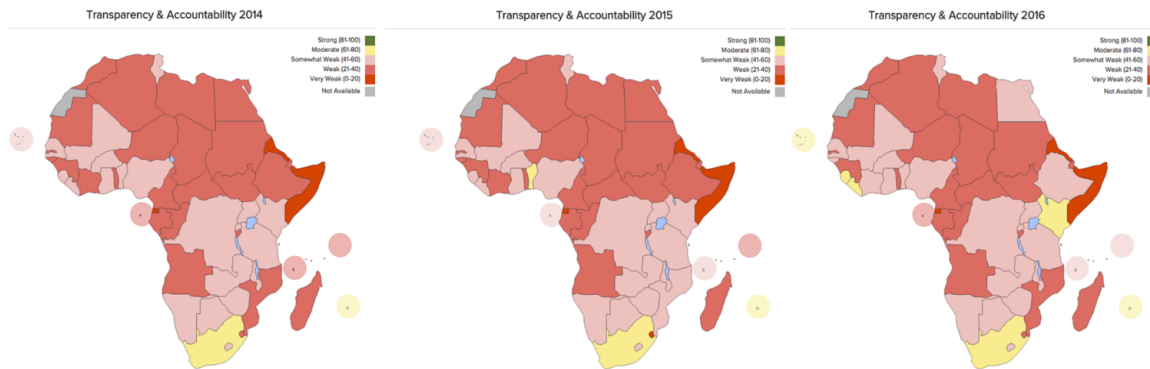


## Africa Integrity Indicators – Country Findings



### Who is Global Integrity?

Global Integrity supports progress toward open and accountable governance in countries and communities around the world. We focus on generating research and data, supporting the work of country-level reformers, and influencing global conversations on open governance. Our work covers a number of themes, with data, learning and citizen engagement at the core of everything we do. To know more about us, visit our website at [www.globalintegrity.org](http://www.globalintegrity.org).

### What are the Africa Integrity Indicators?

In 2012, Global Integrity embarked on a five-year collaboration with the Mo Ibrahim Foundation to generate the Africa Integrity Indicators (AII), which assesses key social, economic, political and anti-corruption mechanisms at the national level across the continent. Global Integrity staff recruits and manages teams of in-country contributors in 54 countries to generate original governance data on an annual basis.

The questionnaire has 114 indicators and is divided in two main categories: Transparency & Accountability and Social Development. The Transparency & Accountability category consists of 59 indicators examining issues divided in the thematic areas of rule of law, accountability, elections, public management, civil service integrity, and access to information. The Social Development indicators category consists of 51 indicators about gender, rights, welfare, rural sector, business environment, health and education.

The rich data set is designed to be particularly fruitful in identifying both bright spots as well as areas for improvement at the country level. The years of data include [2013](#), [2014](#), [2015](#), [2016](#); the next round of research will begin later in 2016 and be published in April 2017. To access our data, visit our project website at <http://aii.globalintegrity.org>.

Note: Each round of research is named from its year of publication. Thus, the 2016 round of research covers the period from September 2014 to September 2015, with only sources relevant to this period of study being accepted.

### Get in touch with us

Global Integrity is dedicated not only to producing high quality data, but ensuring that it is as useful as possible for reformers (both inside and outside of government) around the world. If you're interested in working with this data to identify opportunities to support open governance efforts in your country, contact us at [aii@globalintegrity.org](mailto:aii@globalintegrity.org).

# Madagascar – Country Findings Summary

## 1. Transparency & Accountability

The Transparency & Accountability category consists of 59 indicators examining issues divided in the thematic areas of rule of law, accountability, elections, public management, civil service integrity, and access to information & openness. The indicators look into transparency of the public procurement process, media freedom, asset disclosure requirements, independence of the judiciary, and conflict of interest laws, among others.

