

## COMOROS

The Union of the Comoros is a constitutional, multiparty republic of 770,000 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 of the Comoros 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 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. Moussa Toybou was elected president of Anjouan in a generally free and fair process in 2008. In November and December 2010, elections were held to choose a new Union president as well as governors for each of the three islands. Although some observers noted some serious irregularities on the island of Anjouan, these were not sufficient to change the outcome, and the results of the elections were upheld by the Comoran Constitutional Court. Security forces reported to civilian authorities.

Human rights 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 confirmed reports the government or its agents committed any politically motivated killings. However, on June 12, Colonel Combo Ayouba, a senior officer in the Comoran army, was killed at his home in Moroni. At year's end, an investigation was ongoing, and the chief of staff of the Comoran Defense Forces was under house arrest for his possible role in the killing (see section 1.d.).

There were no further developments in the 2008 death from injuries inflicted during torture of Nadiati Soimaddine.

b. Disappearance

There were no reports of politically motivated disappearances.

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.

In 2009 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. However, there were no further developments in any of these 2008 cases, including the arrest of Mohamed Attoumane, the arrest and torture of Soulaïmana Bacar and several friends, the detention and beating of Attoumane Houmadi, and the arrest and torture of Abdallah Ahmed Ben Ali.

Prison and Detention Center Conditions

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

There were approximately 130 prisoners incarcerated in the country's only prison in Moroni, which can accommodate a maximum of 150 under crowded conditions. At year's end two female prisoners were being held; two juveniles were also being held.

During the year there were no recorded deaths of prison inmates.

Authorities held pretrial detainees with convicted prisoners.

Prisoners and detainees were permitted reasonable access to visitors and permitted religious observance, but only if they were Muslim. The prisoners could also bring complaints to the attention of authorities; however, investigations or follow-up actions almost never occurred.

The government permitted visits by independent human rights observers. Representatives from the Red Crescent visited the prison in Moroni in June. As a

result of the visit, the Red Crescent is working on a project to provide a cistern and to repair the latrines.

d. Arbitrary Arrest or Detention

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

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). Each of the three islands also has a police force under the authority of its Ministry of Interior.

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.

By year's end all but one of the 50 officials of the Bacar regime arrested in 2008 had 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.

On August 31, the government put General Mohamed Amiri Salimou, chief of staff of the Comoran Defense Forces, under house arrest for his possible role in the killing of Colonel Combo Ayouba (see section 1.a.). Salimou's lawyers insisted that the penal code does not give authorities the right to forbid the general from moving about freely or communicating with the outside world. They claimed that the general's detention was a pretext to allow the president to remove him from his position. In addition to General Salimou, approximately 30 military personnel were arrested and held in military prisons. Of these all but four have since been released. At year's end, the four were being held in Moroni's prison, three of them in solitary confinement, and the investigation was ongoing.

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.

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 Sharia (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 in a timely manner. The law allows defendants to question witnesses and present their own witnesses. Defendants 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 but not impartial judiciary for civil matters; formal courts had insufficient resources and were also corrupt, frequently asking for bribes in return for favorable rulings. 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 by public criticism of journalists who wrote controversial articles, and journalists on all three islands practiced self-censorship.

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

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

One government radio station operated on a regular schedule. Small community radio stations operated on all three islands 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 that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2009, approximately 3.59 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.

On February 8, security forces used tear gas and rubber bullets to disperse a march in Moroni by students and teachers protesting the country's educational policy. The students were marching to support teachers in a compensation dispute.

On March 16 and 17, and April 23, security forces used batons, tear gas, and rubber bullets to disperse demonstrations on Moheli protesting the government's election policy. Nafissa Abdoulhafar lost her unborn child after being assaulted by security forces during the confrontations, and several other persons were injured. There was no investigation by year's end.

#### 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

For a description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt/](http://www.state.gov/g/drl/irf/rpt/).

#### 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 or legal provisions deal with emigration and repatriation.

On June 6, political activist Said Larifou (a dual French-Comoran national) was detained at the Moroni airport and refused permission to leave the country. The refusal continued for several months before it was rescinded, although he was allowed to move freely within the country during that time. The authorities did not publicly state a reason for their refusal to allow Larifou to leave the country.

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 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 candidates, Anjouan voters selected three to run in the national election, which Ahmed Abdallah Mohamed Sambi won. This year the turn passed to Moheli. From the original 10 candidates (all natives of Moheli), Mohelian voters selected three to run in the national election, which was won by Ikililou Dhoinine. 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 2008; these were also considered generally free and fair.

