COUNTRY REPORT

WHISTLEBLOWERS IN MADAGASCAR:

Overview of the Legal Framework and Practices



PPLAAF



Madagascar Country Report
Overview of the Legal Framework and Practices
October 2026

About the Platform to Protect Whistleblowers in Africa

The Platform to Protect Whistleblowers in Africa (PPLAAF) is a non-governmental organisation established in 2017 to protect whistleblowers, as well as to advocate and engage in strategic litigation on their behalf when their revelations deal with the general interests of African citizens.

PLATFORM TO PROTECT WHISTLEBLOWERS IN AFRICA (PPLAAF)

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01

INTRODUCTION & CONTEXT

In May 2021, former Madagascar health ministry procurement officer Ravo Ramasomanana filed a formal complaint with documented evidence alleging fraud, forgery, and embezzlement in COVID-19 procurement contracts. Instead of investigating his claims, authorities charged him with defamation and spreading false information; he was ultimately convicted and fined, while his corruption allegations were never seriously pursued. His case, which the Platform to Protect Whistleblowers in Africa (PPLAAF) supported, highlights how, without specific legal safeguards, existing laws can be turned against whistleblowers rather than the wrongdoing they expose.[1]

Since independence from France in 1960, Madagascar has faced repeated military interventions, constitutional crises, mass protests, and contested elections. Most recently, a military coup in October 2025 removed President Andry Rajoelina after months of unrest led by the youth movement "Gen Z Madagascar," which protested endemic corruption, power and water shortages, and widespread poverty.[2],[3] The protests resumed in April 2026, this time also targeting the new military junta, seen by many as simply replacing one corrupt elite with another.[4]

While the country's anti-corruption institutions are formally established, they operate within a context of weak rule of law, political interference, and limited resources. The central legal reference remains Law n° 2016-020 on the fight against corruption, which repealed and replaced the 2004 anti-corruption law. It created the Independent Anti-Corruption Bureau (BIANCO) and embedded a dedicated chapter on the protection of whistleblowers, witnesses, and dénonciateurs. However, as the Ramasomanana case demonstrates, these protections have proven insufficient in practice, and no standalone whistleblower protection law currently exists.

Many organisations have been advocating for the adoption of comprehensive whistleblower protection legislation in Madagascar. Transparency International Madagascar (TI-Madagascar) has been among the most prominent civil society voices in this effort. In 2022, TI-Madagascarand other civil society organisations held a march in Antananarivo pushing for the adoption of two pending bills: an access to information bill that the Ministry of Communications had promised to adopt in 2019 and a bill on the protection of witnesses and whistleblowers.[5]

The access to information law has not been adopted as of September 2026. In February 2026, technical drafting of the Protection of Whistleblowers Bill resumed through collaboration between the Ministry of Justice, the national Anti-Corruption System, and the United Nations Office on Drugs and Crime (UNODC).[6] The bill was formally presented to Parliament by the Committee for the Preservation of Integrity (CSI) at the National Assembly Summit in Antananarivo on 30 April 2026. In September 2026, the Minister of Justice announced that the bill was being examined by the government during a workshop on whistleblowing legislation in the Indian Ocean Islands.[7] Furthermore, Madagascar's adoption of the National Anti-Corruption Strategy 2015-2025 and its successor from 2025-2030 were declaratively built around ending impunity, fostering multi-stakeholder collaboration, and promoting a culture of shared integrity.

Translating this legislative ambition into effective protection will require sustained political will, genuine institutional independence, and adequate funding conditions that remain uncertain amid Madagascar's ongoing political transition and the military government's parallel efforts to project a reformist image while exercising significant political repression.

