



2016 Country Reports on Human Rights Practices - Comoros

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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), which France administers. In February 2015 successful legislative elections were held. On April 10, voters elected a new union president, Azali Assoumani, as well as governors for each of the three islands. Despite a third round of voting on Anjouan – because of ballot box thefts – Arab League, African Union, and EU observer missions considered the elections generally free and fair.

Civilian authorities maintained effective control over the security forces.

Pervasive official corruption, particularly bribery, poor prison conditions including long pretrial detention, and child abuse from violence to trafficking in persons were the most important human rights problem in the country.

Other human rights problems included police misconduct and impunity, especially during arrest procedures and including providing access to an attorney; restrictions on press freedom and freedom of assembly; the lack of laws to address refugee and asylum issues; early marriage, criminalization of consensual same-sex sexual activity; and ineffective enforcement of laws protecting workers' rights.

Impunity for violations of human rights was widespread. The government discouraged officials from committing human rights violations and sometimes arrested or dismissed officials implicated in such violations but rarely took steps to prosecute them. Authorities arrested several officials on corruption-related charges in the second half of the year; however, most of their cases had yet to be tried at year's end.

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

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

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 constitution and laws prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

Prison and detention center conditions remained poor. The national prison in Moroni is the largest of three prisons in the country. The other two are in Anjouan and Moheli. Military personnel were detained in military facilities. National or individual 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. According to International Committee of the Red Cross (ICRC) standards, the Moroni prison had an inmate capacity of 60 persons, but as of October it held 148 inmates.

The law on child protection provides for juveniles between ages 15 to 18 to be treated as adults in the criminal justice system. According to the governmental National Commission for Human Rights and Liberties (CNDHL), however, authorities routinely released juveniles ages 15 to 18 to the custody of their parents if they were not recidivists. Juveniles and adult prisoners were held together. As of October there were seven juvenile male inmates in the Moroni prison, and they were held with adults. That prison also held two female prisoners, neither of whom was a juvenile, in a separate cellblock.

Detainees and prisoners normally received a single meal per day. Those who did not receive additional food from family members suffered. Other common problems included limited access to potable water, inadequate sanitation, insufficient ventilation and lighting, and inadequate medical facilities.

Administration: Prison recordkeeping was inadequate. Although prison administrators have a database for recordkeeping, they lacked the trained personnel to operate and maintain it. Authorities did not use alternatives to incarceration for nonviolent offenders. Prisoners could submit complaints without censorship, but investigations or follow-up actions almost never occurred.

Independent Monitoring: The government signed an agreement in 2014 with the ICRC to permit regular monitoring of prisons. The law provides for regular and unannounced prison visits by CNDHL, and its representatives visited prisons during the year without interference. Nongovernmental organizations (NGOs) must request a visit permit from the prosecutor general.

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 five different authorities. Union government forces include the Army of National Development and the gendarmerie, both of which normally report to the president's cabinet director for defense. The National Directorate of Territorial Safety, which oversees police, immigration, and customs, reports to the minister of interior, information, and decentralization. When the gendarmerie serves as the judicial police, it reports to the minister of justice.

Each of the three islands has a local police force under the authority of its own minister of interior.

Civilian authorities generally maintained effective control over the civilian police, and the government has mechanisms to investigate and punish abuse and corruption. Impunity was a problem, however, and the ability of the army to investigate abuses by its personnel was uncertain.

In February 2015 soldiers opened fire on protesters in the village of Mitsoudje on Grande Comore when the latter blocked a road as part of the "Dead Island" protest movement against the lack of electricity and

potable water. Eight individuals were injured, two severely. Army authorities opened an investigation, but at year's end no one had been charged or prosecuted for the shootings. The officer who led the unit responsible for the shootings was promoted a few months afterward.

Arrest Procedures and Treatment of Detainees

The law requires judicial arrest warrants as well as prosecutorial approval to detain persons longer than 24 hours, although authorities did not always respect these provisions. A magistrate 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 informed promptly of the charges against them, but these rights were inconsistently respected. The law prescribes a bail system under which those who post bail may not leave the country. Some detainees did not have prompt access to attorneys or their families. The law also requires the state to provide an attorney for indigent defendants, but this rarely occurred.

