

Comoros - United States Department of State

COMOROS: Tier 3

The Government of Comoros does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Comoros remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking. The Anti-Trafficking Task Force met for the first time since 2017 and began drafting a national action plan. The government also took steps to ratify the 2000 UN TIP Protocol. The government continued to support listening centers that worked to identify and provide care to victims of crime, which could include trafficking victims. However, the government continued to lack formal procedures to identify trafficking victims or refer them to care and has not identified or referred any trafficking victim to protective services since 2013. The scale of trafficking crimes in Comoros was unknown, in part due to the lack of identification procedures, and the government did not investigate, prosecute, or obtain convictions for any sex trafficking or forced labor crimes. Authorities continued to lack an understanding of trafficking, and the government did not provide adequate resources or training to law enforcement officials, including the officials charged with identifying trafficking victims and investigating the crime. The government did not conduct anti-trafficking public awareness campaigns.

PRIORITIZED RECOMMENDATIONS:

Significantly increase anti-trafficking training, including victim identification, to all front-line officials, including law enforcement, social workers, health service providers, prosecutors, judges, and civil society. • Develop standard operating procedures for the identification of victims, especially among vulnerable groups, including children in domestic work and at Quranic schools, and a process for victims' subsequent referral to care. • Increase efforts to investigate, prosecute, and convict traffickers, including complicit officials. • Enact comprehensive anti-trafficking legislation that criminalizes all forms of trafficking and prescribes penalties that are sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. • Develop, adopt, and implement a national action plan to combat trafficking. • Improve coordination among the Anti-Trafficking Task Force by providing funding or in-kind resources, convening it regularly, and sharing data. • End the practice of returning trafficking victims to their exploiters. • Continue efforts to engage French officials to prevent the trafficking of unaccompanied Comorian youth in Mayotte. • In coordination with local and international partners, improve the provision of protective services to trafficking victims, including providing appropriate care to victims nationwide. • Expand anti-trafficking public awareness campaigns to all three islands. • Develop national-level data collection on law enforcement efforts and trafficking victims. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government did not make anti-trafficking law enforcement efforts. Comorian

law criminalized most forms of human trafficking. Article 13 of the 2014 Law to Combat Child Labor and Trafficking in Children criminalized all forms of child labor trafficking and some forms of child sex trafficking and prescribed penalties of 10 to 20 years' imprisonment and a fine of 30 million Comorian francs (\$68,330). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, Article 13 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. However, all forms of child sex trafficking, including those that did not include such means, could be addressed under Article 8, which criminalized child sexual exploitation and prescribed penalties of five to 10 years' imprisonment and a fine of one to two million Comorian francs (\$2,280 to \$4,560); these penalties were also sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Comorian law did not explicitly criminalize adult trafficking. However, Article 323 of the penal code criminalized forced prostitution of adults and prescribed punishments of two to five years' imprisonment and a fine between 150,000 and two million Comorian francs (\$342 to \$4,560); these penalties were sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. Articles 2.1 and 260 of the Comoros Labor Code criminalized forced or compulsory labor of adults and prescribed penalties of three months' to three years' imprisonment or a fine of 250,000 to 750,000 Comorian francs (\$570 to \$1,710), which were not sufficiently stringent. Despite parliamentary approval in 2014, for the sixth year, the President did not sign into law the penal code amendments that would specifically prohibit trafficking in persons.

The government did not systematically collect data on law enforcement efforts, including human trafficking. The government did not report investigating, prosecuting, or convicting any traffickers, despite previous reports that listening centers recorded many cases that may have been trafficking. The government has not reported investigating a trafficker since 2014 and has never reported convicting a trafficker. The government also did not report any investigations, prosecutions, or convictions of government employees allegedly complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes at all levels of government remained significant concerns, inhibiting law enforcement action in previous years. The judicial system in Comoros remained weak; there were continued reports that criminals were frequently convicted and sentenced, but then released without explanation, creating a culture of impunity among criminals, including potential traffickers. While discouraged by the government, families or village elders continued to settle many allegations of sexual violence, possibly including sex trafficking and child domestic servitude, informally through traditional means without recourse to the formal court system. Many rural families still preferred informal arrangements with host families; however, judicial officials on Anjouan coordinated with prosecutors and a victim care provider to address and discourage the cultural practice of sending children from rural areas to urban host families for access to an education. Children in these arrangements were particularly vulnerable to trafficking. These government officials regularly traveled to rural villages on the island to enforce the legal requirement for the child's family to sign an agreement with the host family regarding the care of the child. In previous years, judges were known to negotiate agreements between a child's parents and his or her trafficker, often returning the child to trafficking situations. Some police reportedly returned sexually abused children to their exploiters, sometimes due to a lack of shelters or an alternative form of care.

The police lacked basic resources, including vehicles, fuel, and equipment, which limited their operations. The government did not provide training for law enforcement officials on how to recognize, investigate, and prosecute trafficking and related crimes. An international organization trained 20 police, gendarmes, and judges to create a pool of certified trainers on child protection; however, the government did not report that this included training on trafficking. As reported in prior years, the Ministry of Labor's four labor inspectors—responsible, among other things, for implementing the 2015 child labor law prohibiting child trafficking—did not receive training on the trafficking law and did not receive operational resources to conduct labor inspections of informal work sites, where children were especially vulnerable to forced labor. Inspectors did not remove or assist any children as a result of labor inspections during the reporting period. The absence of a clear understanding of trafficking may have resulted in the misclassification of cases as other crimes, such as child labor, abuse, and rape.

