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## 2009 Human Rights Reports: Comoros

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

March 11, 2010

The Union of the Comoros is a constitutional, multiparty republic of 748,000 citizens. The country consists of three islands--Grande Comore, Anjouan, and Moheli--and claims a fourth, Mayotte, which France governs. In 2006 citizens elected Ahmed Abdallah Mohamed Sambi as Union president in polling international observers described as generally free and fair. This was the first peaceful and democratic transfer of power in the country's history. In March 2008 the Union Army of National Development, with African Union support, launched a successful and bloodless military action resulting in the removal of former Anjouan president Mohamed Bacar, who fled the country. Bacar had ruled Anjouan by force since declaring himself the winner of an illegal election in 2007. In June 2008 Moussa Toybou was elected president of Anjouan in a generally free and fair process. Civilian authorities generally maintained effective control of the security forces.

The Union government and the three island governments generally respected the human rights of their citizens, although there were some areas of concern. Problems on all three islands included poor prison conditions; restrictions on freedom of movement, 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 the Union government or its agents committed arbitrary or unlawful killings.

Civil society representatives on Anjouan reported in March 2008 Nadiati Soimaddine died from injuries inflicted during torture by Mohamed Bacar's security agents. Soimaddine was accused of supporting Union president Sambi. There were no developments in the case.

b. Disappearance

There were no reports of politically motivated disappearances. Civil society representatives reported those detained in Anjouan prior to March 2008 had been released.

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

The constitution and laws prohibit such practices, and there were no reports government officials employed them. Unlike in the previous year, there were no reports of rape, torture, illegal detention, and forced exile committed by regime gendarmes in Anjouan.

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The Comoros Human Rights Foundation interviewed victims of the Bacar regime and was preparing evidence to prosecute those responsible for the 2008 abuses. Most cases involved the torture of detainees. There were no other developments on any of these 2008 cases.

For example, in January 2008 Bacar's security forces arrested Mohamed Attoumane for listening to a radio program from the national radio station. Attoumane was tortured and released a day after his arrest. There were no developments in this case.

In February 2008 Bacar's forces detained and tortured Soulaïmana Bacar and several unnamed friends. Bacar, who suffered a broken foot and arm, was held incommunicado and transferred between unknown locations before his release. There were no developments in the case.

Also in February 2008 Bacar's forces arbitrarily detained and beat Attoumane Houmadi, whom they held until his family paid for his release. There were no developments in the case.

Some persons released during the year had been held for months by Bacar regime security forces. For example, Abdallah Ahmed Ben Ali, who was arbitrarily arrested in 2007, was repeatedly tortured until his March 2008 release. There were no developments in the case.

#### Prison and Detention Center Conditions

Prison conditions remained poor. Common problems included inadequate sanitation, overcrowding, inadequate medical facilities, and poor diet.

There were approximately 150 prisoners incarcerated in Moroni prison. At year's end one female prisoner was being held; no juveniles were being held. During the year there were no recorded deaths of prison inmates.

Authorities held pretrial detainees with convicted prisoners. Unlike in the previous year, there were no reports detainees on Anjouan were being held in shipping containers.

The government permitted visits by independent human rights observers. In an August 2008 visit, a Comoran human rights organization and the local Red Crescent Society stated the Union government met international standards in its detention, on Grande Comore, of officials from the Bacar regime.

#### d. Arbitrary Arrest or Detention

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

On August 7, 10 high-ranking members of the Grande Comore island administration were arrested for resisting the attempts of national gendarmes to retake possession of offices, vehicles, and other property of the island authority. These officials have since been released.

#### Role of the Police and Security Apparatus

Six separate security forces report to four different authorities. Union forces include the Army of National Development, the Gendarmerie, and the National Directorate of Territorial Safety (immigration and customs). The previously separate

Anjouan gendarmerie was incorporated into the Union structure. Each of the three islands also has its own local police force under the authority of its ministry of interior.

There was continued corruption in the police force. Citizens paid bribes to evade customs regulations, avoid arrest, and to have police reports falsified. Police personnel paid bribes to receive promotions. Impunity was a problem, and there was no mechanism to investigate police abuses. Police and security forces participated in training on civil-military relations, public health, and peacekeeping operations.

#### Arrest Procedures and Treatment While in Detention

The law requires warrants for arrests and provides for detainees to 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. The law provides for the prompt judicial determination of the legality of detention, and detainees must be promptly informed of the charges against them. In practice these rights were inconsistently respected. There is a bail system under which the individual is not permitted to leave the country. Some detainees did not get prompt access to attorneys or families. The law also requires the state to provide an attorney for indigent defendants, but this rarely occurred.

After March 2008 the Union government detained approximately 50 civilian and military officials of the Bacar regime. All but one have been released.

Pretrial detention was a problem, with approximately 20 percent of the prison population awaiting trial for extended periods for reasons including administrative delays, case backlogs, and time-consuming collection of evidence. By law pretrial detainees can be held for only four months, but this period could be extended. Some extensions lasted several months.