Rules of criminal procedure, codified as a legacy of French colonial rule, often were not followed. According to the CNDHL, police generally respected arrest procedures for minor crimes but not always in high-profile cases.

Pretrial Detention: Lengthy pretrial detention was a problem. By law pretrial detainees may be held for no more than four months, although many were held longer. 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 lasted several years. Defense attorneys occasionally protested such judicial inefficiencies.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: A person arrested or detained may challenge the legal basis of their detention and the law provides for monetary damages if a court finds a detention improper.

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.

Trial Procedures

The law provides all defendants with the right to a fair public trial, but lengthy delays were common. The legal system incorporates French legal codes and sharia (Islamic law). Trials are open to the public and defendants are presumed innocent. Trials are by jury in criminal cases. Defendants have the right to consult an attorney, and indigent defendants have the right to counsel provided at public expense, although the latter was rarely observed. Defendants have the right to be present at their trials, access government-held evidence, question witnesses, and present witnesses and evidence on their own behalf. There is an appellate process. Defendants have the right to be informed promptly and in detail of the charges against them (with free interpretation from the moment charged through all appeals) to adequate time and facilities to prepare a defense, and not to be compelled to testify or confess guilt.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations through an independent, but not impartial, court system. By law individuals and organizations may appeal adverse domestic decisions to regional human rights bodies. Court orders 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, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and expression, but there were some limitations on press freedom.

Press and Media Freedoms: Unlike in prior years, there were no reports of the newly elected and installed government hampering press freedom. Nevertheless, some journalists on all three islands continued to practice self-censorship.

On May 18, the director general of the government newspaper *al-Watwan*, Ahmed Ali Amir, was dismissed by former president Ikililou a week before he left office. Amir had published the results of the Anjouan presidential election's third round of voting prior to official confirmation by the National Independent Commission for Elections, and in violation of a prohibition issued by the Ministry of Interior. On June 21, Amir was reappointed after President Azali Assoumani assumed office.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 7.5 percent of individuals used the internet in 2015.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association, and, unlike the previous government, the Azali Assoumani government generally respected these rights.

c. Freedom of Religion

See the Department of State's [International Religious Freedom Report](#).

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

The constitution and law provide for freedom of internal movement and foreign travel, and the government generally respected these rights. No specific constitutional or legal provisions deal with emigration and repatriation.

Protection of Refugees

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. According to the Office of the UN High Commissioner for Refugees, there were no registered refugees, returning refugees, asylum seekers, or other persons of concern in the country.

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, and citizens exercised that ability.

Elections and Political Participation

The constitution provides for a rotating union government presidency once every five years, in which each of the country's three islands takes a turn at holding a primary to select three presidential candidates for national election. The constitution thus restricts those eligible to run for the union presidency to those residing on a particular island in an election year. Aside from the rotation principle, anyone meeting constitutional requirements of age, residency, citizenship, and good moral character may run for office.

Recent Elections: In April presidential and gubernatorial elections were held. Incumbent candidates claimed some irregularities, including the theft of ballots on Anjouan. They filed complaints at the Constitutional Court requesting the vote be repeated for both presidential and gubernatorial candidates by the approximately 3,000 voters in Anjouan whose ballots were allegedly destroyed by the opposition. The Constitutional Court ruled in favor of the plaintiffs, and a third round of voting was successfully conducted at 13 polling stations in Anjouan.

Participation of Women and Minorities: No laws or cultural/traditional practices prevent women or members of minorities from voting, running for office, serving as electoral monitors, or otherwise participating in political life on the same basis as men or nonminority citizens.

Section 4. Corruption and Lack of Transparency in Government

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

The National Commission for Preventing and Fighting Corruption (CNPLC) was an independent administrative authority established to combat corruption, including through education and mobilization of the public. On September 8, the president repealed the provisions of the law that created the commission, citing its failure to produce any results. The High Constitutional Court subsequently invalidated this decision, noting that a presidential decree may not overturn a law.

