

COMOROS 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Union of the Comoros is a constitutional, multiparty republic. The country consists of three islands: Grande Comore (also called Ngazidja); Anjouan (Ndzuani); and Moheli (Mwali); and claims a fourth, Mayotte (Maore) that France administers. The 2019 presidential elections were not free and fair, and international and domestic observers noted the election was marked by significant irregularities. The opposition did not recognize the results due to allegations of ballot stuffing, intimidation, and harassment. International observers considered the January 2020 legislative elections to be generally free and fair, although the opposition boycotted the elections and did not recognize the results.

The National Development Army and the Federal Police have responsibility for law enforcement and maintenance of order within the country. The National Development Army includes both the gendarmerie and the Comorian Defense Force. It reports to the president's cabinet director for defense. The Federal Police report to the minister of interior. The National Directorate of Territorial Safety, which oversees immigration and customs, reports to the minister of interior. The gendarmerie's intervention platoon also may act under the authority of the interior minister. When the gendarmerie serves as the judicial police, it reports to the minister of justice. Civilian authorities generally maintained effective control over police and other security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings by the government; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; politically motivated reprisals against an individual in another country; serious restrictions on free expression and media, including violence, threats of violence, and unjustified arrests or prosecutions against journalists, and the existence of criminal libel laws although not enforced; substantial interference with the freedom of peaceful assembly; severe restrictions of religious freedom; inability of citizens to change

their government peacefully through free and fair elections; lack of investigation of and accountability for gender-based violence, including but not limited to domestic or intimate partner violence and sexual violence; trafficking in persons; and existence of laws criminalizing consensual same-sex sexual conduct between adults.

Impunity for human rights abuses and corruption was widespread. Although the government sometimes arrested or dismissed officials implicated in abuses or corruption, they were rarely tried.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There was one report that the government or its agents committed an arbitrary or unlawful killing. The prosecutor of the republic has responsibility to investigate the lawfulness of security force killings, and the military has responsibility to make parallel administrative investigations.

In April on the island of Anjouan police arrested former military officer Hakim Bapale on charges of attempting to destabilize the government. He died while in custody on April 7. There were allegations authorities abused him (see section 1.c). The government committed to investigating the case but made no results public by year's end.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices, but there were reports that government officials employed them. In April the family of Hakim Bapale claimed his corpse showed signs of gross physical abuse after his death in police custody (see section 1.a.). In September journalists Hachim Mohamed and Oubeid

Mchangama reported in the newspaper *Masiwa Ya Komor* gendarmes abused them after their arrest during a protest (see section 2.a., Violence and Harassment).

Impunity was a problem in the security forces, within both police and military. Corruption and reluctance by the populace to bring charges contributed to impunity. The prosecutor of the republic, under the Ministry of Justice, has the responsibility to investigate abuses.

Prison and Detention Center Conditions

Prison and detention center conditions remained poor, particularly in the prison on Anjouan. The national prison in Moroni on Grande Comore was the largest of three prisons in the country. The third was on Moheli. Military detainees were held in military facilities. National or island authorities used various detention facilities as deemed appropriate, and detainees could be transferred from either Anjouan or Moheli to the national prison in Moroni, depending upon the nature of their offenses.

Physical Conditions: Overcrowding was a problem. As of September the Moroni prison held 277 inmates, including five women and 15 minors, but according to International Committee of the Red Cross standards, the capacity was 60 inmates. The prison on Anjouan held 110 detainees, with one woman and no minors. Its capacity was not known but prisoners were kept in only one of the two prison buildings, consisting of three rooms each measuring 215 square feet and equipped with a single toilet.

The law provides for juveniles ages 15 to 18 to be treated as adults in the criminal justice system. Juveniles and adult prisoners were held together.

Detainees and prisoners normally received a single meal per day consisting of 1.8 ounces of rice and one egg (in Moroni) or red beans when available (on Anjouan). The Red Cross provided weekly meals to prisoners on Anjouan. Those who did not receive additional food from family members suffered food deprivation. Other common problems included inadequate potable water, sanitation, ventilation, lighting, and medical facilities. The prison in Moroni had a nurse on staff and a visiting doctor, while the prison on Anjouan had no nurse on staff but a nurse and doctor who visited prisoners. Prisoners on Anjouan said they were sometimes

allowed to leave the prison if they needed medical care. There were no reported deaths attributable to physical conditions.

