



Country Reports on Human Rights Practices - [2007](#)

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The Union of the Comoros is a constitutional, multiparty republic of approximately 711,000 citizens. The country consists of three islands: Grande Comore, Anjouan, and Moheli, and claims a fourth, Mayotte, which France governs. In May 2006 citizens elected Union President Ahmed Abdallah Mohamed Sambi in polling that international observers described as free and fair. This was the first peaceful and democratic transfer of power in the country's history. In defiance of a union government decision to delay the island president election on Anjouan, former Anjouan island president Mohamed Bacar held an illegal island presidential election on June 10. Bacar declared himself the winner of the election, retained control of Anjouan, and remained in power at year's end. The civilian authorities in Grande Comore and Moheli generally maintained effective control of the security forces. On May 2, in Anjouan, there were armed confrontations between island security forces controlled by Bacar and union security forces.

The union government generally respected the human rights of its citizens on the two islands under its effective control, although there were some areas of concern. On Anjouan, the citizens were denied the right to change their island president through free and fair elections; forces loyal to Bacar arbitrarily detained, imprisoned, and prevented gatherings of Bacar's critics; and certain individuals were restricted from entering or leaving the island. The following human rights problems were also reported on all three islands: poor prison conditions, restrictions on freedom of press and religion, official corruption, discrimination against women, child abuse, and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the union government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances in Grande Comore and Moheli; however, Mohamed Bacar detained more than 300 opponents and persons that criticized his regime on Anjouan, many of whom were held incommunicado.

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

The constitution and law prohibit such practices, and there were no reports that government officials employed them on Grande Comore or Moheli; however, there were reports that gendarmes on Anjouan beat journalists and arbitrarily detained and tortured an opposition supporter.

Prison and Detention Center Conditions

Prison conditions remained poor, common problems included; improper sanitation, overcrowding, inadequate medical facilities, and poor diet. Authorities held pretrial detainees with convicted prisoners. The government permitted visits by independent human rights observers; however, there were no reports of such visits during the year.

There were reports that prisons in Anjouan were filled to capacity and that detainees were being held in shipping containers.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions

on Grande Comore and Moheli; however, hundreds of persons who opposed or were critical of Bacar were reportedly arbitrarily imprisoned on Anjouan.

Role of the Police and Security Apparatus

Six separate security forces report to four different authorities. A union military and a union gendarmerie handle defense and local policing on Grand Comore and Moheli; Anjouan maintains its own gendarmerie. The union police force handles immigration and some local policing in Grand Comore. Each of the three islands also has its own local police force.

There was continued corruption in the police force. Citizens paid bribes to evade customs regulations, avoid arrest, and falsify police reports. Police personnel paid bribes to receive promotions within the force. Impunity was a problem, as there was no mechanism to investigate police abuses. Union police took part in international training to become more professional.

Arrest and Detention

The law requires warrants for arrests and provides that detainees may be held for 24 hours, although these provisions were not always respected in practice. The prosecutor must approve continued detention. A tribunal informs detainees of their rights, including the right to legal representation. According to the law, public attorneys are available to indigent individuals, but in practice there was a dearth of legal representation. There is a bail system under which the individual is not permitted to leave the country.

During the year security forces in Anjouan reportedly arrested and imprisoned more than 300 journalists, intellectuals, politicians, and teachers, and other persons suspected of disloyalty to Bacar; many were still detained at year's end. Jails on the island reportedly were full, and some persons were being held in shipping containers.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected this provision in practice. The head of state appoints magistrates by decree.

The seven-member Constitutional Court includes a member appointed by the president of the Union, a member appointed by each of the two union vice presidents, a member appointed by each of the three island government presidents, and a member appointed by the president of the National Assembly. Minor disputes can be reviewed by the civilian court of first instance, but in practice they are often settled by village elders outside of the formal structure.

