

COMOROS 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Union of the Comoros is a constitutional, multi-party republic. The country consists of three islands--Grande Comore (also called Ngazidja), Anjouan, and Moheli--and claims a fourth, Mayotte, which France governs. In 2010 voters elected a new union president as well as governors for each of the three islands. A joint international observer mission declared the elections generally free and fair, despite certain shortcomings. In 2011 former vice president Ikililou Dhoinine became president. Authorities maintained effective control over the security forces.

Among the most important human rights problems in the country was pervasive official corruption, particularly bribery. Children were subject to various forms of abuse from violence to forced labor and trafficking in persons. The government did not effectively enforce laws protecting workers' rights.

Other human rights problems reported included poor prison conditions, long pretrial detention, restrictions on press freedom and freedom of assembly, violence and societal discrimination against women and persons with disabilities, and criminalization of consensual same-sex sexual activity.

Impunity for violations of human rights was widespread. The government discouraged and sometimes arrested or dismissed officials implicated in such violations, but rarely took steps to prosecute them.

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

a. Arbitrary or Unlawful Deprivation of Life

There was one incident of the government or its agents committing an arbitrary or unlawful killing. Authorities arrested, tried, and convicted two police officers for killing Doudou Ali Abdallah, a detainee in their custody February 13. The police officers took custody of Abdallah and accused him of theft after a local mob beat him. On November 6, a court sentenced both officers to seven years in prison for "nonassistance to a person in danger."

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. Mistreatment of detainees may have occurred, but there were no reports or documented complaints of torture or other cruel, inhuman, or degrading treatment or punishment.

Prison and Detention Center Conditions

Prison conditions remained poor. The national prison in Moroni is the largest of three prisons that serve the country. The other two are smaller prisons 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: Limited available information indicated that prison conditions remained poor. Detainees and prisoners normally received a single meager meal per day. They depended on family members to supplement their diet, and those with no family in the area suffered. Other common problems included limited access to potable water, inadequate sanitation, insufficient ventilation and lighting, overcrowding, and inadequate medical facilities. During the year, however, there were no reports of prison inmate deaths. The Moroni prison has a capacity of 60 persons, according to International Committee of the Red Cross (ICRC) standards, which, as of October, accommodated 233 individuals (including 18 foreigners) under routinely crowded conditions. Another five prisoners were hospitalized as of September. Of the total prison population, 103 were convicted and serving sentences, and the rest were in pretrial detention.

The law provides that juveniles over the age of 13 are treated as adults in the criminal justice system. According to the government's human rights commission, however, authorities routinely released juveniles under the age of 15 to the custody of their parents. In October there were 12 juvenile male prisoners ages 15 to 16 in Moroni, and they were held with adults. As of October the prison in Moroni also held six female prisoners with another female prisoner hospitalized, none of whom was a juvenile, in a separate section.

Administration: Prison recordkeeping was not adequate, although authorities took steps during the year to track more effectively the number of inmates and the offenses for which they had been charged or convicted. Authorities did not use alternatives to incarceration for nonviolent offenders. Prison officials permitted prisoners and detainees reasonable access to visitors and Muslim religious observance. Prisoners could bring complaints to the attention of authorities without censorship, but investigations or follow-up actions almost never occurred.

Independent Monitoring: The government signed an agreement in October with the ICRC to permit regular monitoring of prisons. A local nongovernmental organization (NGO) focused on prison reform did not visit the prisons during the year.

Improvements: The government made infrastructure improvements to the Moroni prison during the year. Using funds donated by the ICRC, the government improved the kitchen used by prisoners and constructed latrine facilities.

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 report to the president's minister-equivalent director for defense, and the National Directorate of Territorial Safety, which oversees police, immigration, and customs and reports to the minister of interior, information, and decentralization. Each of the three islands has a local police force under the authority of its own minister of interior.

Civilian authorities 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 March and April, security forces violently dispersed peaceful student demonstrators, several of whom were injured. In October a bodyguard of the vice president for finance shot and wounded a civilian on a crowded Moroni street following an altercation related to aggressive and unsafe driving by the official motorcade. In both cases authorities charged the

civilian victims with crimes, but there was no investigation of the actions of security force members who were under army control. Police and other security forces participated in training on civil-military relations, public health, and peacekeeping operations.