Administration: Prisoners could submit complaints without censorship, but investigations and follow-up actions almost never occurred. Authorities allowed access to visitors and religious observance, although some minority religious organizations reported difficulty visiting prisoners.

Independent Monitoring: The government permitted the International Committee of the Red Cross and diplomatic missions to monitor prisons. Authorities required that nongovernmental organizations (NGOs) request a visit permit from the prosecutor general.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of arrest or detention in court. The government often did not observe these provisions.

Arrest Procedures and Treatment of Detainees

The law requires judicial arrest warrants as well as prosecutorial approval to detain persons longer than 24 hours without charge. The law provides for prompt judicial determination of the legality of detention, and for detainees to be informed promptly of the charges against them. A magistrate informs detainees of their rights, including the right to legal representation. These rights were inconsistently respected. The bail system prohibits persons on bail from leaving the country. Some detainees did not have prompt access to attorneys or their families.

Arbitrary Arrest: There were multiple reports of persons being temporarily detained for organizing political demonstrations, expressing their political views, or criticizing the government (see section 1.e., Political Prisoners).

Pretrial Detention: Lengthy pretrial detention was a problem. By law pretrial detainees may be held for no more than four months, although a magistrate or prosecutor may extend this period. Detainees routinely awaited trial for extended periods for reasons including administrative delay, case backlog, and time-

consuming collection of evidence. Some extensions continued for several years, and sometimes exceeded the maximum sentences for the alleged crimes. The NGO World Prison Brief, using 2015 data, reported that 29 percent of detainees were pretrial detainees.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence. Judicial inconsistency, unpredictability, and corruption were problems. Authorities generally respected court orders.

Trial Procedures

The law provides all defendants with the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants have the right to be informed promptly of charges and to a timely trial, but lengthy delays were common. The legal system incorporates sharia (Islamic law). Defendants are presumed innocent. Trials are by jury in criminal cases. Defendants have the right to consult an attorney. Indigent defendants have the right to counsel provided at public expense, although this right was rarely observed. Defendants have the right to be present at their trials, question witnesses, and present witnesses and evidence on their own behalf. Although the law provides for the assistance of an interpreter, free of charge, for any defendant unable to understand or speak the language used in court, this was not generally implemented. Defendants have the right to adequate time and facilities to prepare a defense, and not to be compelled to testify or confess guilt. There is an appellate process.

Political Prisoners and Detainees

There were reports of political prisoners and detainees. Observers considered there to be two long-term political prisoners: former president Ahmed Abdallah Sambi, and former governor of Anjouan Abdou Salami. Sambi remained in pretrial detention since 2018 for charges relating to corruption and his Economic Citizenship Passport program, which provided passports to thousands of stateless United Arab Emirates residents and others (see section 4, Corruption).

There were periodic reports of political activists being temporarily detained

without being arrested or charged with a crime. In January three demonstrators planning or participating in a rally received multiyear sentences (see section 2.b., Freedom of Peaceful Assembly).

The government permitted access by human rights or humanitarian organizations to some political prisoners.

Politically Motivated Reprisal against Individuals Located Outside the Country

Bilateral Pressure: There was a credible report that for politically motivated purposes authorities exerted bilateral pressure on another country to take adverse action against a specific individual.

In 2019 businessman and opposition politician Inssa Mohamed fled to Madagascar and sought refugee status. In April 2020 Comorian authorities charged Mohamed with conspiracy to assassinate President Azali Assoumani. Following pressure from senior Comoros government officials, the Malagasy government returned him to the country in July 2020, and he faced incarceration and criminal charges. Mohamed escaped in December 2020 and returned to Madagascar. The Office of the UN High Commissioner for Refugees (UNHCR) granted him refugee status. Following renewed pressure, in January Malagasy authorities again arrested Mohamed and returned him to the country. Mohamed remained in custody and awaited trial at year's end.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights abuses through an independent but corrupt court system. By law individuals and organizations may appeal adverse domestic decisions to regional human rights bodies. Court orders on human rights cases were inconsistently enforced.

