

COMOROS 2020 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 (Ndzواني), and Moheli (Mwali)--and claims a fourth, Mayotte (Maore), that France administers. The March 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. Observers considered the January 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. Members of the security forces committed some abuses.

Significant human rights issues included: cases of cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious restrictions on free expression and the press, including violence, threats of violence, and unjustified arrests or prosecutions against journalists, censorship, 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 violence against women; trafficking in persons; existence or use of laws criminalizing consensual same-sex sexual conduct between adults; and the worst forms of child labor.

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

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 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.

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 January a man and woman from Kurani Ya Mkanga on Grande Comore told a Comorian online radio program of humiliating and harsh abuse and mistreatment by security forces at an office inside the Simboussa military camp. A January 5 social media video showed two Comorian soldiers mistreating the man. After viewing the video, the minister of justice claimed not to be aware of the abusive behavior. Authorities did not investigate following the radio show and video.

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 is the largest of three

prisons in the country. The third is 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 August the Moroni prison held 204 inmates, including one woman and six minors, but according to International Committee of the Red Cross standards, the capacity was 60 inmates. The Koki prison on Anjouan held 118 detainees, with five women and no minors. Its capacity is not known but prisoners are 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 on child protection 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 (in 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; prisoners in the Koki prison 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 generally observed these provisions, although there were some arbitrary arrests.

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 reports of arbitrary arrest. For example there were multiple press reports of suspects' wives being held for one or two days to pressure their husbands to turn themselves in. On April 20, authorities detained singer Cheikh MC for several hours at a gendarmerie facility for disturbing the public order. He had posted on his Facebook page that his wife was suffering from COVID-19 while the government was claiming that there were no cases of COVID-19 in the country.

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 continued for several years. Defense attorneys occasionally protested such judicial inefficiencies. 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 political prisoners: former president Sambu and former governor of Anjouan Salami. The government permitted access by human rights or humanitarian organizations.

Former president Sambu remained in pretrial detention 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 and Lack of Transparency in Government).

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 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 Expression, Including for the Press

The constitution and law provide for freedom of speech, including for the press, with some limitations on press freedom.

Freedom of Speech: Individuals may not criticize the government or raise matters of public interest without restriction.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a variety of views, but not without restriction.

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

On January 11, authorities arrested prominent online radio journalist Oubeidillah Mchangama from online radio station Facebook FM and journalist Ali Mbae from the newspaper *Masiwa Komor* in Koimbani during a meeting organized by the opposition to boycott legislative elections. They were accused of disturbing the public order. Authorities released them the following day.

On January 30, the minister of information suspended National Television news director Binti Mhadjou and Editor in Chief Moinadjoumoi Papa Ali for covering a widespread strike by businesses against an increase in customs taxes. They returned to their duties on March 2.

On September 3, the gendarmerie arrested Oubeidillah Mchangama for allegedly spreading false information after he questioned the general prosecutor's use of funds intended for a special court hearing. Authorities released Mchangama the next day pending trial.

Censorship or Content Restrictions: Some journalists practiced self-censorship. Following his release on September 4 (see immediately above), journalist Oubeidillah Mchangama could not hold public or private meetings, make statements to media, post messages on social networks, or depart the island of Grande Comore. On April 1, journalist Andjouza Abouheir reported in *La Gazette des Comores* that the country, which claimed to have no cases of COVID-19, had failed to send samples of six suspected cases for analysis. After a cabinet meeting the same day, government spokesperson Houmed Msaidie threatened to file complaints against journalists who published pieces on the health crisis "without

going through official channels.” The directorate general of health also contacted Abouheir, demanding that he reveal his sources.

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, but in at least one case, the government monitored private online communications without appropriate legal authority (see section 1.d., Arbitrary Arrest).

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 did not always respect the freedom of peaceful assembly.

Freedom of Peaceful Assembly

The law provides for peaceful assembly, but the government often did not respect this right. In January the interior minister declared that since the opposition had decided to boycott legislative elections, it could not hold political meetings during electoral campaigns for those elections.

On July 6, the opposition held a celebration of the National Day in the village of Ntsudjini on Grande Comore, despite a ban from the *prefect* (mayor) prohibiting the celebration. In response the army surrounded the village, and some villagers threw stones at the army personnel. The army used tear gas and arrested several persons, including minors. Fearing arrest, opposition leader Mouigni Baraka Said Soilihi fled the village and departed the region.

c. Freedom of Religion

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

d. Freedom of Movement

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: Following his release on September 4 pending trial, journalist Oubeidillah Mchangama could not depart the island of Grande Comore (see section 2.a., Censorship or Content Restrictions).

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government did not cooperate with the Office of the UN High Commissioner (UNHCR) for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and 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.

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 March 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 following the first round. 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.

Also in March 2019 presidential candidate Soilihi Mohamed, along with all of 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 Soilihi Mohamed for undermining the security of the state. Following a gunfight in which three individuals died, Soilihi Mohamed's supporters freed him, but security forces subsequently recaptured him. After 12 days in prison, the government released him, and Soilihi Mohamed recognized Azali Assoumani as president and resigned his position as president of the National Transition Council.

