

COMOROS 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Union of the Comoros is a constitutional, multiparty republic. The country consists of three islands--Grande Comore (also called Ngazidja), Anjouan (Ndzuani), and Moheli (Mwali)--and claims a fourth, Mayotte (Maore), that France administers. In 2015 successful legislative elections were held. In April 2016 voters elected Azali Assoumani as president of the union, as well as governors for each of the three islands. Despite a third round of voting on Anjouan--because of ballot-box thefts--Arab League, African Union, and EU observer missions considered the elections generally free and fair.

Civilian authorities maintained effective control over the security forces.

On July 30, Comorians passed a referendum on a new constitution, which modified the rotating presidency, abolished the islands' vice presidents, and significantly reduced the size and authority of the islands' governorates. On August 6, the Supreme Court declared the referendum free and fair, although the opposition, which had called for a boycott of the referendum, rejected the results and accused the government of ballot-box stuffing.

Human rights issues included torture; harsh and life-threatening prison conditions; political prisoners; use of excessive force against detainees; restrictions on freedom of movement; corruption; criminalization of same-sex sexual conduct, trafficking in persons, and ineffective enforcement of laws protecting workers' rights.

Impunity for violations of human rights was widespread. Although the government discouraged officials from committing human rights violations and sometimes arrested or dismissed officials implicated in such violations, they were rarely tried.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There was a report that the government or its agents committed an arbitrary or unlawful killing.

In late September a recently released detainee died allegedly due to torture (see section 1.c.).

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, but there were reports that government officials employed them.

Media reports alleged a 30-year-old prison detainee died on September 30, days after having been released from Mutsamudu's Koki Prison, due to torture he allegedly endured, and harsh conditions. Family members reported they would not make an official complaint due to fear of reprisals.

Prison and Detention Center Conditions

Prison and detention center conditions remained poor. The national prison in Moroni is the largest of three prisons in the country. The other two are in Anjouan and Moheli. Military detainees were held in military facilities. National or individual island authorities used various detention facilities as deemed appropriate, and detainees could be transferred from either Anjouan or Moheli to the national prison in Moroni, depending upon the nature of their offenses.

Physical Conditions: Overcrowding was a problem. As of December the Moroni prison held 135 inmates, but according to International Committee of the Red Cross (ICRC) standards, the capacity was 60 inmates. Koki Prison on Anjouan held 90 inmates. Its capacity is not known but all prisoners are kept in only one of the two prison buildings, consisting of three rooms each 215 square feet and a single toilet, and the second building is unused.

The law on child protection provides for juveniles ages 15 to 18 to be treated as adults in the criminal justice system. Juveniles and adult prisoners were held together. As of December there were three juvenile male inmates in the Moroni prison held with adults. That prison also held two adult female prisoners in a separate cellblock. The Anjouan prison held three adult female prisoners in a separate area and no minors. Detainees and prisoners normally received a single

meal per day consisting of 1.8 ounces of rice and one egg (Moroni) or red beans when available (Anjouan). Those who did not receive additional food from family members suffered. Other common problems included inadequate potable water, sanitation, ventilation and lighting, and medical facilities. The prison in Moroni has a nurse on staff and a visiting doctor; prisoners in Koki said they were sometimes allowed to leave the prison if they needed medical care.

There were multiple reports that the writer Said Ahmed Said Tourqui (known as SAST), arrested in August for his role in an alleged coup plot, was being held in a prison cell so small he could neither lie down nor stand straight, and that he was being denied medical treatment, visitations, and clean water and sanitation. As of December, however, he was with the general population in Moroni and appeared to be in reasonably good health. Some media reports suggested that four other less well known detainees arrested for the same incident were suffering the same conditions.

Administration: Prisoners could submit complaints without censorship, but investigations or follow-up actions almost never occurred.

Independent Monitoring: The government permitted the ICRC to monitor prisons. Authorities required that nongovernmental organizations (NGOs) request a visit permit from the prosecutor general.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of arrest or detention in court, and the government generally observed these provisions, although there were some arbitrary arrests during the year.