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

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

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of speech, including for the press although not explicitly for other media. Authorities imposed restrictions.

Freedom of Expression: Individuals may not criticize the government or raise matters of public interest without constraint. Authorities reportedly detained individuals for making public statements, including online statements, critical of the president.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Independent media were active and expressed a variety of views, but with a growing level of restriction and self-censorship due to government reprisal.

Violence and Harassment: Some journalists were subjected to violence or harassment by government authorities due to their reporting.

The former president of the Comoros' Union of Journalists, Ali Abdou, was found dead in his home in Moroni in December 2020. The Moroni government prosecutor concluded Ali died a natural death. On February 27, the local website *nationalmagazineweb.com* claimed Ali's body was found in his home covered with blood and signs of physical assault. The family stated the local authorities would not turn over the doctor's death report and other materials. On March 15, the family filed a complaint with the court of Moroni claiming Ali was killed, but due to the prosecutor's ruling of death by natural causes, the court rejected the complaint.

On January 7, authorities arrested Oubeid Mchangama, a journalist with the Facebook-based news service *FCBK FM*, and accused him of participating in an antigovernment demonstration he was covering in Moroni. On January 9, authorities arrested on similar charges his colleague Ali Akbou Mkouboi, who was covering another demonstration. Authorities released both after two days' detention.

On September 3, gendarmes attacked and arrested journalists Hachim Mohamed and Oubeid Mchangama during a demonstration led by the French-based diaspora group Mabedja. Authorities released them 24 hours later.

On September 7, authorities denied two French journalists entry at the airport in Moroni and put them on the return flight of the same plane on which they arrived. Authorities believed the journalists had come to cover the Mabedja group demonstrations. The minister of interior claimed at a press conference the two journalists did not have the proper administrative documents needed to enter the country.

On September 21, the minister of finance threatened any journalist critical of him, declaring he would use “my militias” to turn the journalists “into pieces.” On September 23, a local radio station journalist received a telephone call from someone claiming he was paid by the minister of finance to “eliminate” him. Also in September men claiming to be politically connected threatened to destroy a local radio station if it did not close down.

Censorship or Content Restrictions: Some journalists practiced self-censorship due to violence and harassment, and other journalists, fearing retribution, self-censored discussions of political matters.

Libel/Slander Laws: The law criminalizes libel. Authorities did not enforce the law. The law also prohibits blasphemy, or the propagation of non-Islamic beliefs to Muslims. It was not enforced.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and in contrast with 2020, there were no credible reports the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, but the government often did not respect the freedom of peaceful assembly.

Freedom of Peaceful Assembly

In early January protesters organized an unauthorized rally against the administration of President Azali. Authorities arrested and later prosecuted several persons. Protest organizer Abdallah Abdou Hassane, charged with “maneuvers that endanger state security,” received a five-year prison sentence. Protester Sabikia Ahamada Mze received a two-year sentence, including one year in prison. Protester Youssouf Said Soilihi received three years, including one year in prison. On May 26, members of various political parties opposed to President Azali planned demonstrations to call for Azali’s resignation, but local authorities refused to authorize them. Authorities claimed the demonstrations were illegal because the opposition group Common Front Against Democracy was not properly registered.

On August 25, authorities arrested two members of Mabedja, Farhane Attoumani and Chamoun Soudjay, and charged them with disturbing public order and public safety and belonging to an organized criminal group. The two had planned to organize a demonstration in September calling for greater democracy and human rights. Some demonstrations proceeded. On September 13, a judge granted Attoumani and Soudjay provisional release on condition they not hold meetings, make statements to media, or post information on social networks. They both quickly departed the country and returned to France.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provide for freedom of internal movement and foreign travel, and the government generally respected these rights. No specific

constitutional or legal provisions deal with emigration and repatriation.

