

Madagascar

Women, Business and the Law 2020 presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across the eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. Data refer to the laws and regulations that are applicable to the main business city (Antananarivo). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **Madagascar scores 71.9 out of 100**. The overall score for Madagascar is higher than the regional average observed across Sub-Saharan Africa (69.9).

Madagascar - Scores for Women, Business and the Law 2020



Relative Strengths

When it comes to laws affecting women’s decisions to work, gender differences in property and inheritance, and laws affecting the size of a women’s pension, Madagascar gets a perfect score.

Areas for Improvement

However, when it comes to constraints on freedom of movement, laws affecting women’s pay, constraints related to marriage, laws affecting women’s work after having children, and constraints on women’s starting and running a business, Madagascar could consider reforms to improve legal equality for women.

For example, one of the lowest scores for Madagascar is on the indicator related to laws affecting women’s pay (the WBL2020 Pay Indicator). To improve on the Pay Indicator, Madagascar may wish to consider mandating equal remuneration for work of equal value, allowing women to work in jobs deemed dangerous in the same way as men, and allowing women to work in all the same industries as men.

Recent Reforms (2018-2019)

No reforms impacting the WBL2020 indicators have been observed during the past two years.

	QUESTION	ANSWER	LEGAL BASIS
Mobility	Can a woman choose where to live in the same way as a man?	Yes	Loi No. 2007-022 du 20 Août 2007 Relative au Mariage et aux Régimes Matrimoniaux, Art. 50
	Can a woman travel outside her home in the same way as a man?	Yes	No restrictions could be located
	Can a woman apply for a passport in the same way as a man?	No	Passport application procedures; Passport application form
	Can a woman travel outside the country in the same way as a man?	Yes	No restrictions could be located
Workplace	Can a woman get a job in the same way as a man?	Yes	No restrictions could be located
	Does the law prohibit discrimination in employment based on gender?	Yes	Code du Travail, Art. 261
	Is there legislation on sexual harassment in employment?	Yes	Code Pénal, Art. 333 bis; Code du Travail, Arts. 5 et 261
	Are there criminal penalties or civil remedies for sexual harassment in employment?	Yes	<i>Criminal:</i> Code Pénal, Art. 333 bis; Code du Travail, Arts. 5 et 261 <i>Civil:</i> Code du Travail, Art. 23
Pay	Does the law mandate equal remuneration for work of equal value?	No	No applicable provisions could be located
	Can women work the same night hours as men?	Yes	No restrictions could be located
	Can women work in jobs dangerous in the same way as men?	No	Jobs deemed hazardous: Décret No. 62-152 du 28 Mars 1962, Art. 1 Jobs deemed arduous: Code du Travail, Art. 99 Jobs deemed morally inappropriate: Décret No. 62-152 du 28 Mars 1962, Art. 1
	Are women able to work in the same industries as men?	No	Mining: Décret No. 62-152 du 28 Mars 1962, Art. 7 ; Code du Travail, Art. 85 Construction: Code du Travail, Arts. 85 et 93 Factories: Code du Travail, Art. 85 Agriculture: Code du Travail, Arts. 85 et 93 Energy: Code du Travail, Art. 85 Water: Code du Travail, Art. 85 Transportation: Code du Travail, Art. 85 Other: No restrictions could be located
Marriage	Is there no legal provision that requires a married woman to obey her husband?	Yes	Loi No. 2007-022 du 20 Août 2007 Relative au Mariage et aux Régimes Matrimoniaux, Arts. 54 et 55
	Can a woman be head of household in the same way as a man?	No	Loi 2007-022 du 20 Août 2007 Relative au Mariage et aux Régimes Matrimoniaux, Art. 54
	Is there legislation specifically addressing domestic violence?	No	No applicable provisions could be located
	Can a woman obtain a judgment of divorce in the same way as a man?	Yes	No restrictions could be located
	Does a woman have the same rights to remarry as a man?	Yes	No restrictions could be located
Parenthood	Is paid leave of at least 14 weeks available to mothers?	Yes	Code du Travail, Art. 97
	Does the government pay 100% of maternity leave benefits?	No	Code du Travail, Art. 97
	Is there paid paternity leave?	No	No applicable provisions could be located
	Is there paid parental leave?	No	No applicable provisions could be located
	Is dismissal of pregnant workers prohibited?	Yes	Code du Travail, Art. 95
Entrepren.	Does the law prohibit discrimination in access to credit based on gender?	No	No applicable provisions could be located
	Can a woman sign a contract in the same way as a man?	Yes	Loi No. 2007-022 du 20 Août 2007 Relative au Mariage et aux Régimes Matrimoniaux, Art. 59
	Can a woman register a business in the same way as a man?	Yes	No restrictions could be located
	Can a woman open a bank account in the same way as man?	Yes	No restrictions could be located
Assets	Do men and women have equal ownership rights to immovable property?	Yes	Loi No. 2007-022 du 20 août 2007, Arts. 117 et 118
	Do sons and daughters have equal rights to inherit assets from their parents?	Yes	Loi No. 68-012 du 4 juillet 1968, Art. 16
	Do female and male surviving spouses have equal rights to inherit assets?	Yes	Loi No. 68-012 du 4 juillet 1968, Art. 16
	Does the law grant spouses equal administrative authority over assets during marriage?	Yes	Loi No. 2007-022 du 20 août 2007, Art. 117
	Does the law provide for the valuation of nonmonetary contributions?	Yes	Loi No. 2007-022 du 20 août 2007, Art. 117
Pension	Are the ages at which men and women can retire with full pension benefits equal?	Yes	Women: Décret n° 2013-337 du 02 juillet 2013, Art. 1 Men: Code de la Prévoyance Sociale, Art. 268
	Are the ages at which men and women can retire with partial pension benefits equal?	Yes	Women: Code de la Prévoyance Sociale, Art. 287 Men: Code de la Prévoyance Sociale, Arts. 268 et 287
	Are the mandatory retirement ages for men and women equal?	Yes	Women: No applicable provisions could be located Men: No applicable provisions could be located
	Are periods of absence due to child care accounted for in pension benefits?	Yes	Code de la Prévoyance Sociale, Arts. 36 et 269