02

WHISTLEBLOWING LAWS AND POLICIES

In 2004, Madagascar ratified the African Union Convention on Preventing and Combating Corruption (AUPCC) and in 2005, it ratified the United Nations Convention against Corruption (UNCAC). Despite these commitments, corruption remains endemic. In 2025, Madagascar ranked 148th out of 182 countries on Transparency International's Corruption Perceptions Index, placing it among the most corrupt countries assessed.[8] This reality is reflected in the absence of dedicated whistleblower legislation. As mentioned above, Madagascar has no standalone whistleblower protection law; protection for those who report wrongdoing is mentioned essentially in Law n° 2016-020 on the fight against corruption, which remains the central reference for whistleblower-adjacent provisions.

2.1 WHO CAN REPORT

Law n° 2016-020 does not define who qualifies as a whistleblower. The term whistleblower appears in the chapter heading of Title II, Chapter V and in Article 56, but is never legally defined in the law. In general, however, the law places no restriction on who may submit a report. As such, any natural or legal person may, in principle, lodge a report.

2.2 TYPES OF REPORTABLE WRONGDOING

Reportable conduct is defined through the penal code amendments in Chapter IV of Law n° 2016-020. The offences covered include: diversion of public and private funds, extortion by public officials, passive and active corruption, foreign bribery, private-sector corruption, influence peddling, abuse of functions, conflict of interest, illicit gifts, illicit enrichment, and false asset declarations.

As such, this law is limited to financial and economic wrongdoings. It does not extend to broader public-interest categories, such as environmental harm, public health and safety, and labour rights violations that are typically covered by modern whistleblower statutes. Disclosures in those domains are not protected under this law; they would need to rely on other instruments, none of which provide equivalent protection.

This omission is especially striking, given that TI-Madagascar has also underscored the pressing need for whistleblower protection in the environmental and natural resources sectors, where activists face heightened targeting, including judicial persecution and murders, and where insider disclosures could have significant accountability consequences.[9],[10],[11]

2.3 REPORTING CHANNELS AND PROCEDURES

The main statutory reporting channel is the Independent Anti-Corruption Bureau (BIANCO). Chapter III of the 2016 law establishes its mandate. The law also introduced a significant innovation: BIANCO may now investigate on its own initiative, without waiting for an external complaint. This power marks a genuine departure from the model under the 2004 predecessor law, which required filing a complaint before BIANCO could open a case.

This shift has been reinforced by parallel improvements to the complaint mechanism itself: whistleblowers may report violations internally through an online portal called i-toroka, an anonymous digital platform for reporting corruption in Madagascar.

Once a report is received, BIANCO's Director General holds judicial police officer powers, including the authority, via written mandate, to access public records, audit private companies' accounts, inspect bank accounts, and deploy special investigative techniques including surveillance and undercover operations. However, the law does not define timelines for BIANCO to acknowledge or act on a report, nor does it require the case manager to report on the case's status or to explain a decision not to pursue it.

Current legislation doesn't require public bodies or private employers to maintain internal reporting channels for corruption concerns (as distinct from the internal anti-corruption prevention policies required by Art. 6, which address institutional procedures, not individual complaints). Additionally, the law also does not provide avenues for public disclosures to media or civil society organisations, depriving potential whistleblowers of key avenues to report wrongdoing.

According to the Committee for the Preservation of Integrity (CSI), the draft law should include secure, accessible, and confidential reporting mechanisms, as well as a clarification of institutional procedures and responsibilities.[12]

2.4 EXEMPTIONS AND LIMITATIONS

Article 373.1 criminalises abusive complaints and reporting based on non-existent facts or conduct that does not constitute corruption or an assimilated offence. The 2016 law increased the maximum penalty for this offence from one year (under the 2004 law) to up to five years' imprisonment, with the penalty potentially doubled on aggravation. In contrast, Law n° 2018-043 on anti-money laundering explicitly presumes good faith for those who make declarations and shifts the burden of proving bad faith to the opposing party (Art. 33); Law n° 2016-020 contains no equivalent safeguard.