In-country Movement: Authorities allowed most persons to move freely between islands.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government did not regularly cooperate with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. UNHCR conducted refugee status determination interviews remotely for asylum seekers.

In October, 52 asylum seekers from the Democratic Republic of the Congo landed by boat in Anjouan. The government allowed the asylum seekers to reside in a vacant government building in safe and sanitary conditions. The International Organization for Migration conducted rapid screening of the 52 individuals and referred their cases to UNHCR.

g. Stateless Persons

The laws do not protect persons born in the country to unknown or stateless parents from becoming stateless.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Citizens exercised that ability, although electoral irregularities marred the 2019 presidential election.

Elections and Political Participation

Recent Elections: In 2019 the country held presidential and gubernatorial elections, and the Supreme Court declared Azali Assoumani the winner of the presidential election with 59 percent of the vote. These elections were not free and fair, and international and domestic observers noted the election was marked by significant irregularities.

During the afternoon of election day, the opposition protested ballot stuffing and the lack of observers in polling stations. Refusing to recognize the legitimacy of the vote, the opposition destroyed ballot boxes on Anjouan and, to a lesser extent, on Grande Comore. Responding to these developments, the government failed to uphold election rules and regulations in the collection and counting of ballots. The government ordered security forces to collect ballots in multiple jurisdictions before polls were scheduled to close, and ballot counting occurred without public oversight.

In 2019 presidential candidate Soilihi Mohamed, along with the other opposition candidates, established a National Transition Council and called on the population to engage in civil disobedience if the government did not invalidate the election. Police arrested Mohamed for undermining the security of the state. Following a gunfight in which three individuals died, Mohamed's supporters freed him, but security forces subsequently recaptured him. After 12 days in prison, the government released him, and Mohamed recognized Azali as president and resigned his position as president of the National Transition Council.

In January 2020 election authorities conducted legislative elections. International observers considered them to be generally free and fair. The opposition boycotted the elections and stated they did not recognize either the 2019 presidential or the January 2020 legislative results. The government did not allow opposition groups to hold meetings during the legislative elections.

Participation of Women and Members of Minority Groups: No laws limit participation of women, persons with disabilities, lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons or members of minority groups in the political process and they did participate. Some observers believed

traditional and cultural factors prevented women from participating in political life on an equal basis with men. The 2019 gubernatorial election resulted in the election of the first female governor, Sitti Farouata Mhoudine, who represented Grande Comore. In the National Assembly, there were four women out of 24 elected members, compared with one woman among elected members in the previous National Assembly.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption.

The National Commission for Preventing and Fighting Corruption was an independent administrative authority established to combat corruption, including through education and mobilization of the public. In 2016 the president repealed the provisions of the law that created the commission, citing its failure to produce any results. The Constitutional Court subsequently invalidated this decision, noting that a presidential decree may not overturn a law. Nevertheless, the president has neither renewed the commissioners' mandates nor appointed replacement members.

Corruption: Resident diplomatic, United Nations, and humanitarian agency personnel reported petty corruption was commonplace at all levels of the civil service and security forces. Businesspersons reported corruption and a lack of transparency. Citizens paid bribes to evade customs regulations, to avoid arrest, and to obtain falsified police reports.

In 2019 the court in Moroni heard embezzlement charges against former finance minister Mohamed Bacar Dossar, former vice president in charge of finance Mohamed Ali Soilihi, and former president Sambu. Sambu remained under arrest, while the others were told they could not leave the country until after the trial. As of October the court proceedings continued.

Section 5. Governmental Posture Towards International and

Nongovernmental Investigation of Alleged Abuses of Human Rights

A few domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: By law the governmental National Commission for Human Rights and Liberties is mandated to investigate human rights abuses and to make recommendations to concerned authorities. It was independent but lacked effectiveness.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape regardless of age or gender is illegal and punishable by five to 10 years' imprisonment or up to 15 years if the survivor is younger than age 15. The law does not specifically address spousal rape, but being married to a survivor does not exonerate the perpetrator. Authorities prosecuted perpetrators if survivors filed charges; otherwise, authorities rarely enforced the law. There were reports families or village elders settled many allegations of sexual violence informally through traditional means and without recourse to the formal court system. According to an international organization, approximately 80 percent of prisoners were serving time for rape or sexual assault.