In January election authorities conducted free and fair legislative elections. The opposition boycotted the elections and stated they did not recognize either the 2019 presidential or the January legislative results. The government did not allow opposition groups to hold meetings during the legislative elections (see section 2.b., Freedom of Assembly).

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they participated. Some observers believed that traditional and cultural factors prevented women from participating in political life on an equal basis with men. The March 2019 gubernatorial election resulted in the election of Comoros's first female governor, Sitti Farouata Mhoudine, who represents Grande Comore. In the

National Assembly, there are 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.

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. 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, UN, 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 April 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 Ahmed Abdallah Sambi. Sambi remained under arrest, while the others were told they could not leave the country until after the trial. As of December the court proceedings continued.

Financial Disclosure: The law requires high-level officials at national and island levels to declare their assets prior to entering office. The submission of a disclosure is made public, but the disclosure itself is not. Failure to comply is punishable by fines and up to two years' imprisonment. In 2016 the CNPLC reported that all officials subject to the law filed financial disclosures; however, the mandates of CNPLC commissioners have not been renewed since 2017, and it was unclear whether any other organization had taken on the oversight role.

Section 5. Governmental Attitude Regarding 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: Domestic NGOs largely supplanted government ministries on human rights topics. 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, Societal Abuses, and Trafficking in Persons

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 victim is younger than 15. The law does not specifically address spousal rape, but being married to a victim does not exonerate the perpetrator. Authorities prosecuted perpetrators if victims 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 press reports, in October, after the father of an age 12 alleged rape victim filed charges in the village of Mbabani, village leaders evicted him and his family as punishment for bringing the case. After the eviction drew social media attention, the minister of interior mediated with village leaders and the family, and the leaders allowed the wife and children to return, but not the father.

The law treats domestic violence as an aggravating circumstance, including crimes committed by one domestic partner against an existing or former partner. Penalties for conviction include prison sentences up to five years and fines. Courts rarely sentenced or fined convicted perpetrators. No reliable data were available on the extent of the problem. Women rarely filed official complaints. 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 punishable by fines and imprisonment. It is defined in the labor code 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.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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 favor women. Local cultures are traditionally matrilineal, and all inheritable property is 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.

Children

Birth Registration: Any child having at least one citizen parent is considered a citizen, regardless of where the birth takes place. Any child born in the country is a citizen unless both parents are foreigners. 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: Universal education is compulsory until age 12. No child younger than 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 justified by evidence. If evidence was sufficient, authorities routinely prosecuted cases.

In August the Criminal Court of Moroni conducted special hearings on sexual assault, resulting in 14 convictions from a review of 21 cases. On August 18, the court sentenced Quranic teacher Oustadh Mohamed Ahmed Aboubacar to 10 years in prison for the rape of a girl age 10.

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 18 to be minors and prohibits their sexual exploitation, prostitution, and involvement in pornography; it does not specifically address sale, offering or procuring for prostitution. The law states that 18 is the minimum age for consensual sex. The law criminalizes some forms of child sex trafficking and prescribes penalties of 10 to 20 years' imprisonment and a substantial fine. The law requires a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense. All forms of child sex trafficking, including those that did not include such means, could be addressed under provisions that criminalize child sexual exploitation, with penalties of five to 10 years' imprisonment and a fine. Conviction of child pornography is punishable by fines or imprisonment. 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.

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

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities. The law mandates access to buildings, information, communication, education, and transportation for persons with 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

Consensual same-sex sexual activity between adults is illegal, and conviction is punishable by up to five years' imprisonment and a fine. Authorities reported no arrests or prosecutions for same-sex sexual activity and did not actively enforce the law. 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.

No laws prohibit discrimination against LGBTI 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 the employee, 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. There were reported incidents of antiunion discrimination.

On August 12, Rahama Said, a midwife at El-Maarouf Hospital, was fired following a strike by contract workers at the hospital prompted by complaints that workers had not received COVID-19 special compensation for health workers. She filed a complaint with the labor inspectorate, which requested her reinstatement, but the hospital director refused. The director claimed her dismissal was due to unjustified absences. The labor inspector sent the case to the Labor Court for a decision.

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.

The government did not consistently enforce the law. Inspections and remediation were inadequate. Penalties were not commensurate with those for similar offenses.

The government did not make tangible efforts to prosecute traffickers and protect victims.

The government did not identify any cases of adult forced labor.

Also see the Department of State's *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 on the basis of race, skin color, sex, religion, political opinion, national ancestry, social origin, or actual or presumed state of health (such as HIV/AIDS). The law prohibits discrimination on the basis of 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

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, estimated to include 73 percent of workers.

The Ministries of Finance and Labor set wages in the large public sector and impose 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 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.

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 road construction, fishing, and agricultural sectors sometimes experienced hazardous working conditions.