Furthermore, Law n° 2016-020 offers leniency to corrupt actors who cooperate with authorities. Article 180.2 states that if someone committed corruption comes forward on their own before any investigation starts and helps identify parties involved, they get complete immunity from punishment (unless they're a repeat offender). If they only cooperate after prosecution has already begun, but their help leads to the arrest of the other people involved, they don't get full immunity, but their sentence is cut in half, and they're spared any additional penalties.

2.5 PROTECTION MEASURES AND SUPPORT MECHANISMS

Whistleblower protection is addressed in Title II, Chapter V. The chapter's explicit inclusion of whistleblowers alongside dénonciateurs and witnesses marks a step forward in the 2004 law. In substance, however, the protections are narrower than the chapter title suggests: they apply only to disclosures connected to corruption offences, and appear to require that the report be channelled through BIANCO.

Article 58 of the 2016 law prohibits retaliation in general terms: it prohibits reprisals against a dénonciateur or witness. The provision is a single sentence and does not itself define "retaliation" or attach a sanction. The operative definition and penalties appear instead in Article 374 of the Malagasy Penal Code, also inserted by the 2016 law. The article defines as retaliation any act committed against a whistleblower, witness, expert or public official responsible for enforcing anti-corruption legislation, on account of the performance of their mission or role in the context of an investigation or prosecution that is ongoing, or that has already resulted in a court decision, concerning an offence of corruption or a related offence.

Retaliation is punishable by five to ten years' imprisonment when committed by natural persons. For legal persons, it is punishable by suspension of activity (for five to twenty years) or dissolution. Article 374 is arguably the law's strongest anti-retaliation measure as it criminalises retaliation as a named, standalone offence, with severe penalties that extend to corporate liability.

The law also provides other important protective measures, including identity protection (Art. 56) which places a duty on BIANCO's Director General to protect the identity of the dénonciateurs, witnesses, and presumed whistleblowers, and to put in place mechanisms for protecting information gathered through reports. The law further prohibits compelling a witness in civil or criminal proceedings to reveal the identity of a BIANCO dénonciateur, unless the dénonciateur is themselves cited as a witness (art 57).

Beyond the protections mentioned above, the law establishes dedicated remedies for victims of retaliation. Indeed art. 59 provides that a dénonciateur or witness who suffers retaliation must file a written complaint with BIANCO. If BIANCO's investigation confirms retaliation, it refers the case to the competent court, which can order remedies: reinstatement, back pay, annulment of disciplinary measures, reimbursement of losses, and an end to ongoing retaliation. The remedy list is comprehensive and includes reinstatement and back pay to address employment-based retaliation, annulment to address disciplinary retaliation, and the "cease any other form" catch-all leaves room for retaliation not otherwise anticipated. However, access to court runs entirely through BIANCO's discretion; there's no clear recourse if BIANCO declines to act or finds no retaliation.

In practice though, whistleblowers often fear retaliation and hesitate to come forward. In 2023, TI-Madagascar's investigation unit, the Malina network, denounced cases of embezzlement of humanitarian aid intended for famine-affected communities in southern Madagascar. The organisation's executive director illustrated to RFI the practical cost of the legislative gap: potential whistleblowers had refused to come forward out of fear of retaliation from those responsible for the embezzlement, and out of concern that exposing the fraud might lead to the aid programme being suspended altogether.[13]

03

RELEVANT AND COMPLEMENTARY LEGISLATION

The safety of whistleblowers extends well beyond the legal protections they are afforded; it also depends on the broader environment of freedom of expression and press freedom, as well as on the anti-corruption legislation in which those disclosures are made. Legal protections on paper mean little if the surrounding civic space is hostile, a whistleblower can be formally 'protected' by law and still face retaliation, intimidation, or exposure if the press cannot report freely, if public criticism is restricted, or if anti-corruption bodies lack the independence and authority to act on disclosures.

