations, NGOs¹, foundations and cooperatives that constitute civil society in Madagascar are legally protected by various laws that outline their creation, operation, rights, and obligations. These legal frameworks include the [Malagasy Constitution of 2010](#) (Article 10 and subsequent articles), [Ordinance no. 60-133 of 03 October 1960](#) on the general regime for associations, as amended by [Ordinance no. 75-017 of 13 August 1975](#), [Ordinance no. 62-117 of 1 October 1962](#) on the regime for religious denominations, [Law no. 2003-030 of 19 August 2004](#) on the regime for religious denominations, [Law no. 96-030 of 14 August 1997](#) on the special regime for NGOs in Madagascar, and its implementing [Decree no. 98-711 of 02 September 1998](#), [Law no. 2004-014 of 19 August 2004](#) on the regime for foundations, and [Law no. 99-004 of 25 March 1999](#) on cooperatives.

The constitutionally guaranteed freedom of association underpins civil society, ensuring the independence of associations and NGOs (except those of public utility) from State influence, as the prohibition of state subsidies for their activities safeguards their autonomy (Article 6 and Article 37).

However, despite the climate of freedom provided by these legislative provisions, the freedom of associations is not absolute and faces limitations and obstacles. These include the requirement to comply with imperatives of public order, safety, morality, and national unity; failure to meet these requirements may render their existence null and void ([Article 4 of Ordinance no. 75-017 of 13 August 1975](#) and [Article 3 of Law no. 96-030 of 14 August 1997](#)). Additionally, the process for creating NGOs is stricter, as it involves several procedural phases, with the process for approval being particularly cumbersome and time-consuming. Furthermore, foreign associations and NGOs may not be formed in Madagascar without prior authorisation from the Minister of the Interior, subject to various conditions ([Ordinance no. 60-133 of 03 October 1960](#), Chapter III on foreign associations).

3. Accessible and sustainable resources

There are no restrictions on Malagasy civil society actors' access to funding, and they are eligible for both national and international funding. In the past, targeted funds have been specifically allocated to Malagasy civil society organisations by various donors, including the [FANAINGA Fund](#), [PISCCA Fund](#), [FCI Fund](#), [UNDP](#), and [OIF](#). Support in terms of resources remains widely available, with no notable changes for 2024 compared to previous years.

¹ Non-Governmental Organisations (NGOs) is a separate legal entity in Madagascar.

However, climate funds represent a special case. Civil society actors submitting proposals for these funds must undergo approval procedures by authorities before being granted access. In addition to demonstrating alignment with national policies, proposals must be submitted to the Ministry of the Environment and Sustainable Development ([MEDD](#)). No funding for civil society is available directly from government departments. However, ministries and civil society sometimes share resources and expertise for specific activities.

4. State openness and responsiveness

In Madagascar, civil society is often perceived by the government as being [aligned with the opposition](#), which limits opportunities for fruitful collaboration. However, gradual progress is being made due to the openness and willingness of both parties to foster change. In the second half of 2024, a [national consultation](#) involving various stakeholders, including civil society, was held to develop the National Anti-Corruption Strategy 2025-2030. This consultation provided civil society with a platform to present concrete societal issues, emphasise the inconsistency between existing laws and their enforcement, address citizens' passivity towards corruption and the challenges in accessing information, and propose sector-specific [recommendations](#) for the new strategy.

However, collaboration remains sporadic and minimal, typically occurring through specific, time-limited agreements between a ministry and a civil society organisation focused on a particular theme.

5. Political Culture and Public Discourses on Civil Society

Overall, civil society plays a crucial role on the political scene, through public speeches and political discussions. In particular, civil society players regularly denounce authoritarian excesses and political reprisals that undermine fundamental principles, such as the [failures](#) to respect and protect fundamental freedoms described above. Their activism and visibility increased significantly in 2024 during the communal and municipal elections. In addition to [monitoring elections](#) there were noticeable efforts to raise awareness and mobilise citizens, particularly young people, for democratic participation through the electoral process. A number of initiatives were also launched in line with this, such as [youth engagement for democracy](#).

The targeting of young people described above already demonstrates civil society's desire to be inclusive. Minority, disability, gender, etc., are also criteria considered for inclusion efforts, especially as the imperatives of technical and financial partners go in this direction.

However, the government often criticises civil society organisations, particularly during electoral periods – including accusing them of being [aligned with the opposition](#). This was

particularly the case in August 2023, when the President of the Independent National Electoral Commission (CENI) publicly declared that civil society [failed in its mission](#) to raise awareness among the population to register to vote.

Challenges and Opportunities

Over the next four months, there are likely to be continued challenges for citizens facing intimidation and judicial harassment, especially for posting content related to the government on social media, particularly Facebook, as there is increased surveillance by government. The environment of state hostility towards civil society is expected to persist, leading to continued self-censorship and violations of fundamental freedoms of civil society.

On opportunities, civil society actors will continue advocacy efforts around passing the law on protection of whistleblowers and human rights defenders. There are ongoing discussions with the ministry of communications on the proposed law on access to information. To date, this dialogue has remained fragmented and without any visible impact.

This publication was funded/co-funded by the European Union. Its contents are the sole responsibility of the author and do not necessarily reflect the views of the European Union.”

EU SEE SUPPORTING
AN ENABLING ENVIRONMENT
FOR CIVIL SOCIETY



Funded by
the European Union