Role of the Police and Security Apparatus

The National Development Army and the Federal Police have responsibility for law enforcement and maintenance of order within the country. The National Development Army includes both the Gendarmerie and the Comorian Defense Force and reports to the president's cabinet director for defense. The National Directorate of Territorial Safety, which oversees immigration and customs, reports to the minister of interior, information, and decentralization. The Federal Police report to the minister of interior. The Gendarmerie's intervention platoon also may

act under the authority of the interior minister. When the Gendarmerie serves as the judicial police, it reports to the minister of justice.

Each of the three islands had a local police force under the authority of its own minister of interior, or commissaire of the interior, but these positions were abolished under the new constitution approved in a July 30 referendum, although the governorates continued to resist complying with this change.

Civilian authorities generally maintained effective control over police, and the government had mechanisms to investigate and punish abuse and corruption. Nevertheless, police used excessive force, and impunity was a problem. The ability of the army to investigate abuses by its personnel was uncertain.

On January 20, according to media reports, during routine patrols near Moroni, Grande Comore, the Gendarmerie intervention platoon detained 29 individuals who were not carrying identification and brought them to the military camp at Mde, where they were allegedly tortured and beaten. Eventually they were released, and when photos of injuries surfaced on Facebook, the commander of the Gendarmerie's forces on Grande Comore reported an investigation was under way and that wrongdoers would be punished. On January 28, President Azali also insisted there should be an investigation. The government reported, however, that the investigation revealed no evidence of torture and provided no further information.

Arrest Procedures and Treatment of Detainees

The law requires judicial arrest warrants as well as prosecutorial approval to detain persons longer than 24 hours without charge. The law provides for the prompt judicial determination of the legality of detention and for detainees to be informed promptly of the charges against them. A magistrate informs detainees of their rights, including the right to legal representation. These rights were inconsistently respected. The bail system prohibits those for whom bail is posted from leaving the country. Some detainees did not have prompt access to attorneys or their families. According to press reporting, former president Ahmed Abdallah Sambi, under arrest for charges relating to an economic citizenship passport program, was denied the right to confidential counsel with his lawyer.

Arbitrary Arrest: There were reports of arbitrary arrest. For example, there were multiple press reports of suspects' wives being held for one or two days in the hopes that this would convince their husband to turn himself in.

Pretrial Detention: Lengthy pretrial detention was a problem. By law, pretrial detainees may be held for no more than four months, although many were held longer. A magistrate or prosecutor may extend this period. Detainees routinely awaited trial for extended periods for reasons including administrative delay, case backlog, and time-consuming collection of evidence. Some extensions continued for several years. Defense attorneys occasionally protested such judicial inefficiencies.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: A person arrested or detained may challenge the legal basis of the detention, and the law provides for monetary damages if a court finds a detention improper. During the year former president Sambu challenged the basis for his detention under house arrest, although as of late October, he still awaited a ruling. Meanwhile, Sambu was under provisional detention, pending an eventual trial.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence. Judicial inconsistency, unpredictability, and corruption were problems.

Trial Procedures

The law provides all defendants with the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants have the right to be informed promptly of charges and to a timely trial, but lengthy delays were common. The legal system incorporates French legal codes and sharia (Islamic law). Trials are open to the public, and defendants are presumed innocent. Trials are by jury in criminal cases. Defendants have the right to consult an attorney, and indigent defendants have the right to counsel provided at public expense, although the latter right was rarely observed. Defendants have the right to be present at their trials, question witnesses, and present witnesses and evidence on their own behalf. Although the law provides for the assistance at no charge of an interpreter for any defendant unable to understand or speak the language used in court, none was provided. Defendants have the right to adequate time and facilities to prepare a defense, and not to be compelled to testify or confess guilt. There is an appellate process.