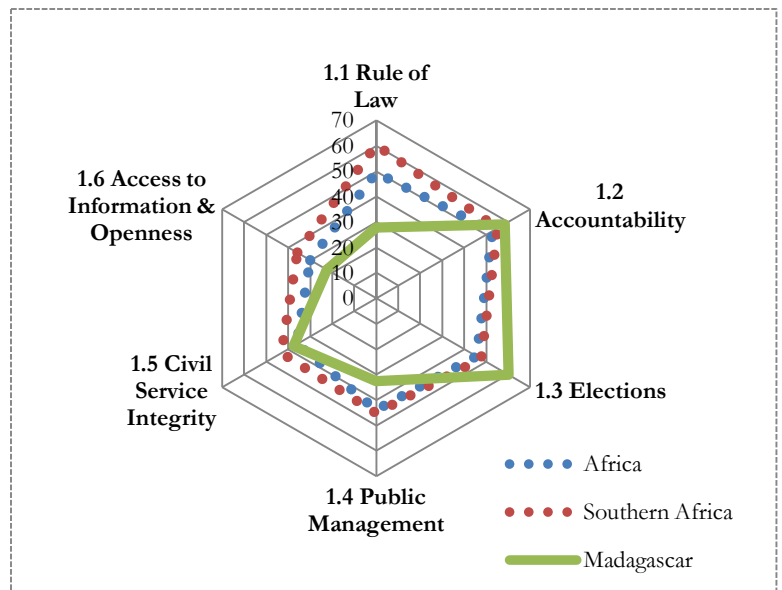
The overall category average showed no substantial change, with a slight increase from 39 in 2015 to 40 in 2016. The Elections subcategory remained the highest scoring in 2016 with an aggregate score of 60 (“somewhat weak” on the Global Integrity scale).<sup>1</sup>

The subcategories Rule of Law and Access to Information & Openness were the lowest performing with respective aggregate scores of 28 and 22 (both “weak” on the Global Integrity scale). Both were also below the Southern African and continental averages. In the case of Rule of Law, the subcategory score of 28 stood in stark contrast to the regional average of 60 and the continental average of 50.

Accountability showed a slight aggregate increase, as the subcategory score went from 52 in 2015 to 58 in 2016. The Public Management subcategory increased from 25 in 2015 to 33 in 2016. Civil Service Integrity remained at 38 and showed no change.

### Selected highlights

- **The judicial independence was undermined by political influence of the executive.** In May 2015, the Union of Malagasy Judges voiced concerns about arbitrary placements and transfers of judges without justifications based on official criteria, as reports [indicator 2](#). All appeals are reported to have been systematically rejected by the Supreme Council of Magistrates, the entity charged with

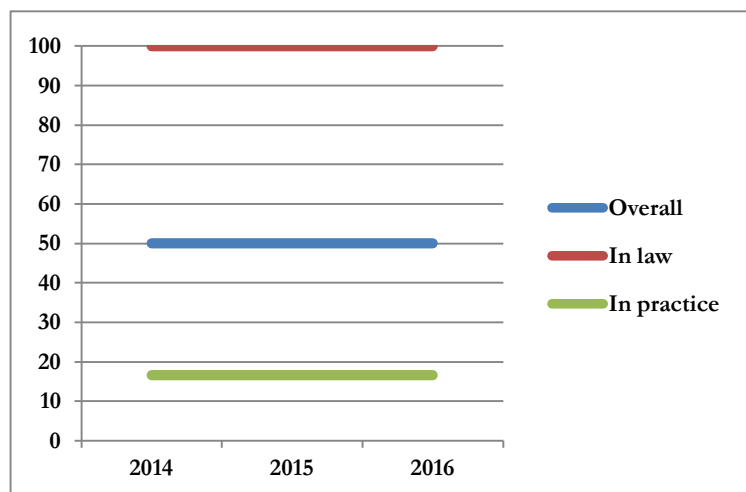


< Figure 1 > Madagascar's subcategory scores in comparison to the region and the continent. The radar chart depicts the country's aggregate scores of each of the six subcategories under Transparency & Accountability, in comparison to average scores of the continent (blue dotted lines) and the country's region (red dotted lines).

<sup>1</sup> The Global Integrity scale on the Africa Integrity Indicators website is as follows: 81-100 (Strong), 61-80 (Moderate), 41-60 (Somewhat weak), 21-40 (Weak), 0-20 (Very Weak)

the appointment, transfer and dismissal of judges and which is, in the case of Madagascar, chaired by the President of the Republic. The political influence on the judicial branch also had an effect on the Court of Accounts. Even though the court is mandated to audit all public accounts, [indicator 7](#) reveals that accounts of public companies such as Jirama, Air Madagascar, Omert, Telma or Somapar were not audited due to the lack of sufficient budget for the court to function, as well as its dependence on the executive. In fact, by law, decisions of the Court of Accounts are to be transmitted to the Minister of Finance who in turn notifies the concerned persons or institutions ([indicator 6](#)). Thus, legally such reports are not required to be made public, and most often are not or are only done with a significant delay. For example, the court has not published any reports until recently; as reported in [indicator 9](#), the latest report published is from April 2015, but it deals with the accounts of 2009.