Arrest Procedures and Treatment of Detainees

The law requires warrants for arrests and permits detainees to be held in custody for up to 24 hours, although these provisions were not always respected. Detention for more than 24 hours requires approval by a prosecutor. 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 are not permitted to 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 Comoros Human Rights Commission, police generally respected arrest procedures for minor crimes but not always in high-profile cases. For example, authorities routinely released from prison after a brief incarceration senior government officials charged with corruption or other offenses. Authorities released the chief of police, arrested in October 2013 for suspicion of selling more than 700 Comoros passports to foreigners, after a few weeks and placed him under house arrest. In mid-year authorities granted bail and allowed him to leave the country for “medical treatment.” His case remained under investigation.

Pretrial Detention: Lengthy pretrial detention was a problem. By law pretrial detainees can be held for only four months, but a magistrate or prosecutor can 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 process inefficiencies. As of October authorities had convicted only 103 of 233 prisoners in the Moroni prison, while the rest awaited trial.

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, inadequate salaries, and corruption were problems.

Trial Procedures

The law provides all citizens with the right to a fair trial, but lengthy delays were common. Under the legal system, which incorporates French legal codes and sharia (Islamic law), trials are open to the public and defendants are presumed innocent. Juries deliberate criminal cases. Defendants have the right to consult an attorney, and indigent local 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 as necessary), to be given adequate time and facilities to prepare their defense, and not to be compelled either to testify against themselves or to confess guilt.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees. Following a 2013 coup attempt, authorities detained 15 accused coup plotters, who were awaiting trial as of September. Neither the government nor counsel for the accused considered these individuals to be political prisoners.

Civil Judicial Procedures and Remedies

There is an independent but not impartial judiciary for civil matters. Court officers frequently solicited bribes from parties before adjudicating cases. Administrative remedies were rarely available, although citizens with influence had access to such alternatives. Court orders were inconsistently enforced.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Press Freedoms: The union government hampered press freedom by publicly criticizing and otherwise intimidating journalists who wrote controversial articles. Journalists on all three islands practiced self-censorship. In October management at the progovernment *Al-Watwan* newspaper refused to publish an eyewitness account of the shooting and wounding of a civilian by a bodyguard of the vice president for finance, publishing instead a press release from the country's vice president that characterized the bodyguard's action as self-defense. Journalists at *Al-Watwan* staged a one-day strike to protest the management's action.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 6.5 percent of individuals used the internet in 2013.

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, but the government somewhat restricted these rights. Security forces suppressed peaceful student demonstrations in March and April, injuring a few students, one seriously, and arresting several dozen students. After several days police released the students without charge. Security personnel justified their actions, which the media and civil society widely condemned, as required because the students did not have a proper permit and restricted traffic.

In April the government banned regular peaceful demonstrations at the Grand Comore Island Assembly. Protesters decried the recurring lack of electricity, water, and fuel. The government claimed these demonstrations were supported by political parties, which, according the government, were not allowed to conduct

“political events” until 30 days prior to national and island assembly elections scheduled for December. Similarly, authorities selectively banned political parties from renting meeting halls for their party meetings from the late spring onward. The parties thereafter had to conduct party meetings in private residences on all three islands. The government permitted some political parties, particularly those viewed as supporting the administration, to hold party meetings at public venues.

c. Freedom of Religion

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

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

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

Internally Displaced Persons

Following an earthquake and landslides on the island of Anjouan in March, 3,060 persons whose homes were either destroyed or in danger of collapse were displaced and put for four months in temporary shelters managed by the United Nations. All these persons have since returned to their home villages to live with relatives because replacement homes were not built.

Protection of Refugees

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

Refoulement: The government did not expel or return refugees to countries where their lives or freedom would be threatened because of their race, religion, nationality, membership in a particular social group, or political opinion.

According to the National Commission for Human Rights, however, irregular migrants who entered the country illegally and usually without identity papers often made demands for political asylum. Requests for political asylum are not considered when claimants arrive by air, and they are generally repatriated to their countries of origin. Irregular migrants who illegally arrive by boat and ask for refugee status are neither given an asylum hearing nor deported but transferred instead to the UNHCR for care. There were fewer than five such individuals in the country as of November.

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

The constitution and law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

Elections and Political Participation

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

Recent Elections: In 2010 elections were held to choose a new union government president as well as governors for each island. Rotation for the union presidency passed that year to the island of Moheli. From a ballot of 10 candidates (all natives of Moheli), Mohelian voters selected three to run in the national election. Some observers noted serious electoral irregularities on the island of Anjouan, but they were not serious enough to change the outcome of the national contests, and the constitutional court upheld the results of the elections. A joint international observer mission from the African Union, the League of Arab States, the Organization of the Islamic Conference, and the International Organization of La Francophonie declared the elections generally free and fair, despite shortcomings relating to the electoral commission, opaque vote tallying, and reports of fraud on Anjouan. Former vice president Ikililou Dhoinine thus became the union president in 2011.