#### e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice; however, judicial corruption was a problem.

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 one appointed by the president of the National Assembly. Minor disputes can be reviewed by the civilian court of first instance, but they were usually settled by village elders outside of the formal structure. The head of state appoints magistrates by decree.

#### Trial Procedures

The law provides for the right to a fair trial for all citizens. Under the legal system, which incorporates French legal codes and shari'a (Islamic law), trials are 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 allows defendants to question witnesses and present their own witnesses. Witnesses can also present evidence on their own behalf. In practice these rights were inconsistently respected.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters, but formal courts had insufficient resources and were corrupt. Administrative remedies were rarely available, although citizens with influence had access to such alternatives. Court orders were inconsistently enforced.

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, and journalists on all three islands practiced self censorship.

Individuals could generally criticize the Union government publicly or privately without reprisal.

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

No action was taken against Anjouan gendarmes involved in the 2007 arrest and beating of four journalists or the 2007 arrest and detention of radio reporter Elarifou Minihadji of the Comoran Foundation for Human Rights. Minihadji was released after one week. The four journalists were released when Anjouan was liberated in March 2008.

There is independent radio on all three islands. One government radio station operated on a regular schedule. Small community radio stations operated without government interference. Residents also received Mayotte Radio and French television.

Internet Freedom

There were no government restrictions on access to the Internet or reports the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2008, approximately 3.48 percent of the country's inhabitants used the Internet.

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, the government did not always respect this right. Security forces wielding batons dispersed protesters after the referendum on Mayotte (March 29), before and after the referendum on the constitution (May 17), and after the announcement of election results on Anjouan (December 23).

Freedom of Association

The constitution and law provide for freedom of association, and the Union government and the three island governments generally respected this right.

c. Freedom of Religion

The constitution provides for freedom of religion, but the penal code prohibits proselytizing for religions other than Islam. The referendum of May 17, which modified the constitution, also states "Islam is the state religion," but in practice there was no change in the legal status of religious freedom. Prosecutions for proselytizing are rare and have not resulted in convictions in recent years. Although the government allows organized religious groups to establish places of worship, train clergy to serve believers, and assemble for peaceful religious activities, most non-Muslim citizens did not openly practice their faith for fear of potential legal repercussions for proselytizing.

#### Societal Abuses and Discrimination

Christians, who constitute less than 1 percent of the population, continued to experience societal discrimination and intimidation. Societal pressure effectively restricted the use of the country's three churches to noncitizens. Family and community members harassed those who joined non-Muslim faiths.

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

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf](http://www.state.gov/g/drl/rls/irf).

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

The constitution and law provide for freedom of movement within the country and foreign travel, and the government generally respected these rights in practice. No specific constitutional provisions deal with emigration and repatriation.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection to internally displaced persons, refugees, asylum seekers, and stateless persons.

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

#### Protection of Refugees

The country is not party to the 1951 UN Convention relating to the Status of Refugees, its 1967 Protocol relating to the Status of Refugees, or the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. The law does not provide for the granting of asylum or refugee status in accordance with these conventions, and the government has not established a system for providing protection to refugees. In practice, although very few refugees sought asylum, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on 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 every four years. 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 national election, which Ahmed Abdallah Mohamed Sambi won. International observers considered the elections free and fair. The 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, those eligible to run for the presidency. But aside from the rotation principle, anyone is free to stand for election.

Grande Comore and Moheli held first- and second-round island president (governor) elections in 2007; both elections were considered generally free and fair. Anjouan held its island president (governor) elections in June 2008; these were also considered generally free and fair.

On May 17, a national referendum was held on proposed modifications to the current constitutional system. The proposed changes would significantly affect the titles, powers, and terms of various office holders, including President Sambu (who would see his term of office extended by one year). The referendum took place without incident, but it was boycotted by opposition political parties who objected to the proposed changes. The referendum was approved by 94 percent of voters, but turnout was only 52 percent.

On December 6 and December 20, legislative elections were held for both the Union national assembly (parliament) and the three island assemblies. These elections were also considered generally free and fair.

More than 20 political parties operated without restriction and openly criticized the Union government.

There was one woman in the 33-member national assembly. No minorities held national assembly seats or Union or island ministerial posts.

#### Section 4 Official Corruption and Government Transparency

Corruption was a serious problem. The law provides 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 petty corruption was commonplace at all levels of the civil service despite the government's anticorruption campaign. Private sector operators reported corruption and a lack of transparency, and the World Bank's 2009 Worldwide Governance Indicators also reflected that corruption was a serious issue.

The Union Ministry of Justice is responsible for combating corruption; however, the government did not prosecute or discipline officials charged with corruption.

Officials were not subject to financial disclosure laws.

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 members of the general public cannot.

#### Section 5 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 generally cooperative and responsive to their views.

The government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations. No outside visits were made during the year, but domestic human rights organizations met regularly with locally based UN personnel. No reports or criticisms were issued.

## Section 6 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. However, the government did not enforce the laws on rape effectively. The law does not specifically address spousal rape, which is a problem. Statistics are scarce since many of these situations are settled within families or by village elders without recourse to the formal court system. Authorities believe the problem is more widespread than statistics indicate, and overall sexual violence is a problem. For example, more than half of the inmates in Moroni prison are held for crimes of sexual aggression.