Trial Procedures

The law provides for the right to a fair trial, however corruption was a problem. Under the legal system, which incorporates French legal codes and Islamic Shari'a law, trials are mostly open to the public, and defendants are presumed innocent. Juries deliberate criminal cases, and there is an appeal process. Defendants have the right to be present, to access government-held evidence, and to consult with an attorney. The law also requires the state to provide an attorney for indigent defendants, but this rarely occurred.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees on Grande Comore and Moheli; however, more than 300 persons who opposed or were critical of Bacar, including journalists, activists, and teachers were arbitrarily arrested and imprisoned on Anjouan. Some of those detained were held incommunicado, and there was a report of an opposition supporter having been tortured.

For example, on June 5, opposition supporter Abdou Said was detained for four days by Anjouan forces and reportedly tortured.

Civil Judicial Procedures and Remedies

By law there is an independent and impartial judiciary for civil matters. In practice formal courts have insufficient resources and are rife with corruption.

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

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the union government partially limited press freedom. On Anjouan, forces loyal to Mohamed Bacar did not respect freedom of speech and the press, and detained and imprisoned those who criticized him. Journalists practiced self censorship.

Individuals could generally criticize the union government publicly or privately without reprisal on Grande Comore and Moheli, and the union government did not attempt to impede such criticism. On Anjouan, however, forces loyal to Mohamed Bacar detained many of his opponents.

There is a government-supported newspaper and four independent newspapers.

There is independent radio on the islands of Grande Comore and Moheli; Mohamed Bacar did not allow free radio in Anjouan. One government radio station operated on a regular schedule. Small community radio stations operated without government interference on Grande Comore and Moheli, as did Mayotte Radio and French television. On May 3, Bacar's forces attacked a union radio station.

On May 16, gendarmes on Anjouan reportedly arrested and beat four journalists who tried to regain control of transmitters damaged by Bacar supporters. The four were released the following day.

On June 24, Anjouan gendarmes arrested and detained radio reporter Elarifou Minihadji during an anti-Bacar protest. Gendarmes reportedly beat him in custody; Minihadji was released on June 27.

On May 30, union police seized all copies of L'Archipel from retailers for having published "inappropriate" pictures of captured soldiers in Anjouan. Editor Aboubacar M'changama was questioned.

During the year journalists fled the country or went into hiding to avoid arbitrary arrest. For example, on December 1, Kamal Ali Yahoudha, editor of Radio-Television Anjouan, went into hiding, where he remained at year's end.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, in practice the government did not always respect this right. On Anjouan Bacar's forces regularly used force and intimidation to prohibit gatherings of those who criticized him. For example, in May and June three persons were injured as a result of the forcible dispersement of pro-union government demonstrations, rallies, and meetings.

Unlike in the previous year, there were no reports of forcible dispersement on Grande Comore.

Freedom of Association

The constitution and law provide for freedom of association, and the union government generally respected this right. On Anjouan, forces loyal to Mohamed Bacar harassed and intimidated the political opposition.

c. Freedom of Religion

The constitution provides for freedom of religion; however, the government restricted this right in practice. The constitution does not declare Islam the official religion but declares that the laws must draw inspiration from Islam. Proselytizing for any religion except Islam is illegal, and the law prohibits citizens from converting from Islam.

Societal Abuses and Discrimination

Comoran Christians continued to face intense social pressure, including restricting the use of the few Christian churches to noncitizens. Family and community members harassed those who joined non-Muslim faiths.

On August 12, a molotov cocktail attack by unknown assailants caused damage to a medical dispensary run by a Catholic charity on Grande Comore. The dispensary's director had previously received a threatening anti-Christian leaflet.

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

For a more detailed discussion, see the 2007 *International Religious Freedom Report*.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within and the country and foreign travel, and the government generally respected these rights in practice; however, travel restrictions were imposed on certain individuals as a result of the political unrest on Anjouan.

On June 5 and 6, supporters of Mohamed Bacar barricaded the Anjouan airport effectively keeping Union President Sambu, union forces, and some international observers away from the island. In November Bacar issued a list of political opponents banned from leaving Anjouan, and a list of mostly union government officials who were not permitted to enter Anjouan.