In Madagascar, while constitutional protections for both freedoms exist on paper, the practical environment for media and expression has deteriorated markedly in recent years. This is reflected in the country ranking in the Reporters Without Borders World Press Freedom Index, which fell from the 64th out of 180 countries in 2015 to 103rd out of 180 in 2025. This decline creates conditions that compound the risks already faced by those who choose to speak out.[14]

3.1 FREEDOM OF EXPRESSION AND MEDIA ENVIRONMENT

Freedom of expression in Madagascar is under sustained strain. Constitutional guarantees exist on paper, but a pattern of state repression, including criminal prosecution, digital surveillance, and institutional pressure on independent media, has created an environment in which speaking out carries serious personal risk.[15] This trend is particularly concerning for whistleblowing, as a free and independent press plays a crucial role in amplifying and investigating disclosures, ensuring accountability within public institutions, and sustaining public awareness of wrongdoing that affects society as a whole.

Constitutional and Legal Protection

Article 11 of the Malagasy Constitution guarantees the right to information and establishes that the free flow of information, in any form, is subject only to limitations necessary for public order and public morals.

The legal framework is further completed by Law n° 2016-029 on the Code of Media Communication (2016). Madagascar's Media Communication Code protects journalistic sources primarily through Article 58, which makes it an ethical duty for journalists never to reveal how they obtained facts to protect their sources, and Article 60 lists source protection among journalists' core professional rights.

Furthermore, Article 9 extends this protection to journalists as well as to editorial collaborators who come to learn source-identifying information in the course of their roles.

Article 10 gives both journalists and editorial collaborators the right to stay silent and refuse to hand over information, recordings, or documents that would reveal an informant's identity, the origin of information, the identity of an author, or any content that would allow the source to be identified.

However, this protection isn't absolute: Article 11 allows it to be lifted only at the request of judicial authorities, and only when doing so is necessary to prevent a crime posing a serious threat to someone's physical safety, the information is crucial to preventing that crime, and it cannot be obtained by any other means Article 12 extends the same strict limits to searches, seizures, wiretaps, and similar investigative measures targeting these protected individuals.

Altogether, the law establishes a fairly robust shield-law-style protection, overridable only by a judge and only in narrow, serious circumstances tied to preventing physical harm.

Furthermore, the 2016 law decriminalised certain press offences, replacing prison terms with fines for offences such as defamation and insult. For example, spreading false news, which under the previous framework was punishable by up to three years in prison, consists now of a fine of 3,000,000 to 6,000,000 ariary (USD 678 to 1356) (Art. 30).

However, according to the preamble of its 2020 revision, substantial provisions drafted by press-sector stakeholders were stripped from the bill during the executive phase of the legislative process before 2016 promulgation, prompting the creation of the Mouvement pour la Liberté d'Expression (MLE) that same year. The 2020 revision reinstated provisions regarding freedom of expression and journalists' access to information. The new Article 5 affirms that no one may restrict the free exchange of information in a way that undermines citizens' right to free, pluralist, and transparent information, while the new Article 7 guarantees journalists' right of access to all sources of information, including data and statistics.

In practice, Madagascar's legal protections fall short. The media landscape is polarised between government and opposition-aligned outlets, with public broadcasters under direct government influence and private media shaped by political ownership and self-censorship. Low wages leave journalists vulnerable to practices like felaka (cash payments). Reporters Without Borders (RSF)[16] has documented intimidation of journalists on sensitive political topics, including around the October 2025 coup: journalists Borgia and Le Troquier faced prosecution threats for questioning the government's account of 32 deaths,[17] and in 2025 two journalists covering protests were shot and two others assaulted.[18]

The broader political climate has further deteriorated since the coup: protest leaders have been arrested, institutions placed under junta control, and by April 2026 even Gen Z activists calling for elections were being charged with state-security offences.[19]

For a whistleblower, this matters concretely: the media, often a fallback route when institutional channels are unsafe, offers weak protection here. A journalist receiving a disclosure faces both legal exposure (source-confidentiality exceptions, defamation, cybercrime law) and structural pressures (editorial control, political ownership) that make publication harder and exposure more likely.