Corruption: Resident diplomatic, UN, and humanitarian agency workers reported petty corruption was commonplace at all levels of the civil service and security forces. Businesspersons reported corruption and a lack of transparency, while the World Bank's Worldwide Governance Indicators reflected that corruption was a significant problem. Citizens paid bribes to evade customs regulations, to avoid arrest, and for falsified police reports.

There were numerous reported abuses similar to the following example. On June 30, the former director general and four other employees of Comoros Telecom, the state telecommunications operator, were arrested and jailed for embezzlement and forgery.

Financial Disclosure: The law requires high-level officials at national and island levels to declare their assets prior to entering office. Officials subject to the law did so upon taking office. Conviction of failure to comply is punishable by fines and up to two years in prison. The CNPLC reported all officials subject to the law filed financial disclosures. The submission of a disclosure is made public, but the disclosure itself is not. The CNPLC does not verify the accuracy of the disclosures.

Public Access to Information: No laws prevent general public access to government information, but such information was difficult to obtain. Those who had personal or working relationships with government officials could generally access such information. Budget documents are available to the public through the Finance Ministry's website as well as on the website of the *Journal Officiel* that publishes government decrees and other official information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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: Domestic NGOs largely supplanted government ministries on human rights issues. By law the governmental CNDHL is mandated to investigate human rights abuses and to make recommendations to concerned authorities.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape is illegal and punishable if convicted by imprisonment of five to 10 years or up to 15 years if the victim is younger than age 15. A 2014 law strengthened the punishment of violence against women, including by criminalizing spousal rape. The government enforced the laws on rape if victims filed charges. From January to September, the NGO Service d'Ecoute (listening and counseling service) branch in Grande Comore recorded 84 incidents of sexual aggression against minors; statistics were unavailable regarding convictions. The NGO recorded 24 cases of sexual abuse on Anjouan and 27 cases of sexual violence against minors and the arrest of 18 alleged perpetrators on Moheli. There were reports that families or village elders settled many allegations of sexual violence informally through traditional means and without recourse to the formal court system.

The law prohibits domestic violence, but courts rarely fined or ordered the imprisonment of convicted perpetrators. No reliable data were available on the extent of the problem. The government took action to combat violence against women, but women rarely filed official complaints. While women may seek protection from domestic violence through the courts, the extended family or village elders addressed most cases. Although officials took action (usually the arrest of the spouse) when reported, domestic violence cases rarely entered the court system.

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

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence. The prevalence of modern contraceptive use among married women and girls ages 15 to 49 was approximately 16 percent in 2014, according to the UN Population Fund (UNFPA). Existing health-care resources (including personnel, facilities, equipment, and drugs) were inadequate, making it difficult for the government to respond to the health needs of the population. According to the international NGO Population Reference Bureau, skilled personnel attended approximately 62 percent of births. The UNFPA estimated maternal mortality in 2013 to be 350 deaths per 100,000 live births. A general lack of adolescent reproductive health information and services contributed to unwanted pregnancies and increased morbidity and mortality among adolescent girls. These incidents generally were not reported for social and cultural reasons. No legal barriers prevent women from receiving treatment for sexually transmitted infections, but many hesitated to do so because of social and cultural stigma.

Discrimination: The law provides for equality of persons and, in general, inheritance and property rights practices do not discriminate against, but rather favor, women. The Ministry of Health, Solidarity, and Gender Promotion is responsible for promoting women's rights. The local cultures on Grande Comore and Moheli are traditionally matrilineal, and all inheritable property is in the legal possession of women. This cultural practice leads, at times, to what might be seen as discrimination against men in the inheritance of homes and land. Men retain the head-of-household role in society, however. Throughout the country, including on the nonmatrilineal island of Anjouan, land and homes were 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 with those of men engaged in similar work. Few women held positions of responsibility in business, however, outside of elite families.

Children

Birth Registration: Any child having at least one Comorian 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 may apply for citizenship if they had lived in the country for at least five years at the time they apply. An estimated 15 percent of children were not officially registered at birth, although many of these situations were regularized subsequently. No public services were withheld from children who were not officially registered.