Political Prisoners and Detainees

There were reports of political prisoners or detainees. Opposition and some national and international media outlets used the term “political prisoner” in reference to writer Said Ahmed Said Tourqui, also known as “Sast,” and four others arrested in August for involvement in an alleged planned coup d’etat. Others arrested in the case included deputy army chief of staff Colonel Ibrahim Salim. According to media, they were charged with conspiracy, attack on state security, conspiracy in an attempted coup d’etat, unlawful weapons possession and complicity, and nonreporting of an attempted crime. Police allegedly recovered weapons and a large amount of cash, but there were no reports any of the individuals involved had committed any acts of violence. On December 17, four individuals, including Tourqui, Ibrahim Salim, and former Vice President Djaffar Said Ahmed Hassane, who has taken refuge in Tanzania, were sentenced to life with hard labor for allegedly plotting against the state.

Civil aviation official Ismael Ahmed Kassim and Hamada Almoutawakil were detained since February for their alleged involvement in placing nails on the Moheli runway prior to the planned landing of President Azali’s plane. Kassim became aware of the nails and alerted the incoming pilot not to land. After authorities detained as many as 45 persons for the incident and allegedly abused and tortured them (per media reports), only Kassim and Almoutawakil remained in prison. On December 13, they were sentenced to prison terms of eight years and five years, respectively.

Civil society, government officials, and political parties on Anjouan reported cases of political prisoners, primarily from opposition political parties based on Anjouan. These officials estimated the number of political prisoners ranged from 11 to 200 detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations through an independent, but corrupt court system. By law individuals and organizations may appeal adverse domestic decisions to regional human rights bodies. Court orders were inconsistently enforced.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech, including for the press, but there were some limitations on press freedom.

Freedom of Expression: In July the country adopted a new constitution, which establishes Islam as the state religion and notes, “the state will draw on Sunni principles and rules, and Shafi’i rites which regulate belief and social life.” The law establishes Sunni Islam under the Shafi’i doctrine as the “official religious reference” and prohibits the performance of non-Sunni religious rituals in public places on the basis that such religious practices would “affront” society’s cohesion and endanger “national unity.” The law does not permit an imam or preacher to preach or lead prayer, regardless of location, without prior approval.

Press and Media Freedom: The constitution provides for freedom of expression, including for the press, but the government did not always respect this right. Some journalists on all three islands practiced self-censorship.

Violence and Harassment: Some journalists were subjected to violence or harassment by government authorities due to their reporting.

On August 2, Faiza Soule Youssouf, chief editor of the government daily newspaper *Al-Watwan*, was accused by Interior Minister Mohamed Daoudou of tarnishing the country’s image by publishing a video on Facebook of a July 30 incident in which referendum opponents severed the hand of a gendarme who was securing the polling station. A week after the interior minister’s accusation, Youssouf was dismissed for alleged “serious misconduct, incitement to the rebellion of journalists, and abandoning of post.”

Censorship or Content Restrictions: According to press reports, in January the Gendarmerie detained two managers of Grande Comore-based Radio Kaz, allegedly to question them on the whereabouts of journalist Oubeidillah Mchangama. In July, after reports that journalists on Radio Kaz had made insulting statements regarding the interior minister, the National Council for Press and Audiovisual Media (CNPA) sanctioned the station for having violated

information code guidelines. On August 21, the central prefecture suspended the station's right to broadcast. On September 19, the CNPA made the suspension permanent, and the national regulator ANRTIC withdrew the station's frequency, 107 FM.

Mchangama and fellow broadcaster Abdillah Abdou Hassane ("Agwa") of Radio Baraka FM, which police shut down in late 2016 after Hassane was found guilty of defamation, remained in hiding as of September.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 8 percent of individuals used the internet in 2016.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, but the government did not always respect these rights.

Freedom of Peaceful Assembly

On June 21, a peaceful march by the *Mouvement du 17 Fevrier* in Fomboni, Moheli, was dispersed by the police due to lack of Interior Ministry authorization, despite the claim by organizers that they had authorization from the mayor of Fomboni. The next day, opposition leaders Moustoifa Said Cheikh, Ahmed Wadaane, and Ibrahim Razida, were arrested for their role in the march and charged with mobbing, disturbing public order, and holding an unauthorized protest. On July 2, they were found guilty and sentenced to 12 months' imprisonment and a fine of 150,000 Comorian francs (\$358), but they were released after 20 days.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement and foreign travel, and the government generally respected these rights. No specific constitutional or legal provisions deal with emigration and repatriation.