In 2009 legislative elections were held for the Union National Assembly (parliament) and each of the three island assemblies. These elections were considered generally free and fair.

Political Parties and Political Participation: The government prevented some political parties from using public venues for political party meetings. The government argued any such meeting would constitute campaigning, which legally cannot be conducted until 30 days prior to an election. National and island assembly elections were scheduled for December but were postponed until early 2015.

Participation of Women and Minorities: There were three women in the 33-member national assembly and two women in the 10-member cabinet. No minorities held national assembly seats or ministerial posts in either the union or three island governments.

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.

Corruption: Resident diplomatic, UN, and humanitarian agency workers reported petty corruption was commonplace at all levels of the civil service, despite the government's anticorruption campaign. Businessmen reported corruption and a lack of transparency, while the World Bank's Worldwide Governance Indicators reflected that corruption was a significant problem. Corruption continued in the security forces. Citizens paid bribes to evade customs regulations, avoid arrest, and falsify police reports. Some police paid bribes to receive promotions.

The independent Anti-Corruption Commission is a national body responsible for combating corruption. Although public allegations of corruption were routine, the government investigated just 60 cases of corruption during the year and referred only 10 cases for prosecution. Authorities convicted one official and sentenced him to pay a fine for embezzlement. The Justice Ministry rarely prosecutes corruption cases, and the court system often dismisses charges in opaque circumstances. For example, the national chief of police who was charged in 2013 with selling more than 700 passports to foreigners was released from prison after a few days, then granted bail by the Court of First Instance, and finally allowed to

travel overseas for “medical treatment.” The case remained under investigation at year’s end. The police chief’s alleged coconspirators have all been released, with one given a position as senior advisor to the vice-president and minister of finance, to whom he was related by marriage.

Financial Disclosure: High-level officials became subject to financial disclosure laws in 2011, when a presidential decree implemented a 2008 law requiring all such officials at national and island levels to declare their assets prior to entering office. Officials subject to the law submitted written declarations on taking office. The National Commission for the Prevention of and Fight against Corruption, part of the President’s Office, is charged with gathering financial disclosure statements from public officials. Failure to comply is punishable by fines and up to two years in prison. In 2013 the commission reported that all officials subject to the law filed financial disclosures. By October only 20 percent of the required disclosures for were filed. The fact a disclosure has been submitted is made public, but the disclosure itself is not. The commission does not verify the accuracy of the disclosures.

Public Access to Information: No laws provide for general public access to government information. Those who have personal or working relationships with government officials, however, can generally access government information. The law provides public access to government budget documents, but the documents are difficult to obtain.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The United Nations or Other International Bodies: The government cooperated with international organizations and permitted visits by representatives of the United Nations and other organizations to investigate or monitor human rights abuses. Domestic human rights and other NGOs used locally based UN personnel as a means of influencing the government. No reports or criticisms were issued.

Government Human Rights Bodies: The Comoros Foundation for Human Rights and some international and domestic NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. Domestic NGOs largely supplanted government ministries in the provision of some public services, especially in health and education. The Comoran Association for Family Well-Being, a large domestic NGO that received funding from the UN Children’s Fund (UNICEF) and the EU, provided a range of health

services to the population. Government officials generally were cooperative and responsive to their views.

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

Although the law prohibits discrimination based on race, gender, disability, language, or social status, there were reports of discrimination against women and persons with disabilities.

Women

Rape and Domestic Violence: Rape is illegal and punishable by imprisonment for five to 10 years or up to 15 years if the victim is younger than 15 years of age. The government enforced the laws on rape effectively when victims pursued charges. In the first six months of the year, the Morals Brigade on Grand Comore investigated and charged 25 individuals with child rape. Statistics on adult rape investigations were not readily available. The law does not specifically address spousal rape, which was a problem. Statistics were scarce, and there were reports that families or village elders settled many of these without recourse to the formal court system.

The law prohibits domestic violence, but police rarely imposed fines and imprisonment. No reliable data were available on the extent of the problem. The government did take action to combat violence against women when that violence was reported, but women rarely filed official complaints. While women can seek protection from domestic violence through the courts, the extended family or the village addressed most cases. Domestic violence cases rarely entered the court system, but officials took action (usually the arrest of the spouse) when necessary.

Female Genital Mutilation/Cutting (FGM/C): The law does not prohibit FGM/C. There were no reports it occurred.