The law treats domestic violence as an aggravating circumstance, including crimes committed by one domestic partner against an existing or former partner. Penalties include prison sentences up to five years and fines. Courts rarely sentenced or fined perpetrators. No reliable data were available on the extent of the problem. Survivors rarely filed official complaints. Although officials acted (usually the arrest of the spouse) when a case was reported, domestic violence cases rarely entered the court system.

Sexual Harassment: Sexual harassment is illegal and punishable by fines and imprisonment. It is defined in the law as any verbal, nonverbal, or bodily behavior

of a sexual nature that has the effect of creating an intimidating, hostile, or humiliating work environment for a person. Although rarely reported due to societal pressure, such harassment was nevertheless a common problem, and authorities did not effectively enforce the law.

On March 25, Ministry of Foreign Affairs intern Hamada Azaima accused Advisor to the Minister Abdallah Mirghane of sexual harassment. On March 28, gendarmes interviewed Mirghane. Although not charged with any crime, the Ministry of Foreign Affairs fired him.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Barriers that impeded access to sexual and reproductive health services included reduced access to and use of contraception due to insufficient awareness of their utility, the influence of religious and cultural beliefs, the noninvolvement of men in reproductive health programs, and low education levels. Other barriers included low levels of awareness of available resources, impacting skilled health attendance during pregnancy and childbirth.

The government provided access to sexual and reproductive health services, including counseling and legal and medical support, for survivors of sexual violence through government-funded “listening centers” on all three islands. Emergency contraception was available as part of the clinical management of rape cases.

According to the general population and housing census published in October 2020, the maternal mortality rate was 195 deaths per 100,000 live births. The UN Fund for Population Activities office in the country put the number at 72 deaths per 100,000 live births. Major factors in the maternal mortality rate included a lack of access to skilled obstetric care and modern medical facilities, low levels of awareness concerning available resources, and difficulty traveling to available facilities. According to National Health Policy statistics, the use of modern contraceptive methods was higher in urban areas (21 percent) than in rural areas (11 percent). The island of Anjouan had the highest prevalence (15 percent) followed by Grande Comore (14 percent) and Moheli (9 percent).

In rural areas lack of access to menstrual health care and hygiene, including schools that lacked indoor plumbing, negatively affected girls' education.

Discrimination: The law provides for equality of persons without regard to gender, creed, belief, origin, race, or religion, and authorities generally enforced the law effectively. Nevertheless, inheritance and property rights practices favored women. Local cultures are traditionally matrilineal, and all inheritable property was in the legal possession of women. 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. While men can transmit citizenship to their wives, the law does not permit women to transmit citizenship to their husbands.

Systemic Racial or Ethnic Violence and Discrimination

While the law provides for the equality of persons based on race and origin group, it does not recognize any minority based on race or ethnicity nor provide protections against violence.

Children

Birth Registration: Any child having at least one citizen parent is considered a citizen, regardless of where the birth takes place. Children of foreign parents may apply for citizenship if they have at least five years' residency at the time they apply. Authorities did not withhold public services from unregistered children, and they did not adjudicate birth registration in a discriminatory manner.

Education: According to an education law adopted in January, universal education is compulsory from ages three to 16. No child younger than age 14 may be prevented from attending school. An approximately equal number of girls and boys attended public schools at the primary and secondary levels, but fewer girls graduated.

Child Abuse: Official statistics revealed cases of abuse when impoverished families sent their children to work for relatives or wealthy families, usually in the hope of obtaining a better education for their children. The government-affiliated NGO Listening and Counseling Service, funded by the government and UNICEF,

had offices on all three islands to provide support and counseling for abused children and their families. The NGO routinely referred child abuse cases to police for investigation. Police conducted initial investigations of child abuse and referred cases to the Morals and Minors Brigade for further investigation and referral for prosecution. If evidence was sufficient, authorities routinely prosecuted cases.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18 for both boys and girls. According to UNICEF, 32 percent of girls were married before age 18 and 10 percent before age 15. The government engaged in prevention and mitigation efforts.