- **While Madagascar has a strong public procurement legal framework, its implementation is not effective** (see Figure 2). The country's Public Procurement Code requires that all procurements follow open and competitive bidding, and further defines specific cases in which sole sourcing applies, as reported in [indicator 24](#). In practice, calls for bids are published in the public procurement gazette that costs around 1,5 US\$, but generally only calls for bids of international donors are subject



< Figure 2 > *De jure* and *de facto* gap of Madagascar's public procurement indicators (24-28): This graph provides an overview of the aggregate gap between *in law* indicators (green) and *in practice* indicators (red) of a particular set of indicators, and how they affect the change of the overall aggregate score (blue) between the three rounds of research 2014, 2015 and 2016.

to extensive publication. [Indicator 25](#) further reveals that in general, evaluation criteria are not accessible to the public. Additionally, citizens are not able to access full records of procurement contracts; only limited information about awards are accessible, as notes [indicator 26](#). Such a gap between the *in law* and *in practice* situation is also observed with indicators [27](#) and [28](#); the Public Procurement Code stipulates that companies found guilty of violations of procurement regulations are prohibited from participating in future bids. Yet, the public procurement authority Autorité de Régulation des Marchés Publics (APRM) lacks financial means to fulfill its oversight role and also does not keep a public registry of companies forbidden from bidding.

- **The country's anti-corruption body is dependent on the executive for its funding and was not fully effective in investigating allegations of public sector corruption during the study period.** The Bureau Indépendant Anti-Corruption (BIANCO) is mandated by Law 2004-030 of September 9, 2004 to receive and investigate allegations of public sector corruption ([indicator 11](#)). In practice, not

all allegations were investigated by BIANCO and little information was available on the time it takes for the Bureau to handle reported cases ([indicator 13](#)). For instance, in December 2014, an article in Le Tribune pointed out the inaction of BIANCO in the face of suspected corrupt practices among members of parliament. [Indicator 12](#) further revealed that few cases investigated by BIANCO were transmitted to the Chaîne Pénale Economique et Anticorruption (CPEAC), specialized in handling economic and financial offences. For the appointment of the Director General for BIANCO, the Comité pour la Sauvegarde de l'Intégrité (CSI) selects three candidates and presents them to the President of the Republic. The current Director General was appointed in June 2014 for a mandate of five years, and the selection process was based on merit. For the first time, the Bureau is headed by a magistrate, while it had previously under the direction of officers of the national gendarmerie ([indicator 14](#)). Yet, concerns continued to be raised about BIANCO's dependence on the executive in regards to its budget. The Director General also submits annual reports to the President of the Republic and the Parliament on the Bureau's activities and results.

- **Certain laws exist to promote integrity within the civil service. However, civil servants are not entirely free from political influence in practice.** The Law 2004-030 concerning the fight against corruption and the Decree 2003-1158 concerning the code of conduct of civil servants establish formal rules to prevent conflict of interest and nepotism ([indicator 37](#)). In law, there are also restrictions of up to three years for civil servants entering the private sector after leaving the government ([indicator 40](#)). Only four other countries had such provisions warranting a YES score on this indicator. Yet, no law requires civil servants to report cases of alleged corruption ([indicator 35](#)). While no specific law exists for the specific protection of whistle-blowers within the civil service ([indicator 36](#)), the Law 2004-030 and the Penal Code of 2005 provide protection for whistle-blowers in general. In practice, civil servants are not entirely free from political influence. For instance, the removal of the Director General of the Treasury in March 2015 was considered to be triggered by his active engagement in promoting transparency. In a similar manner, civil servants are also transferred to less influential positions within the civil service, as reports [indicator 38](#). Such transfers led to a low score of 0, in the bottom 27.8% of assessed countries. While conflicts of interest are reported to be widespread when it comes to the recruitment process, efforts to increase transparency were also observed. For instance, the involvement of the Bureau Indépendant Anti-Corruption (BIANCO) in the recruitment process led to uncovering corrupt practices within the Regional Directorate of Public Health of the Vakinankaratra region in October 2014 ([indicator 39](#)).
- **Overall, citizens were free to express their views and opinions on the Internet. However, the degree of the media's self-censorship remained high.** Whereas citizens voiced concerns during the 2015 research over the effect of a law against cyber criminality that had been passed in 2014, [indicator 56](#) reports that in 2016, no signs indicated any increased self-censorship among citizens. The law prohibits defamation of civil servants, members of governments and other public figures. The government also did not block any online content, or require ICT firms to do so, as notes [indicator 57](#). On the other hand, media houses did not enjoy the same degree of freedom as citizens. For instance, [indicator 55](#) documents the case of Viva à Fianarantsoa (center-east), a radio and television whose offices were plundered in August 2015. Both are owned by Andry Rajoelina, the former interim President of the Republic and current leader of the opposition party Mapar. The

incident occurred after tight results were announced following the race between candidates of the ruling party and the opposition running for mayor.