On October 20, the African Union applied travel sanctions against Mohamed Bacar and 144 other individuals in leadership positions in Anjouan, the sanctions remained in place at year's end. The sanctions also provided for tight controls on all travel in and out of Anjouan.

Unlike the previous year, there were no reports that union security forces were conducting home inspections in search of "illegal immigrants."

Unlike the previous year, there were no reports of inter-village conflict restricting the movement of citizens.

The law does not prohibit forced exile, but the government did not use it.

Internally Displaced Persons

During the year 500 to 600 persons fled from Anjouan to Grande Comore and Moheli due to fear of Bacar's forces. The government did not restrict the movement of such persons, although some persons suspected of defecting from Bacar's militia were briefly detained by union officials.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice the government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully; however, in practice citizens on Anjouan were denied the right to change their island president through free and fair elections. Those on Grande Comore and Moheli exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

The constitution provides for a "rotating" union presidency in which each island takes a turn at holding a primary for presidential candidates. In 2006 the turn passed to Anjouan; all 12 presidential candidates had to be natives of Anjouan to run in the primary. From the 12, Anjouan voters selected three to run in the May national election that led to the election of President Sambi. International observers considered the elections free and fair. The May 2006 inauguration of President Sambi was the first peaceful and democratic transfer of power in the country's history. The constitution thus restricts, by island, who can run for the presidency, but aside from the rotation principle, anyone is free to run.

Grande Comore and Moheli held first and second round island president (governor) elections on June 10 and 24; both elections were considered free and fair.

On Anjouan, however, citizens were denied the right to change their island president through free and fair elections.

On April 27, the Constitutional Court ruled that Mohamed Bacar should have resigned as Anjouan island president to legitimately run for reelection in 2007. Union President Sambi subsequently designated an interim president of Anjouan. On May 2, armed fighting broke out between Bacar's supporters and union forces, and Bacar briefly stepped down as Anjouan island president. On June 7, the union government postponed first-round Anjouan island president elections from June 10 to June 17 because Bacar did not permit a free and transparent process, including union organization of the election and international monitoring. In defiance of the postponement order, Bacar unilaterally held an illegal election on June 10 and declared himself the winner. The African Union did not consider this election valid, but Bacar remained in power on Anjouan at year's end.

Unelected elders leading traditional social, religious, and economic institutions filled voids in communities where the formal government was ineffectual or nonexistent.

There was one woman in the 33-member National Assembly. There was one female minister in the union government. There were no minorities in high-level offices.

Government Corruption and Transparency

The World Bank's worldwide governance indicators reflect that corruption was a serious problem. The law provides for criminal penalties for official corruption; however the government did not implement the law effectively and officials often engaged in corrupt practices with impunity. Resident diplomatic, UN, and humanitarian agency workers reported that petty corruption was commonplace at all levels of the civil service despite the government's 2006 launch of an anti-corruption campaign. Private sector operators reported that corruption and lack of transparency were problems.

The government prosecuted and disciplined a few officials during the year on corruption charges. On August 29, Prosecutor General Abdou Said Fazul, Appeals Court President Papa Ahamada Djae, and Judge Mohamed Abdou were dismissed for corruption charges.

There are no laws providing for public access to government information. Those who have personal or working relationships with government officials can generally access government information, but not members of the general public.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

One domestic and some international nongovernmental organizations (NGOs) generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

A human rights commission still had not been established at year's end.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, sex, disability, language, or social status; however, there was discrimination against women.

Women

Rape is illegal, punishable by imprisonment of five to 10 years or up to 15 years if the victim is younger than 15 years of

age. The government did not enforce the laws on rape effectively. The law does not specifically address spousal rape.

The law prohibits domestic violence. The government did not take any action to combat violence against women. Women can seek protection through the courts in such cases, but in practice extended family or village elders customarily addressed such problems.

