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## Comoros

### Country Reports on Human Rights Practices - [2005](#)

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The Union of Comoros is a constitutional, multiparty republic of approximately 670 thousand citizens. In 2002 citizens elected President Azali Assoumani in polling that international observers described as free and fair. The country consists of three islands (Grande Comore, Anjouan, and Moheli) and claims a fourth, Mayotte, which France governs. There was significant dispute over the division of responsibilities between union and island governments. Internal conflict resulted from the union government's nonpayment of salary to its employees, including teachers and doctors. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, although there were some areas of concern. The following human rights problems were reported:

- poor prison conditions
- restriction on freedom of 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 government or its agents committed arbitrary or unlawful killings.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and there were no reports that government officials employed them.

###### Prison and Detention Center Conditions

Prison conditions remained poor, and common problems included improper sanitation, overcrowding, inadequate medical facilities, and poor diet. Authorities held pretrial detainees with convicted prisoners. The government did not take action to remedy such shortcomings, but it permitted visits by independent human rights observers, as well as the United Nations Development Program and the United Nations Children's Fund (UNICEF).

###### d. Arbitrary Arrest or Detention

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

###### Role of the Police and Security Apparatus

There were six separate security forces reporting to four different authorities. There was a union gendarmerie and a union military that handled defense and local policing on Grand Comore and Moheli; Anjouan maintained its own gendarmerie. The union police force handled immigration and some local policing in Grand Comore. Each of the three islands also had its own local police force that reported to the

corresponding island government.

There was continued corruption in the police force. Citizens paid bribes to evade customs regulations, avoid arrest, falsify police reports, or for police personnel, to receive promotion within the force. Impunity was a problem, as there was no mechanism to investigate police abuses.

#### 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 procurer general had to approve continued detention. A tribunal informed detainees of their rights, which includes 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 was a bail system under which the individual was not permitted to leave the country.

There were no reports of political detainees.

#### e. Denial of Fair Public Trial

The law provides 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. The Constitutional Court found unconstitutional some legislation passed by the national assembly, and the government respected the court's decision. Minor disputes can be reviewed by the civilian court of first instance, but in practice they are often settled by village elders. Juries determined criminal cases, which could be reviewed before the appellate court.

#### Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are mostly open to the public. Juries deliberated criminal cases, and there is an appeal process. The legal system incorporates French legal codes and Islamic law; however, Shari'a was not used. In practice village elders decided most disputes without using the formal legal system.

#### Political Prisoners

There were no reports of political prisoners.

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

The law prohibits 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 law provides for freedom of speech and of the press; however, the government partially limited press freedom. In particular, the Anjouan island government limited the ability of journalists to criticize the government.

There was a government-supported newspaper, *Al-Watwan*, and two independent papers, *Cachecazi* and *Archipel*. The Anjouan island government intimidated journalists from writing articles critical of the government, and there were no independent newspapers.

There was a government radio station, which operated on a regular schedule. In addition, there were local community radio stations, which operated in very narrow transmission areas. Citizens who lived overseas primarily funded these stations, which were staffed by volunteers and were allowed to operate without government interference or regulation. Mayotte Radio and French television also broadcast without government interference. There were several small, community-based television stations that operated without government interference, and local residents and their relatives overseas raised funds for their operation. The Anjouan government banned news programming on Radio Dzialandze Mutsamudu, a privately owned radio station in Anjouan, following the interview of a doctor who defended a strike staged by medical personnel.

Foreign newspapers and books were available.

There were no government restrictions on the Internet or academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association; however, in practice the government did not always respect this right. In

September Grand Comorians responded to a fuel price hike by blocking roads and staging a massive protest and strike. In efforts to open the roadblocks and end the protests, soldiers killed 1 and wounded 16 civilians.

#### c. Freedom of Religion

The law provides for freedom of religion; however, the government restricted this right in practice. The constitution declares that the laws must draw inspiration from Islam but does not declare Islam the official religion. An overwhelming majority of the population was Sunni Muslim, and proselytizing was illegal.

#### Societal Abuses and Discrimination

Christians continued to face intense social pressure, including restricting the use of the few Christian churches to noncitizens. Family and community members are likely to harass those who join non-Muslim faiths. Officials in Moheli reportedly stopped a group traveling from Grand Comore to Anjouan via Moheli to attend a Jehovah's Witness meeting. Unlike in the previous year, there were no reports of a ban on Anjouan regarding dress that appeared Arabic.