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

Domestic violence cases rarely, if ever, enter the formal court system.

Prostitution is illegal and was not openly practiced except at a few hotels frequented by foreigners. Arrests for prostitution were rare.

Sexual harassment is illegal and punishable by up to 10 years' imprisonment. Although rarely reported due to societal pressure, such harassment was nevertheless a common problem, and the government did not effectively enforce penalties against it.

Couples and individuals are free to choose the number and spacing of their children. The contraceptive prevalence rate is approximately 15 percent among women of childbearing age. Existing health resources (including personnel, facilities, equipment, and drugs) are inadequate, making it difficult for the government to respond to the health needs of the population. There is a general lack of adolescent reproductive health information and services, leading to unwanted pregnancies and increased morbidity and mortality among adolescent girls. The country recently developed a national strategy for reproductive health but requires additional funding to implement it.

The law provides for equality of persons, and in general inheritance and property rights practices do not discriminate against women. Men retained the dominant role in society, although the matriarchal tradition afforded women some rights, especially in landholding. 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. 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

Any child having at least one Comoran parent is considered a citizen, regardless of where the birth takes place. Any child born in the country is considered a citizen unless both parents are foreigners, although these children can apply for citizenship if they have lived in the country for at least five years at the time of their application. It is estimated approximately 15 percent of children are not officially registered at birth, although many of these situations are regularized subsequently. No public services are withheld from children who are not officially registered.

The government did not take specific action to protect or promote children's welfare and did not enforce legal provisions that address the rights and welfare of children.

Education is compulsory until the age of 12, but not free. Teacher strikes over nonpayment of salaries interrupted school several times during the year. Boys generally had greater access to schools than girls.

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 teachers raped students.

Child prostitution and child pornography are illegal. The law considers unmarried children under the age of 18 to be 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. The age of consent is 13. Child prostitution is punishable by a prison term of from two to five years and a fine of between 150,000 and 2,000,000 Comoran francs (\$462 and \$6,154).

#### Trafficking in Persons

The constitution and laws do not prohibit trafficking in persons; however, there were no reports persons were trafficked to, from, through, or within the country.

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The constitution and laws do not prohibit discrimination in employment and public services or mandate access to buildings for persons with disabilities.

HANDICOM, the country's center for persons with disabilities on Grande Comore, was run by a local NGO called Chiwe, or "pillar." The center imported wheelchairs and prostheses.

There is no restriction on the right of persons with disabilities to participate in civic affairs.

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

Homosexual acts are illegal. They can be punished by up to five years' imprisonment and a fine of 50,000 to 1,000,000 Comoran francs (\$154 to \$3,077). However, no case of this nature has come before the courts. No public debate on the issue is held, and persons targeted for sexual orientation or gender identity did not publicly discuss their sexual orientation due to societal pressure. There are no lesbian, gay, bisexual, and transgender (LGBT) organizations in the country.

#### Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

#### Section 7 Worker Rights

##### a. The Right of Association

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

and dockworkers were unionized. The law allows unions to conduct their activities without government interference and provides for the right to strike, and workers exercised this right in practice.

There are no laws protecting strikers from retribution, but there were no reported instances of retribution.

The labor code, which was rarely enforced, does not include a system for resolving labor disputes. Common problems included failure to pay salaries regularly or on time, mostly in the government sector, and abusive dismissal practices.

#### b. The Right to Organize and Bargain Collectively

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 does not prohibit antiunion discrimination by employers in hiring practices or other employment functions. There were no examples of antiunion discrimination during the year. No workers suffered retribution because of union activity.

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 it occurred.

#### d. Prohibition of Child Labor and Minimum Age for Employment

Laws exist to protect children from exploitation in the workplace, but the government did not enforce such laws. There were no laws to prohibit forced or compulsory child labor, and there were reports such practices occurred. The law establishes 15 as the minimum age for employment. Children worked in subsistence farming, fishing, in the informal sector selling goods along roadsides, and extracting and selling marine sand. Some children worked under forced labor conditions, particularly in domestic service, roadside and market selling, and agriculture. In addition, some Koranic schools arranged for poor students to receive lessons in exchange for labor, which 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. Many children were not paid for their work. The Ministry of Labor is responsible for enforcing child labor laws, but it did not actively or effectively do so. The government took no action to prevent child labor or to remove children from such labor.

#### e. Acceptable Conditions of Work

A 2003 ministerial decree set the minimum wage at 30,000 Comoran francs per month (\$92). Although the Union and local governments do not enforce a minimum wage, unions have adequate authority to negotiate de facto minimum wage rates for different skill levels. These provisions applied to all workers, regardless of sector or country of origin. In practice unions enforce this de facto minimum wage via their ability to strike against employers. Despite strikes and other protests, the Union government was unable to pay government employees, including low-level officials, teachers, and medical workers, for several months due to budgetary difficulties.

The law specifies a work week of 37 1/2 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. There was no

prohibition on excessive compulsory overtime; however, electricity shortages prevented overtime work in most businesses. Employers, particularly the government, were often remiss in paying salaries.

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