PROTECTION

The government maintained inadequate victim protection efforts. The government did not identify any trafficking victims during the reporting period and has not identified a victim since 2013. The government did not develop or employ systematic procedures to identify trafficking victims or refer them to the limited care available. The government continued to provide financial support, including salaries for employees, and office space to listening centers, also called *Service d'ecoute*; however, the government did not provide anti-trafficking training to staff. The listening centers, with assistance from an NGO, offered medical care, psycho-social counseling, and legal assistance mostly to women and children who were victims of abuse and violence, including trafficking victims, if identified. The government continued operating listening centers in four locations—two on Grande Comore, one on Anjouan, and one on Moheli. In 2019, the listening centers reported providing medical care for 144 women and children, compared with 255 in 2018. The listening centers also reported providing 10 women and 103 children with legal assistance and 84 women and children with psychological assistance. The listening centers recorded these persons as victims of abuse; however, because of inadequate training on trafficking victim identification, some of these victims may have been trafficking victims. On all three islands, the listening centers reportedly coordinated with the Morals and Minors Police Brigade on cases.

The government did not report assisting in the repatriation of any victims during the reporting period. In 2018, the government reported visiting host families who had taken in children from rural areas to inspect for potential trafficking indicators; however, the government did not report conducting such inspections in 2019. The government also did not report making additional efforts to investigate, identify, or assist the 3,000 to 4,000 unaccompanied Comorian minors on the island of Mayotte, a French department, after France denied the National Commission in Comoros visas during the previous reporting period. There were no shelters available, for short or long-term use, for adult or child victims. In 2018, the government identified a possible site for a temporary shelter, but the government did not report making any progress in establishing a shelter for the second consecutive year. Similar to last year, the Morals and Minors Police Brigade did not report whether any children were assisted or whether the government provided financial or in-kind assistance to 10 foster homes that reportedly existed on Grande Comore. In the absence of adequate funding and shelter, listening center staff and

police sometimes provided temporary shelter in their private homes; however, government officials often returned children to their parents or guardians where they might have originally faced the abuse. There were no reports the government inappropriately penalized victims for unlawful acts traffickers compelled them to commit; however, because there were no standard victim identification procedures, victims may have remained unidentified in the law enforcement system. Despite requirements of the 2015 child labor law, the government did not establish a support fund for children vulnerable to trafficking.

PREVENTION

The government maintained inadequate efforts to prevent trafficking. The interagency Anti-Trafficking Task Force, composed of representatives of relevant government agencies, the listening centers, and international organizations, convened in December 2019 after being inactive during the previous reporting period. The government did not have an anti-trafficking national action plan; however, the task force reported beginning the process of drafting one. The government did not report conducting any national public awareness campaigns during the reporting period, despite requirements in the 2015 child labor law. The government continued to fund two toll-free emergency lines for all three islands, which were used to report crimes to the listening centers. During the reporting period, the listening centers received 1,139 calls reporting abuse and exploitation; however, the government did not track call data related to potential victims of human trafficking.

The government did not have effective policies or laws to govern labor recruiters and did not report holding anyone civilly or criminally liable for fraudulent recruitment during the reporting period. In 2016, the labor ministry signed an agreement with several labor recruitment agencies to facilitate review of the transnational recruitment processes and to monitor job advertisements in an effort to identify recruitment activities that might endanger Comorians seeking overseas employment; however, the government has made no efforts to regulate labor recruitment agencies since then. The government did not provide anti-trafficking training to its diplomatic personnel. The government did not make efforts to reduce demand for commercial sex acts. Comoros is not a party to the 2000 UN TIP Protocol; however, the President signed a decree in January 2020 to ratify the protocol.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers may exploit domestic and foreign victims in Comoros, and traffickers may exploit victims from Comoros abroad. Traffickers may subject Comorian women and Malagasy women who transit Comoros to forced labor in the Middle East. Traffickers may subject Comorian adults and children to forced labor in agriculture, construction, and domestic work in Mayotte, a French department. Traffickers and employers on Anjouan may subject children, some of whom were abandoned by parents who left to seek economic opportunities in other countries, to forced labor, mostly in domestic service, roadside and market vending, baking, fishing, and agriculture. Poor rural families, often on Anjouan and Moheli, frequently place their children with wealthier relatives or acquaintances in urban areas or on Grande Comore for access to schooling and other benefits; these children are vulnerable to domestic servitude

and physical and sexual abuse. Most Comorian children aged 3 to 7 (and some as old as age 14) study at informal neighborhood Quranic schools headed by private instructors, where they may be vulnerable to exploitation through coercion and forced labor as field hands or domestic servants as payment for instruction and subjected to physical and sexual abuse. The estimated 3,000-4,000 unaccompanied Comorian children on Mayotte, a French department, are especially vulnerable to domestic servitude and sex trafficking. Comorians may be particularly vulnerable to transnational trafficking due to a lack of adequate border controls, corruption within the administration, and the existence of international criminal networks involved in migrant smuggling.