Sexual Exploitation of Children: The law considers unmarried persons younger than age 18 to be minors and prohibits sexual exploitation, commercial sex, and involvement in pornography; it does not specifically address sale, offering, nor use for commercial sex. In February the government enacted amendments criminalizing child sex trafficking. All forms of child sex trafficking could also be addressed under provisions that criminalize child sexual exploitation. Since there were no official statistics regarding these matters and no reports in local media of cases, prosecutions, or convictions relating to either child sex trafficking or child pornography, it was unclear if authorities consistently enforced the law. The law states that 18 is the minimum age for consensual sex.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Persons with disabilities cannot access education, health services, public buildings, and transportation on an equal footing with others. The law mandates access to buildings, information, communication, education, and transportation for persons with disabilities. The law also prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities. The government did not effectively enforce the law. Despite the absence of appropriate accommodation for children with disabilities, such children attended mainstream schools, both public and private.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law forbids sexual acts “against nature.” This provision is widely understood to apply to consensual same-sex sexual conduct between adults.

Authorities reported no arrests or prosecutions for same-sex sexual activity and did not actively enforce the law. LGBTQI+ persons generally did not publicly reveal their sexual orientation due to societal pressure. There were no local LGBTQI+ organizations.

No laws prohibit discrimination against LGBTQI+ persons in housing, employment, nationality, and access to government services.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions of their choice without previous authorization or excessive requirements. It provides for the right to strike but requires an eight-day notification period and a declaration of the reason for the strike and its duration. Civil servants must provide 15 days’ notice. Strikes are restricted to work-related topics. Some categories of workers are prohibited from striking, such as members of the military, magistrates, and

senior officials. The law includes a mandatory conciliation process for resolving labor disputes with recourse to the courts. Unions have the right to bargain collectively.

The law allows unions to conduct their activities without government interference. The law does not prohibit antiunion discrimination by employers in hiring practices or other employment functions, and it does not require reinstatement of workers fired for union activity. Worker organizations are independent of the government and political parties. No laws protect strikers from retribution. The government did not effectively enforce the law. Inspections and remediation were inadequate. Penalties for violations, including ordering employers to pay indemnities and damages to employees, were commensurate with those for similar violations but were seldom applied. Labor disputes may be brought to the attention of the Labor Tribunal. Administrative and judicial procedures were subject to lengthy delays and appeals. Wage arrears were common, including in the public sector.

Workers exercised their labor rights, and strikes occurred in the public sector (education, workers at the port of Anjouan, health, and road transport). There were no reports of retribution against strikers. Common problems included failure to pay salaries regularly or on time, mostly in the government sector, and unfair and abusive dismissal practices, such as dismissing employees without giving proper notice or paying the required severance pay.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, with certain exceptions for military service, community service, and during accidents, fires, and disasters. During times of national emergency, the government's civil protection unit may compel persons to assist in unpaid disaster recovery efforts if it is unable to obtain sufficient voluntary assistance. The law criminalizes all forms of labor trafficking. The law requires prisoners who received labor as part of their sentencing to work. Children were especially vulnerable to forced labor on informal work sites. Poor rural families frequently sent their children to live with wealthier relatives or acquaintances in urban areas for access to schooling and other socioeconomic benefits; these children were vulnerable to forced labor in domestic servitude.

Children who studied at informal neighborhood Quranic schools headed by private instructors could be vulnerable to forced labor as field hands or domestic servants as payment for instruction.

The government did not consistently enforce the law. Inspections and remediation were inadequate. Penalties were not commensurate with those for similar offenses. The government began investigating and prosecuting crimes related to forced labor. The government did not identify any cases of forced labor.

Also see the Department of State's *2021 Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all of the worst forms of child labor. The law establishes 15 as the minimum age for employment and 18 as the minimum age for hazardous work.