Access to Information Laws

Other than Article 7 of the Code of Communication above, which guarantees broad access to information sources and bars anyone from obstructing or intimidating journalists in their work, Madagascar has no specific access-to-information law. A first bill was drafted in 2006 under the National Integrity Observatory (ONI) and has been revised and resubmitted multiple times since. In 2026, the law was set to be discussed in Parliament, twenty years after being first drafted, but there are no clear reports on whether it has been debated.[20] The practical consequences for whistleblowing are significant: without a legal right to access public documents, whistleblowers cannot compel disclosure of information corroborating their allegations, and journalists cannot independently verify disclosures through administrative channels, increasing the legal risk of publication and reducing the evidentiary base available to support a disclosure. As Transparency International Madagascar has noted, adopting this law is a necessary condition for any large-scale anti-corruption effort to be effective.[21]

Data Protection and Cybercrime Laws

Law n°2014-006 of 17 July 2014 on the fight against cybercrime, amended in 2016, establishes a legal framework for offences committed through computer systems and electronic communications, including unauthorised access, data and system interference, computer-related fraud, and certain offences involving individuals online. The law also regulates the responsibilities of network operators and service providers. The law is particularly relevant to whistleblower protection because it contains a provision addressing insult and defamation (Art 20) through electronic means, including allegations involving public officials and public institutions. Civil-society organisations criticised this provision for potentially restricting freedom of expression and information and for creating opportunities for judicial harassment.[22]

3.2

ANTI-CORRUPTION LEGISLATION

Law n° 2018-043 on anti-money laundering and counter-terrorism financing imposes mandatory suspicious transaction reporting obligations on obligated entities: financial institutions and designated non-financial businesses and professions including lawyers, notaries, accountants, real estate agents, and casinos. Article 33 provides these declarants with an important protection absent from Law n° 2016-020: a presumption of good faith, meaning that declarants face no civil or criminal liability for reports made in good faith even if they prove unfounded, and the burden of proving bad faith falls on the party alleging it. This contrasts unfavourably with the absence of an equivalent presumption for reporters under the anti-corruption law.

Furthermore, the Anti-Corruption Poles (PAC) Law n° 2016-021 amended in 2021, established specialised anti-corruption courts with jurisdiction over corruption and a broader range of serious economic offences, including cybercrime, environmental offences, illegal fishing, and arms trafficking. Civil society organisations whose statutes define anti-corruption work can directly bring before the PAC.

3.3
OTHER RELEVANT LEGISLATION

Labour and Employment Law

The Labour Code (Law n° 2024-014) applies exclusively to private-sector employment relationships; civil servants are governed separately by the General Civil Service Statute (Law n° 2003-011).

Within Labour Code scope, several provisions are relevant to whistleblowing though none was designed for that purpose. Article 14 is the most significant: it requires employers to establish "an appropriate procedure enabling victims, witnesses and denouncers to report the act, with respect for the privacy of the persons concerned and without fear of reprisals." This is the only statutory obligation to create an internal reporting channel found in any Malagasy instrument and the only provision that explicitly names dénonciateurs alongside victims and witnesses in a reporting context. Its scope is limited to violence and harassment; however, there is no equivalent obligation for reporting corruption or financial wrongdoing. There is also no enforcement mechanism: no penalty for non-compliance, no minimum standards for the channel established.

Articles 10 and 15 prohibit sanctions, career discrimination, and dismissal against employees who report, witness, or testify about workplace violence and harassment, again scoped to those categories only. The general abusive dismissal framework (Art. 39) provides a broader backstop: the burden of proof is reversed, with the employer required to establish the legitimacy of a dismissal, not the employee to prove its retaliatory character. This reversed burden is practically significant for whistleblowers dismissed after making a report, since retaliatory intent is typically difficult to establish directly.