Education: Universal education is compulsory until age 12, but no child may be prevented from attending school before age 14. Tuition-free education was not always available. The public education system suffered from lack of physical infrastructure, shortage of teachers, and inadequate funding for instruction. An approximately equal number of girls and boys attended public schools at the primary and secondary levels, but fewer girls graduated. Private schools supplemented public education. When families paid private school tuition, boys generally were more likely to attend school than girls.

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 their obtaining a better education. Service d'Ecoute, funded by the government and the UN Children's Fund, 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, which investigates further, and when appropriate, submits cases for prosecution. Through July the brigade investigated 84 child abuse cases. If evidence was sufficient, authorities routinely prosecuted cases.

Early and Forced Marriage: The legal minimum age of marriage is 18 years for both boys and girls. According to a 2012 government survey, 31 percent of women ages 20 to 49 married before age 18. Of women ages 20 to 24, 31.6 percent married before age 18, and 10 percent married before age 15. The Service d'Ecoute in Anjouan estimated more than 50 percent of girls under age 18 on the island were married. In the sole reported case of attempted forced marriage involving a minor, the Morals and Minors Brigade investigated the case and intervened to stop the marriage before it took place.

Sexual Exploitation of Children: The law considers unmarried persons under age 18 to be minors and prohibits their sexual exploitation, prostitution, and involvement in pornography. Consensual sex outside of marriage is illegal. Anyone convicted of facilitating child prostitution is subject to a prison term of two to five years and a fine of 150,000 to one million Comorian francs (\$344 to \$2,290). Conviction of child pornography is punishable by fines or imprisonment. There were no official statistics regarding these matters and no reports in local media of cases, prosecutions, or convictions relating to either child prostitution or child pornography.

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 travel.state.gov/content/childabduction/en/legal/compliance.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*.

Persons with Disabilities

The constitution and applicable laws, particularly the labor code, prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. A 2014 law mandated improved access to buildings, information, communication, education, air travel, and other transportation for persons with disabilities. The government did not effectively enforce that law. Despite the absence of appropriate accommodation for children with disabilities, such children attended mainstream schools, both public and private. On June 16, the National Assembly ratified the UN Convention on the Rights of Persons with Disabilities and approved a government policy on persons with disabilities for integration into the National Action Plan.

Handicap Comores, the country's nongovernmental center for persons with disabilities, on Grande Comore, was run by local NGO Shiwe, or Pillar.

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

Consensual same-sex sexual activity is illegal and conviction is punishable by up to five years' imprisonment and a fine of 50,000 to one million Comorian francs (\$115 to \$2,290). Authorities reported no arrests or prosecutions for same-sex sexual activity during the year. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons generally did not publicly reveal their sexual orientation due to societal pressure. There were no local LGBTI organizations.

On August 11, the media reported on the humiliation, beating, and shaving of the head of a man in Domoni on Anjouan by gendarmes because they believed he was gay.

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. The law includes a system for resolving labor disputes. Unions have the right to bargain collectively. The government, especially the Ministries of Finance and Labor, sets wages in the large public sector and imposes a minimum wage in the small, formal private sector. 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. There are no laws protecting strikers from retribution. There are no groups of workers excluded from legal protections.

The law was not applied in the settlement of private sector disputes, but it was invoked unpredictably and inconsistently in labor disputes in the public sector. Worker organizations are independent of the government and political parties. Resources, inspections, and remediation were inadequate. Penalties for violations, including ordering employers to pay indemnities and damages to the employee, were sufficient to deter violations. Labor disputes may be brought to the attention of the Labor Tribunal.

Workers exercised their labor rights. 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. There were no reported incidents of antiunion discrimination during the year. All labor NGOs were designated as labor organizations.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, with certain exceptions for obligatory 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 disaster recovery or

comparable efforts if it is unable to obtain sufficient voluntary assistance. In 2012 the country adopted a comprehensive labor code that prohibits forced child labor, with specific antitrafficking provisions. The code came into force in 2014.