The country continues to claim sovereignty over the island of Mayotte, which France has administered since the island voted to remain part of France in a 1974 referendum in which the other three islands voted for independence. The government insists on the right of Comorians to travel freely to Mayotte despite the implementation of the so-called "Balladur Visa" in 1995, which prevents most Comorians from doing so. Consequently, clandestine migration to visit relatives, to seek medical care, or for other reasons, continued, prompting the repatriation of more than 20,000 Comorians per year.

In March the Union of the Comoros refused to admit its citizens being repatriated by France from Mayotte, without any consideration for the wishes of those being repatriated. In response France stopped issuing most visa types to Comorian citizens, and a standoff ensued. It was unclear whether the Comorians caught in the standoff wished to remain in Mayotte or return to their islands of origin. In October the governments of Comoros and France issued a joint statement announcing both sides were lifting their travel restrictions and that the details of a new cooperation issue to simultaneously improve conditions in Comoros and control legal migration would be signed by the end of November.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. According to the Office of the UN High Commissioner for Refugees, there were no registered refugees, returning refugees, asylum seekers, or other persons of concern in the country.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

During the year a referendum modified the constitution, which had provided for a rotating union government presidency once every five years, in which each of the country's three islands took a turn at holding a primary to select three presidential candidates for national election. The new constitution removes the limitation on presidential candidates to those residing on a particular island in an election year and allows the incumbent to run for a second term. Aside from the rotation provision that was modified during the year, anyone meeting constitutional requirements of age, residency, citizenship, and good moral character may run for office.

Recent Elections: In 2015 free and fair legislative elections were held. In April 2016 presidential and gubernatorial elections were held. Incumbent candidates claimed some irregularities, including the theft of ballots on Anjouan. They filed complaints at the Constitutional Court requesting the vote be repeated for both presidential and gubernatorial candidates. They alleged the opposition stole and destroyed approximately 3,000 ballots in Anjouan. The Constitutional Court ruled in favor of the plaintiffs, and a third round of voting was conducted successfully at 13 polling stations in Anjouan.

On July 30, the government held a constitutional referendum to extend presidential term limits and end the system of rotation among the country's three islands. On August 6, the Supreme Court declared that the referendum passed with 92 percent support with a participation rate of 62 percent. The opposition, which boycotted the referendum, rejected those results and accused the government of ballot stuffing. Despite irregularities observed at some polling stations (a gendarme had his hand severed and some ballots boxes were destroyed), the Supreme Court declared the referendum to be generally free and fair. As of November members of the opposition continued to reject the legitimacy of the referendum and the new constitution.

Participation of Women and Minorities: No laws limit participation of women, members of minorities, or both in the political process, and they did participate. Some observers believed that traditional and cultural factors prevented women from participating in political life on an equal basis with men. For example, only

one of the 33 seats in the national legislature was filled by a woman in the 2015 election, and only two of the 12 ministers appointed to the cabinet on August 28, were women.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption by officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

The National Commission for Preventing and Fighting Corruption (CNPLC) was an independent administrative authority established to combat corruption, including through education and mobilization of the public. In September 2016 the president repealed the provisions of the law that created the commission, citing its failure to produce any results. The Constitutional Court subsequently invalidated this decision, noting that a presidential decree may not overturn a law. Nevertheless, the president has neither renewed the commissioners' mandates nor appointed replacement members, and the Constitutional Court also lacked a quorum for most of the year, until the constitutional referendum in July abolished the organization altogether.

Corruption: Resident diplomatic, UN, and humanitarian agency workers reported petty corruption was commonplace at all levels of the civil service and security forces. Businesspersons reported corruption and a lack of transparency, while the *World Bank's Worldwide Governance Indicators* reflected that corruption was a significant problem. Citizens paid bribes to evade customs regulations, to avoid arrest, and to obtain falsified police reports.