Labor inspectors were responsible for monitoring all potential violations of labor law and did not focus only on child labor cases. Regulations permit light apprentice work by children younger than age 15 if it does not hinder the child's schooling or physical or moral development. The law, however, does not specify the conditions under which light work may be conducted or limit the number of hours for light work. In accordance with the law, labor inspectors may require the medical examination of a child by an accredited physician to determine if the work assigned to a child is beyond his or her physical capacity. Children may not be kept in employment deemed beyond their capacity. If suitable work cannot be assigned, the contract must be nullified, and all indemnities paid to the employee.

The law identifies hazardous work where child labor is prohibited, including the worst forms of child labor. Child labor infractions are criminal offenses, punishable by fines and imprisonment. The Ministry of Labor is responsible for enforcing child labor laws, but it did not do so actively or effectively. Penalties for violations were not commensurate with those for other serious crimes. Child labor laws and regulations do not provide children working in unpaid or noncontractual work the same protections as children working in contractual employment.

Children worked in fishing and extracting and selling sand. Children also worked in growing subsistence food crops such as manioc and beans and in the cultivation

of cash crops such as vanilla, cloves, and ylang-ylang (a flower used to make perfume). Some children worked under forced labor conditions, primarily in domestic service and family-based agriculture and fishing. Some Quranic schools arranged for indigent students to receive lessons in exchange for labor that 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.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation based on race, skin color, sex, religion, political opinion, national ancestry, social origin, or actual or presumed state of health (such as HIV and AIDS). The law prohibits discrimination based on disability but does not address sexual orientation.

Discrimination cases are received by the Ministry of Labor and passed to the courts if not resolved.

The government did not effectively enforce the law. Penalties were not commensurate with those for other violations, and inspection was inadequate. In rural areas women tended to be relegated to certain types of work, and the UN Development Program reported women were underrepresented in leadership roles. Persons with disabilities faced discrimination in employment and access to worksites.

The law does not address gender pay disparities, and there were reports of pay gaps in the private sector.

e. Acceptable Conditions of Work

Wage and Hour Laws: The existing minimum wage established by the government is greater than the poverty line, but it is only a guideline. The law provides for a 40-hour workweek, except in the agriculture sector, where it sets the maximum hours of work at 2,400 per year (equivalent to 46 hours per week). The minimum weekly rest period is 24 consecutive hours. The law provides for paid

annual leave accumulated at the rate of 2.5 days per month of service. There are no provisions to prohibit compulsory overtime; overtime is determined through collective bargaining. There are no sectors or groups of workers excluded from these laws within the formal sector, but the law does not apply to the informal sector.

The Ministries of Finance and Labor set wages in the large public sector and imposed a minimum wage in the small, formal private sector. Unions had adequate influence to negotiate minimum wage rates for different skill levels for unionized jobs. These provisions applied to all union workers, regardless of sector or country of origin. Unions promoted this de facto minimum wage via their ability to strike against employers.

The Ministry of Youth, Employment, Labor, Sport, and Cultural Arts is responsible for enforcement of wage and hour laws. Inspectors have the authority to make unannounced inspections and to initiate financial sanctions. The government did not effectively enforce the law. Penalties were not commensurate with those for similar violations. There were four labor inspectors (two on Grande Comore and one each on Anjouan and Moheli), but they did not have adequate training to perform their duties. The number of labor inspectors was insufficient to enforce compliance.

Occupational Health and Safety: The labor code includes a chapter on appropriate occupational safety and health requirements, but these were seldom enforced. Fishing was considered the most hazardous work. Mostly self-employed, fishermen often worked from unsafe canoes, and sometimes died while fishing in rough seas. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. The law provides that labor inspectors may remove workers from such situations as well, but this was not effective since labor inspectors generally did not visit worksites. There were no known industrial accidents, but workers in construction, ports, public works such as road construction, fishing, and agricultural sectors sometimes experienced hazardous working conditions.

Informal Sector: The informal sector was estimated at 65 percent of the total workforce, but there were no official statistics. Common types of informal work

included housekeeping, mechanics, bricklayers, electricians, agriculture, and fishing. Workers in the informal sector are not covered by wage, hour, and occupational safety and health laws and inspections. The government did not provide operational support for labor inspections of informal work sites.