Article 173 introduces a right to alert for occupational health and safety risks, allowing workers to temporarily withdraw from dangerous workplaces pending remedial action by the employer.

Article 15 of the General Civil Service Statute (Law n° 2003-011) imposes a broad professional secrecy obligation on all civil servants: any communication of service documents to third parties contrary to regulations is prohibited and subject to disciplinary sanction up to and including dismissal.

The only release from this obligation requires authorisation from the competent hierarchical authority, or a judicial procedure. For public-sector whistleblowers, who are most likely to have direct evidence of institutional corruption, this obligation creates a direct legal conflict with any disclosure to BIANCO, the press, or civil society. The law contains no public-interest override, no good-faith defence, and no exception for disclosures made to anti-corruption institutions. This is among the most challenging barriers to whistleblowing in Madagascar, and it is rarely discussed in assessments that focus solely on anti-corruption legislation.

Criminal Law and Procedure

Under Article 373 of the Madagascar Penal Code, malicious denunciation is punishable. Anyone who files a false accusation against another person with the police, judicial authorities, or one's superiors or employer faces 6 months to 5 years in prison, and a fine of 100,000 to 4,500,000 Ariary (approximately 23 to 1,050 USD). Further, Article 373.1 covers abusive denunciation, which states that reporting facts that do not exist, or that do not constitute corruption or related offences, is punishable by 6 months to 1 year in prison, which can be doubled, and a fine of 100,000 to 1,000,000 Ariary (approximately 23 to 233 USD).

04

PPLAAF'S ENGAGEMENT IN MADAGASCAR

PPLAAF has supported Ravo Ramasomanana, a former procurement official at Madagascar's Ministry of Public Health.

In 2019, Ramasomanana refused to approve documents relating to a renal transplant centre project after identifying alleged corruption and forged paperwork. Two years later, during the COVID-19 pandemic, he publicly raised concerns about the misuse of emergency health funds and poor hospital conditions, alleging abuses including nepotism, no-bid contracts, fictitious employment, procurement fraud, forgery, and embezzlement. He supported his allegations with documentary evidence and submitted a formal complaint to the Anti-Corruption Prosecutor.

Rather than prompting an investigation into the alleged corruption, his disclosures were followed by criminal proceedings against him. Ramasomanana was summoned by the Cybercrime Unit and subsequently prosecuted for defamation and spreading false information. He was ultimately convicted and fined, despite having formally reported alleged corruption.

His case drew international condemnation from organisations including Amnesty International, PPLAAF, and Transparency International Initiative Madagascar, which characterised the proceedings as retaliatory and called for stronger legal protections and legislative reform.

RELEVANT LEGISLATION

INTERNATIONAL AND REGIONAL CONVENTIONS:

- United Nations Convention Against Corruption (Ratified in 2012)
- African Union Convention on Preventing and Combating Corruption (ratified in 2007)
- Commission de l'océan Indien (COI) Whistleblower procedure(May 2024)

Legislation:

- Constitution of Madagascar (2010)
- The Labour Code (Law n° 2024-014)
- The General Civil Service Statute (Law n° 2003-011)
- The Penal Code

Anti-corruption laws

- Law No.2016-020 on the fight against corruption
- Law No. 2018-043 on the fight against money laundering and terrorism financing

Media rights and freedom of expression

- Law No. 2016-029 on the Code of Mediated Communication
- Law n°2014-006 on the fight against cybercrime

Institutions:

- Independent Anti-Corruption Bureau (BIANCO)
- Committee for the Preservation of Integrity (CSI)
- Anti-Corruption Poles (PAC)

Programs and Policies and Law Proposals:

- National Anti-Corruption Strategy (2015-2025)
- A current bill is being examined by the government.

ENDNOTES

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RESOURCE, KNOWLEDGE & ADVICE CENTRES

The following trusted organisations provide support, information, or advocacy in relation to whistleblowing and related rights in Madagascar:

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