In January, four employees of the national pension fund, including its chief accountant, his two assistants, and a security guard, were sued for the embezzlement of 18 million Comorian francs (\$42,000) from the national pension fund.

In 2017 a commission of the National Assembly conducted an investigation into the Economic Citizenship Program, developed to award citizenship to stateless Bidoon people in cooperation with the United Arab Emirates. This investigation revealed several cases of large-scale embezzlement involving high-ranking officials of previous governments. After the president received the report and transferred it to the Justice Ministry, the public prosecutor conducted a series of hearings, which resulted in the following outcomes: On June 27, Ibrahim

Mhoumadi Sidi, former vice president of the National Assembly, was charged with forgery and use of forgery, and misappropriation of title, allegedly to manipulate the outcome of parliament's initial vote to approve the economic citizenship program.

In July the investigating judge issued arrest warrants for Mohamed Ali Soilihi, former vice president in charge of the Ministry of Finance, and Hair El Karim Hilali, former national director of security of the territory, for embezzlement in connection with the Economic Citizenship Program.

On August 20, former president Ahmed Abdallah Sambu was charged with embezzlement in connection with the Economic Citizenship Program and was placed under house arrest.

The public prosecutor requested that the president of the National Assembly lift the parliamentary immunity of some members of the Assembly for the purpose of investigation, which the assembly president did on October 3.

Financial Disclosure: The law requires high-level officials at national and island levels to declare their assets prior to entering office. The submission of a disclosure is made public, but the disclosure itself is not. Officials subject to the law did so upon taking office. Conviction of failure to comply is punishable by fines and up to two years' imprisonment. In 2016 the CNPLC reported that all officials subject to the law filed financial disclosures; however, the mandates of CNPLC commissioners have not been renewed since 2017, and it is unclear whether any other organization has taken on the oversight role.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A few domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: Domestic NGOs largely supplanted government ministries on human rights issues. By law the governmental National Commission for Human Rights and Liberties (CNDHL) is mandated to investigate human rights abuses and to make recommendations to concerned authorities. For most of the year, the CNDHL was nonfunctional because President Azali did not appoint new commissioners after the previous commissioners' mandates expired in

2017; however, in October the president nominated new commissioners, and they were sworn in by year's end.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape regardless of age or gender is illegal and punishable if convicted by five to 10 years' imprisonment or up to 15 years if the victim is younger than age 15. Authorities prosecuted perpetrators if victims filed charges. There were reports families or village elders settled many allegations of sexual violence informally through traditional means and without recourse to the formal court system.

The law treats domestic violence as an aggravating circumstance that includes crimes committed by one domestic partner against an existing or former partner. Penalties for conviction include prison sentences up to five years and fines up to two million Comorian francs (\$4,800). Courts rarely sentenced or fined convicted perpetrators. No reliable data were available on the extent of the problem. Women rarely filed official complaints. Although officials took action (usually the arrest of the spouse) when reported, domestic violence cases rarely entered the court system.

Sexual Harassment: Sexual harassment is illegal, and conviction is punishable by fines and imprisonment. It is defined in the labor code as any verbal, nonverbal, or bodily behavior of a sexual nature that has the effect of creating an intimidating, hostile, or humiliating work environment for a person. Although rarely reported due to societal pressure, such harassment was nevertheless a common problem, and authorities did not effectively enforce the law.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for equality of persons without regard to gender, creed, belief, origin, race, or religion. Nevertheless, inheritance and property rights practices favor women. Local cultures are traditionally matrilineal, and all inheritable property is in the legal possession of women. Societal discrimination against women was most apparent in rural areas, where women were mostly limited to farming and child-rearing duties, with fewer opportunities for education and wage employment.

Children

Birth Registration: Any child having at least one Comorian parent is considered a citizen, regardless of where the birth takes place. Any child born in the country is a citizen unless both parents are foreigners, although these children may apply for citizenship if they have at least five years' residency at the time they apply. Authorities did not withhold public services from unregistered children.

Education: Universal education is compulsory until age 12. No child younger than age 14 may be prevented from attending school. An approximately equal number of girls and boys attended public schools at the primary and secondary levels, but fewer girls graduated.