Prostitution is illegal. Prostitution was not openly practiced or solicited in public places with the exception of a few hotels frequented by foreigners. Arrests for prostitution were rare.

Sexual harassment is illegal and punishable by up to 10 years of imprisonment. Although rarely reported due to societal pressure, such harassment was nevertheless a common problem.

The law provides for equality of persons, and in general, inheritance and property rights do not discriminate against women. Men retained the dominant role in society, although the matriarchal tradition afforded women some rights, especially in terms of landholding. Societal discrimination against women was most apparent in rural areas where women had farming, childrearing duties, and fewer opportunities for education and wage employment. In urban areas growing numbers of women were employed and generally earned wages comparable to those of men engaged in similar work; however, few women held positions of responsibility in business. The law does not require women to wear head coverings, but many women faced societal pressure to do so.

Children

The government did not take specific action to protect or promote children's welfare. The government does not enforce legal provisions that address the rights and welfare of children. There were no reports that government failure to register births led to denial of public services.

Education is free and compulsory for children below the age of 16, but the government rarely provided public school education for children past the age of 14. During the school year, teacher strikes over nonpayment of salaries interrupted school several times. Boys generally had greater access to schools than girls.

Boys and girls had equal access to state-provided medical care, which was limited.

Although there are no official statistics on child abuse, it was common, and often occurred when impoverished families sent their children to work for wealthier families. A 2002 UN Children's Fund study found that child abuse, including sexual abuse, was widespread and often occurred at home. There also were reports that teachers raped students.

Child prostitution and child pornography are illegal. The law considers unmarried children under the age of 18 as minors, and they are protected legally from sexual exploitation, prostitution, and pornography. There were no statistics regarding these matters, but they were not considered serious problems.

Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities

There are no laws that mandate access to buildings for persons with disabilities or that prohibit discrimination in employment and public services.

The country's center for persons with disabilities on Grande Comore was run by an NGO. The center imported wheelchairs and prosthesis for disabled persons.

Other Societal Abuses and Discrimination

There were no reports of discrimination against persons with HIV/AIDS. Homosexuals did not publicly discuss their sexual orientation due to societal pressure.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and many of those in the wage labor force did so in practice. Teachers, civil servants, taxi drivers, and dockworkers were unionized.

The labor code, which was rarely enforced, does not include a system for resolving labor disputes.

The law does not prohibit antiunion discrimination by employers in hiring practices.

b. The Right to Organize and Bargain Collectively

The law protects workers from employer interference in their right to organize and administer their unions, and the government protected this right in practice. Unions have the right to bargain collectively, although employers set wages in the small private sector, and the government, especially the ministries of finance and labor, set them in the larger public sector. The law provides for the right to strike, and government employees exercised this right to protest non-payment of salaries. There are no laws protecting strikers from retribution, but there were no reported instances of retribution.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor by adults with certain exceptions for obligatory military service, community service, and accidents, fires, and disasters. The union's civil protection unit may oblige persons to respond to disasters if it is unable to obtain sufficient voluntary assistance; however, this has never occurred. There are no specific prohibitions against forced or compulsory child labor, and there were some reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law defines 15 as the minimum age for employment, but the government did not always enforce this law. Children worked in subsistence farming and fishing. Some families placed their children in the homes of wealthier families where they worked in exchange for food, shelter, or educational opportunities. Many children were not paid for their work. The government's Ministry of Labor is responsible for enforcing child labor laws, but it did not actively do so.

e. Acceptable Conditions of Work

There was no minimum wage. Despite strikes and other protests, the union government was unable to pay government employees, including low-level government officials, teachers, and medical workers, for several months due to budgetary difficulties.

The law specifies a workweek of 37½ hours, one day off per week, and one month of paid vacation per year. According to the law, workers receive time-and-a-half for overtime. These laws, like many others, were not enforced. Employers, particularly the government, were often remiss in paying salaries.

No safety or health standards have been established for work sites. Workers generally could not remove themselves from an unsafe or unhealthful situation without risking their employment.