In May 2009 voters approved a national referendum on modifications to the constitutional system. The changes affected the titles, powers, and terms of various office holders, including President Sambu, whose term of office was extended. 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.

In December 2009 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.

In November and December, elections were held to choose a new Union president as well as governors for each of the three islands. Although some observers noted serious irregularities on the island of Anjouan, these were not sufficient to change the outcome, and the final results of the elections were upheld by the Comoran Constitutional Court. Former vice president Ikililou Dhoinine will become the next president of the Union of the Comoros early in 2011.

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

There was one woman in the 33-member national assembly, but none in the cabinet. No minorities held national assembly seats or Union or island ministerial posts.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices such as taking money for performing routine administrative services or doing favors 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 reflected that corruption was a serious issue.



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.

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, gender, 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 does occur. Statistics are scarce since many of these situations are settled within families or by village elders without recourse to the formal court system. Although reliable statistics were not available, authorities believe the

problem is widespread and overall sexual violence is a problem. For example, more than half of the inmates in Moroni's prison are held for crimes of sexual aggression.

The law prohibits domestic violence. Although there was no reliable data available on the extent of the problem, the government did not take any concrete action to combat violence against women. While 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.

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 generally free to choose the number and spacing of their children. Contraceptive use for modern methods of contraception among married women between the ages of 15 and 49 was approximately 19 percent, according to the UN Population Fund (UNFPA). 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. According to the Population Reference Bureau, approximately 62 percent of births were attended by skilled personnel. UNFPA estimated the maternal mortality ratio (the ratio of the number of maternal deaths per 100,000 live births) to be 340 for 2008. There is a general lack of adolescent reproductive health information and services, leading to unwanted pregnancies and increased morbidity and mortality among adolescent girls. There are no legal barriers preventing women from receiving treatment for sexually transmitted infections, including HIV, but many hesitate to do so for social and cultural reasons. 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. Land and homes are usually awarded to women in case of divorce or separation. 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 face societal pressure to do so. The Ministry of Health, Solidarity, and Gender Promotion is responsible for promoting women's rights.

### 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 it is not free. Teacher strikes over nonpayment of salaries interrupted school several times during the year. Due to social and cultural factors, boys generally were more likely to attend 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. There were also scattered reports that teachers raped students; these were generally handled through traditional societal networks rather than formal enforcement investigations.

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 the government did not consider them serious problems. The age of consent is 13-years-old. 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 (\$417 and \$5,556) for anyone convicted of luring a child into prostitution.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

#### Anti- Semitism

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

#### Trafficking in Persons

In 2009 there were no confirmed reports that persons were trafficked to, from, or within Comoros.

#### Persons with Disabilities

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

Handicap Comoros, 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 (\$139 to \$2,778). However, no case of this nature has come before the courts. No public debate on the issue has been held, and persons engaging in homosexual activity did not publicly discuss their sexual orientation due to societal pressure. There are no lesbian, gay, bisexual, and transgender 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 unfair and abusive dismissal practices such as firing employees without giving proper notice or paying the required severance pay.

### 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. There are no legal restrictions on collective bargaining such as exclusion of issues or minimum participation requirements.

The law does not prohibit antiunion discrimination by employers in hiring practices or other employment functions; however, 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 during 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 in agriculture (planting, weeding, harvesting); fishing; informal retail (selling goods on the street); and domestic service.

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 that such practices occurred. The law establishes 15-years of age 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. Children also worked on food crops such as manioc and beans, but also on cash crops such as vanilla, cloves, and ylang-ylang (a flower used to make perfume). Some children worked under forced labor conditions, particularly in domestic service, roadside and market selling, and agriculture. In addition some Qur'anic 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. There was only one labor inspector for each of the three islands for a total of three labor inspectors. These inspectors were responsible for all potential violations of labor law and did not focus just on child labor cases. The government took no action to prevent exploitative 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 (\$83). The national minimum wage did not provide a decent standard of living for a worker and family. Although the Union government and local governments did not enforce a minimum wage, unions had adequate influence to negotiate effective minimum wage rates for different skill levels for unionized jobs. These provisions applied to all workers, regardless of sector or country of origin. In practice unions promoted this 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 workweek of 37.5 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 effectively enforced by the government. There was no prohibition on excessive compulsory overtime; however, electricity shortages prevented overtime work in most businesses. Employers, particularly the government, often were 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.