Child Abuse: Official statistics revealed cases of abuse when impoverished families sent their children to work for relatives or wealthy families, usually in the hope of obtaining a better education for their children. The NGO Listening and Counseling Service, funded by the government and UNICEF, had offices on all three islands to provide support and counseling for abused children and their families. The NGO routinely referred child abuse cases to police for investigation. Police conducted initial investigations of child abuse and referred cases to the Morals and Minors Brigade for further investigation and referral for prosecution if justified by evidence. If evidence was sufficient, authorities routinely prosecuted cases.

In June, 60-year-old Ibrahim Ali Kassim was prosecuted for sexual assault of a four-year-old girl and was sentenced to seven years in prison and a fine of one million Comorian francs (\$2,400).

Early and Forced Marriage: The legal minimum age of marriage is 18 for both boys and girls. Child marriage was a problem, with estimates of 35 to 40 percent of girls being married before age 18.

Sexual Exploitation of Children: The law considers unmarried persons younger than age 18 to be minors and prohibits their sexual exploitation, prostitution, and involvement in pornography. Anyone convicted of facilitating the sex trafficking of children is subject to a prison term of two to five years and a fine of 150,000 to two million Comorian francs (\$358 to \$4,800). Conviction of child pornography is punishable by fines or imprisonment. There were no official statistics regarding

these matters and no reports in local media of cases, prosecutions, or convictions relating to either child sex trafficking or child pornography.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

There was no known Jewish population, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution and applicable laws, particularly the labor code, prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. The law mandates access to buildings, information, communication, education, and transportation for persons with disabilities. The government did not effectively enforce the law. Despite the absence of appropriate accommodation for children with disabilities, such children attended mainstream schools, both public and private.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual activity is illegal, and conviction is punishable by up to five years' imprisonment and a fine of 50,000 to one million Comorian francs (\$119 to \$2,400). Authorities reported no arrests or prosecutions for same-sex sexual activity during the year. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons generally did not publicly reveal their sexual orientation due to societal pressure. There were no local LGBTI organizations.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions of their choice without previous authorization or excessive requirements. It provides for the right to strike but requires an eight-day notification period and a declaration of the reason for the strike and its duration. Civil servants must provide 15 days' notice. The law includes a mandatory conciliation process for resolving labor disputes with recourse to the courts. Unions have the right to bargain collectively.

The law allows unions to conduct their activities without government interference. The law does not prohibit antiunion discrimination by employers in hiring practices or other employment functions. Worker organizations are independent of the government and political parties. There are no laws protecting strikers from retribution. The law does not cover workers in the informal sector. The government did not effectively enforce the law. Resources, inspections, and remediation were inadequate. Penalties for violations, including ordering employers to pay indemnities and damages to the employee, were sufficient to deter violations but were seldom applied. Labor disputes may be brought to the attention of the Labor Tribunal.

Workers exercised their labor rights, and strikes occurred in the public sector (education, workers at the port of Anjouan, health, and road transport). There were no reports of retribution against strikers. Common problems included failure to pay salaries regularly or on time, mostly in the government sector, and unfair and abusive dismissal practices, such as dismissing employees without giving proper notice or paying the required severance pay. There were reported incidents of antiunion discrimination during the year.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, with certain exceptions for military service, community service, and during accidents, fires, and disasters. During times of national emergency, the government's civil protection unit may compel persons to assist in disaster recovery efforts if it is unable to obtain sufficient voluntary assistance. The labor code prohibits forced child labor, with specific antitrafficking provisions.

The government did not consistently enforce the law. Resources, inspections, and remediation were inadequate. Financial penalties, however, for those who violated

the law served as an effective deterrent. Penalties for conviction include from one to six months in prison, a fine of from 50,000 to 200,000 Comorian francs (\$119 to \$478) for those who abuse their authority to compel someone to work for them or for someone else, or both imprisonment and a fine. Penalties for conviction of trafficking a minor are 10 to 20 years' imprisonment and a fine of 30 million Comorian francs (\$71,600). The government did not make tangible efforts to prosecute traffickers and protect victims.