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

For a more detailed discussion, see the 2005 [International Religious Freedom Report](#).

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice.

Intervillage conflicts restricted free movement of citizens within the country's borders. There were cases of individuals from Grand Comore being refused entry into Moheli and Anjouan.

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

#### 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 they feared persecution, but it did not grant refugee or asylum status routinely.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

International observers declared that the elections in 2004 for the newly created national assembly were free and fair. There were no bans on political parties, which continued to criticize the government openly. The National Assembly had 26 members from the parties aligned with the island governments and 7 members aligned with the union government.

Traditional social, religious, and economic institutions significantly affected political life; nonelected village elders reportedly influenced some government decisions.

There was 1 woman in the 33-member national assembly. There were 2 women in the 13-member office of the union president. There were no minorities in high-level offices.

#### Government Corruption and Transparency

There were reports of government corruption during the year. The government awarded contracts for constructing the airport and university to a local firm with ties to the president, and there were investigations into these contracts. It was widely known that private firms such as Comoros Hydrocarbure and Comoros Telecom partially financed the union government by providing funds for official travel and private expenses on travel.

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 operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

## 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

The law prohibits domestic violence, but the government did not take any action to combat such violence against women, and police and human rights groups believed it to be rare. Women could seek protection through the courts in such cases, but in practice the extended family or village elders addressed such problems.

Rape is illegal, punishable by imprisonment of 5 to 10 years or up to 15 years if the victim is younger than 15 years of age. The government did not enforce effectively the laws on rape. The law does not specifically address spousal rape.

Prostitution is illegal, and most citizens did not consider it to be a problem.

Sexual harassment is illegal and is punishable by a 1-to-10 year sentence. However, it was a common problem but one rarely reported due to societal pressure.

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 and childrearing duties and fewer opportunities for education and wage employment. The status of women improved in the major towns, where growing numbers of women were in the labor force 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 has not taken any specific action to protect or promote children's welfare. The government did not enforce legal provisions that address the rights and welfare of children because of a lack of inspectors.

Education is free and compulsory for children below the age of 16, but in practice, the government rarely provided public school for children past the age of 14 years. According to the Ministry of Education, 95 percent of school-age children attended school. During the year, authorities cut the school term from nine months to five months because teachers went on strike after not receiving their salaries for several months.

Boys generally had more access than girls to schools.

Although there were no official statistics on child abuse, it was common, particularly when impoverished families sent their children to work for wealthier families. Authorities generally provided these children food, shelter, and educational opportunities, but they were required also to work, sometimes under harsh conditions. 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, and there were no reports of violations in these areas.

### 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 prohibit discrimination in employment and public services. However, in practice there generally was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services.

## 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 they did so in practice. Approximately 80 percent of the population engaged in farming on small land holdings, subsistence fishing, and local commerce. The wage labor force was less than seven thousand, of whom approximately five thousand were government employees. Teachers, civil servants, taxi drivers, and dockworkers were unionized. Unions were independent of the government.

The rarely enforced labor code does not include a system for resolving labor disputes, and it does not prohibit antiunion discrimination by employers.

#### 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. There were no laws protecting strikers from retribution, but there were no known instances of retribution.

Despite strikes and other protests, the union government did not pay government employees, including low-level government officials, teachers, and medical workers, for six months.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor by adults but not by children. There were some reports that such practices occurred (see section 6.d.).

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

The law defines the age of 15 as the minimum for employment, but in practice the government did not always enforce this law. Children usually 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. Other forms of child labor generally were not a problem due to the lack of wage employment opportunities. A 2000 UNICEF study found that approximately 15 percent of children were not paid for their work.

#### e. Acceptable Conditions of Work

There was no minimum wage. During the year, the government was unable to pay most civil servant salaries (see section 6.b.).

The law specifies a workweek of 37½ hours with one day off per week plus one month of paid vacation per year. According to the law, workers receive time and a half for overtime. In practice employers, particularly the government, were often remiss in paying salaries.

There were no safety or health standards for the very small manufacturing sector. Workers generally could not remove themselves from an unsafe or unhealthful situation without risking their employment.

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