Resources, inspections, and remediation were inadequate. Financial penalties, however, for those who violated the law served as an effective deterrent. Penalties for conviction include from one to six months in prison, a fine of from 50,000 to 200,000 Comorian francs (\$115 to \$458) for those who abuse their authority to compel someone to work for them or for someone else, or both imprisonment and a fine. The penal code classifies forced labor as a form of human trafficking for which conviction is punishable by five to 10 years in prison and a fine of 30 million Comorian francs (\$68,713). For conviction of trafficking involving a minor, a stiffer penalty of from 10 to 20 years in prison and a fine of 30 million Comorian francs (\$68,713) are prescribed. The government did not make tangible efforts to prosecute traffickers and protect victims.

Forced child labor occurred, particularly in family-based agriculture (planting, weeding, harvesting), fishing, and domestic service (see section 7.c.). Adult forced labor did not occur.

Also see the Department of State's [Trafficking in Persons Report](#).

c. Prohibition of Child Labor and Minimum Age for Employment

The law establishes age 15 as the minimum age for employment, with a minimum age for hazardous work of 18 years.

Labor inspectors were responsible for monitoring all potential violations of labor law and did not focus only on child labor cases. Penalties for violations were not sufficient to deter violations. Regulations permit light apprentice work by children under age 15 if it does not hinder the child's schooling or physical or moral development. In accordance with the labor code, 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 labor code also identifies hazardous work where child labor is prohibited. Child labor infractions are punishable by a fine of 30,000 to 150,000 Comorian francs (\$69 to \$344). Conviction of employing children under age 15 is punishable by a fine of from 30,000 to 50,000 Comorian francs (\$69 to \$115) and, in cases of repeated offenses, by a fine of from 75,000 to 150,000 Comorian francs (\$172 to \$344) and a prison sentence of from five days to one month. The penal code provides for a two-month to 12-month prison term and a fine of from 50,000 to one million Comorian francs (\$115 to \$2,290) for conviction of employing children for work defined as hazardous or dangerous. The penal code also provides for a fine of from 100,000 to five million Comorian francs (\$229 to \$11,452) and a prison sentence of five months to 10 years for conviction of employing children in one of the worst forms of child labor as defined by the labor code.

The government did not enforce the law. The Ministry of Labor is responsible for enforcing child labor laws but did not actively or effectively do so. Children worked in subsistence farming, fishing, and extracting and selling marine sand. Children worked in growing food crops such as manioc and beans and on 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, as well as family-based agriculture and fishing. Additionally, some Quranic schools arranged for indigent 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.

Also see the Department of Labor's [Findings on the Worst Forms of Child Labor](#).

d. Discrimination with Respect to Employment and Occupation

The preamble to the constitution provides for equality regardless of sex, origin, religion, or race. Article 2 of the Labor Law forbids employers from discriminating on the basis of race, color, sex, religion, political

opinion, national ancestry or social origin, or actual or presumed state of health (such as HIV/AIDS). The law does not address sexual orientation. In rural areas women tend to be relegated to certain types of work, and the United Nations Development Program reported women were underrepresented in leadership roles. There have been no recent reports of discrimination, however.

e. Acceptable Conditions of Work

A committee called the Collectif de Travail – consisting of representatives of unions, employers, and the Ministry of Labor – met periodically to propose enforcing a national minimum wage, as the existing minimum wage of 55,000 Comorian francs (\$126) per month is only a guideline. The law provides for a 40-hour workweek, except in the agriculture sector, where the maximum is set at 2,400 hours per year (equivalent to 46 hours per week). The minimum weekly rest period is set at 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, which is left to collective bargaining. Negotiations with the banking and pharmacy sectors, however, did not yield a collective bargaining agreement. There are no sectors or groups of workers specified as excluded from these laws. There were three labor inspectors (one for each island). The official estimate for the poverty income level is 250,000 Comorian francs (\$573) per year.

Although the unions, national government, and local governments did not enforce the minimum wage law and workweek standards, unions had adequate influence to negotiate minimum wage rates for different skill levels for unionized jobs. These provisions applied to all workers, regardless of sector or country of origin. Unions promoted this de facto minimum wage via their ability to strike against employers.

The labor code includes a chapter on occupational safety and health requirements, but standards were seldom enforced. Fishing was considered the most hazardous work. Most fishermen were self-employed, working from their often-unsafe canoes. There was no credible datum on the number of occupational accidents. Workers may remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.