There were no reported cases of adult forced labor.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor and establishes 15 as the minimum age for employment, with a minimum age for hazardous work of 18.

Labor inspectors were responsible for monitoring all potential violations of labor law and did not focus only on child labor cases. Regulations permit light apprentice work by children younger than age 15 if it does not hinder the child's schooling or physical or moral development. The labor code, however, does not specify the conditions under which light work may be conducted or limit the number of hours for light work, as defined by international child labor standards. In accordance with the labor code, labor inspectors may require the medical examination of a child by an accredited physician to determine if the work assigned to a child is beyond his or her physical capacity. Children may not be kept in employment deemed beyond their capacity. If suitable work cannot be assigned, the contract must be nullified and all indemnities paid to the employee. The labor code also identifies hazardous work where child labor is prohibited, including the worst forms of child labor. Child labor infractions are punishable by fines and imprisonment. The government did not enforce the law. The Ministry of Labor is responsible for enforcing child labor laws, but it did not do so actively or effectively. Penalties for violations were not sufficient to deter violations. In addition child labor laws and regulations do not provide children working in unpaid or noncontractual work the same protections as children working in contractual employment. Children worked in subsistence farming, fishing, and extracting and selling marine sand. Children worked in growing subsistence food crops such as manioc and beans and in the cultivation of cash crops such as vanilla, cloves, and ylang-ylang (a flower used to make perfume). Some children worked

under forced labor conditions, primarily in domestic service and family-based agriculture and fishing. Additionally, some Quranic schools arranged for indigent students to receive lessons in exchange for labor that sometimes was forced. Some families placed their children in the homes of wealthier families where they worked in exchange for food, shelter, or educational opportunities.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The preamble to the constitution provides for equality regardless of sex, origin, religion, or race. Article 2 of the labor law forbids employers from discriminating on the basis of race, color, sex, religion, political opinion, national ancestry or social origin, or actual or presumed state of health (such as HIV/AIDS). The law does not address sexual orientation. In rural areas women tended to be relegated to certain types of work, and the UN Development Program reported women were underrepresented in leadership roles. There were no official reports of discrimination, however.

e. Acceptable Conditions of Work

A committee called the Labor Collective--consisting of representatives of unions, employers, and the Ministry of Labor--met periodically regarding an enforceable national minimum wage, as the existing minimum wage of 55,000 Comorian francs (\$131) per month is only a guideline. The law provides for a 40-hour workweek, except in the agriculture sector, where the maximum hours of work is set at 2,400 per year (equivalent to 46 hours per week). The minimum weekly rest period is set at 24 consecutive hours. The law provides for paid annual leave accumulated at the rate of 2.5 days per month of service. There are no provisions to prohibit compulsory overtime; overtime is determined through collective bargaining. Negotiations with the banking and pharmacy sectors, however, did not yield a collective bargaining agreement. There are no sectors or groups of workers excluded from these laws within the formal sector, but the law does not apply to the informal sector, estimated to include 73 percent of workers. The official estimate for the poverty income level (as of 2014) is 25,341 Comorian francs (\$60) per month, less than prevailing minimum wages.

The government, especially the Ministries of Finance and Labor, sets wages in the large public sector and imposes a minimum wage in the small, formal private

sector. Although the unions, national government, and local governments did not enforce the minimum wage law and workweek standards, unions had adequate influence to negotiate minimum wage rates for different skill levels for unionized jobs. These provisions applied to all workers, regardless of sector or country of origin. Unions promoted this de facto minimum wage via their ability to strike against employers.

The government did not effectively enforce the law. Penalties were not sufficient to deter violations. There were four labor inspectors (two on Grande Comore and one each on Anjouan and Moheli), but they did not have enough resources to perform their duties. The number of labor inspectors was insufficient to enforce compliance.

The labor code includes a chapter on occupational safety and health requirements, but these were seldom enforced. Fishing was considered the most hazardous work. Mostly self-employed, fishermen worked from often unsafe canoes. There was no credible datum on the number of occupational accidents. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this regard.