- **Access to Information & Openness remains the country’s weakest subcategory, due to the lack of legal frameworks on the publication of asset declarations, and of records associated with the funding of political parties.** While the Constitution requires that senior officials of the government declare their assets, the relevant Enforcement Decree n° 2004-983 excludes the President of the Republic from such an obligation. Lower-ranking civil servants are not required to disclose their assets either, as reports [indicator 46](#). Since the law also does not make it mandatory to publish disclosures ([indicator 44](#)), in practice the public has no access to any of the submitted declarations ([indicator 45](#)). In the same vein, citizens have no access to records of the public or private funding that political parties receive, as pointed out in indicators [49](#) and [51](#). This is in part due to the fact that the Law on Political Parties of 2011 does not require political parties to make such information available to the public, as noted in indicators [48](#) and [50](#). The director general of the Malagasy financial intelligence unit Sampandraharaha Malagasy Iadiana amin’ny Famotsiambola (SAMIFIN) stated in July 2015 that only four political parties opened a bank account for the presidential elections in 2013. However, a total of 33 candidates were in the race representing separate political parties.

## 2. Social Development

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This category covers seven subcategories, including Rights (civil society space and minority rights), gender, business environment and infrastructure, rural Sector, welfare, health, education, and civil registration. Because the Social Development portion of the research only includes a small number of questions per each topic area, we only provide the scores for each individual indicator and don't provide aggregated category or subcategory scores. However, the individual indicators themselves contain a wealth of information across a breadth of topics, a select few highlights of which are noted below.

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### Selected highlights

- **NGOs operated in a free environment. However, citizens and workers faced obstacles in exercising their rights to assemble and unionize.** As indicators [68](#) and [69](#) report, there were no major hurdles to setting up a new NGO, nor were there any cases of employees of existing NGOs being threatened or physically harmed as a retribution for their work. Neither was there any reported case of NGOs being shut down or harassed with unwarranted administrative burdens, as notes [indicator 70](#). However, a number of demonstrations in the country were repressed during the study period. For instance, workers of the national airline Air Madagascar and the national electricity and water company Jirama went on a series of strikes, and some of them were arrested or threatened to see their contract terminated, according to [indicator 65](#). The organizer of university demonstrations in August 2015, as well as a political leader who called for a citizen march in March 2015, were arrested. Such cases contributed to the score drop of [indicator 67](#), which assesses citizens' ability to freely express their dissent in public, from 50 in 2015 to 0 in 2016.
- **Madagascar's statistical capacity remained low.** The national statistics office INSTAT collects and publishes some data on unemployment and poverty, but not frequently. The latest data on youth unemployment is from 2012 in the national survey on employment and the informal sector (ENEMPSI), and as [indicator 91](#) explains, INSTAT's more recent quarterly publication on unemployment statistics is not disaggregated by age. The latest statistics on poverty are also from the year 2012, as notes [indicator 92](#). INSTAT does not collect any statistics on infrastructure, but some relevant data is available at other agencies. For instance, statistics on railroads and airports can be found on the website of the Ministry of Tourism, Transport and Meteorology. None of the indicators scored higher than 25.
- **There is no government social safety net to assist the unemployed, the elderly or those unable to work due to a permanent or temporary illness or health condition. Only limited programs were implemented to promote youth integration.** When it comes to the socio-economic integration of youth, [indicator 101](#) points out that several ministries are active, such as the Ministry of Population, Social Affairs and the Protection of Women, or the Ministry of Youth and Sports. The latter implemented employment creation projects in 2014. However, no progress was recorded from the previous round, as no permanent programs were implemented to ensure education or housing of the youth during the study period. The Ministry of Population is also

mandated to ensure a social safety net for the elderly, but no programs to ensure health care, housing or other essential needs were put in place during the study period, as noted in [indicator 102](#). As those unable to work due to a temporary or permanent health problem are not covered by any safety net, they benefit indirectly from programs implemented by the Ministry of Population to assist vulnerable groups, as reports [indicator 103](#). The national social security fund CNAPS remains another option for those who have previously made contributions. However, no department is mandated to provide assistance to the unemployed, as notes [indicator 104](#).

*The above findings capture selected highlights and are not an exhaustive analysis of the collected data. We encourage interested users to access our website [here](#) for detailed comments and sources for all 114 individual indicators.*