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

Reproductive Rights: Couples and individuals are generally free to choose the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. The prevalence

of modern contraceptive use among married women and girls ages 15 to 49 was approximately 19 percent, according to the UN Population Fund (UNFPA). Existing health 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 Population Reference Bureau, skilled personnel attended approximately 62 percent of births. The UNFPA estimated maternal mortality in 2008 to be 340 deaths per 100,000 live births. A general lack of adolescent reproductive health information and services led to unwanted pregnancies and increased morbidity and mortality among adolescent girls. These incidents generally were concealed 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 concerns.

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. However, men retain the head-of-household role in society. 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 (see section 7.d.).

Children

Birth Registration: Any child having at least one Comoran parent is considered a citizen, regardless of where the birth takes place. Any child born in the country is considered a citizen unless both parents are foreigners, although these children can apply for citizenship if they have lived in the country for at least five years at the time of their application. 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 can be prevented from attending school until the age of 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. Private schools supplemented public education. When families paid private-school tuition, boys generally were more likely to attend schools than girls. An approximately equal number of girls and boys attended public schools, which were largely dilapidated and functioned poorly.

Child Abuse: Official statistics disclosed some cases of abuse when impoverished families from the island of Grand Comore sent their children to work for wealthier families elsewhere in the hope of their obtaining better education. The NGO Services d'Ecoute, funded by the government and UNICEF, has 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 prosecution. Police investigated child abuse cases and, on Grand Comore, a Morals and Minors Brigade had primary responsibility to investigate and prosecute reported cases of child abuse. Through July the brigade investigated 79 child abuse cases. Where evidence was sufficient, authorities routinely prosecuted cases.

Early and Forced Marriage: The legal minimum age of marriage is 18 for both boys and girls. There were no reports of marriages before that age or of forced marriages.

Female Genital Mutilation/Cutting (FGM/C): The law does not prohibit FGM/C. There were no reports it occurred.

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 luring a child into prostitution is subject to a prison term of two to five years and a fine of 150,000 to one million Comoran francs (\$420 to \$2,770). 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.

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 www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution and applicable laws, particularly the labor code, prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities (see section 7.d.). Following the 2012 ratification of the Convention on the Rights of Persons with Disabilities, local law now mandates--but the government does not effectively enforce--improved access to buildings, information, communication, education, air travel, and other transportation for persons with disabilities. Despite the absence of appropriate accommodation for children with disabilities, such children attended mainstream schools, both public and private.

Handicap Comores, the country's nongovernmental center for persons with disabilities on Grande Comore, was run by a local NGO called Shiwe, or Pillar. The center, recently renovated with help from Australian and other donors, also imported wheelchairs and prostheses.

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

Consensual same-sex sexual activity is illegal and can be punished by up to five years' imprisonment and a fine of 50,000 to one million Comoran francs (\$140 to \$2,770). Authorities released two persons jailed in connection with a 2013 investigation of alleged same-sex sexual activity involving a minor. Authorities reported no prosecutions for same-sex sexual activity during the year. Lesbian, gay, bisexual, and transgendered (LGBT) persons generally did not manifest publicly their sexual orientation due to societal pressure. There were no local LGBT organizations.

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, requiring an eight-day notification period and specification of the reason for and duration of the strike. 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 were 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 instances 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 firing employees without giving proper notice or paying the required severance pay. There were no reported incidents of antiunion discrimination during the year. There were no labor NGOs not designated as labor organizations in the country.

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 new law came into force with the passage in June of a new penal code.

Resources, inspections, and remediation were inadequate. Penalties for violations, including from one to six months in prison and/or a fine of from 50,000 to 200,000 Comoran francs (\$140 to \$550) for anyone who abuses their authority to compel someone to work for them or for someone else, however, were sufficient to deter violations. The penal code classifies forced labor as a form of human trafficking punishable by from five to 10 years in prison and a fine of 30 million Comoran francs (\$83,000). If committed against a minor, a stiffer penalty of from 10 to 20 years in prison is prescribed together with a fine of 30,000,000 Comoran francs (\$83,000).

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* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

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

The government did not enforce such laws. The Ministry of Labor is responsible for enforcing child labor laws, but neither actively nor effectively did so. There were three labor inspectors (one for each island). These inspectors were responsible for all potential violations of labor law and did not focus only on child labor cases. Penalties for violations, however, were sufficient to deter violations. Regulations permit light apprentice work by children under the age of 15 years as long as it did not hamper 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/her physical capacity. Children may not be kept in employment that has been 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 Comoran francs (\$85 to \$420). Employing children under age 15 is punishable by a fine of from 30,000

to 50,000 Comoran francs (\$85 to \$140) and, in cases of repeated offenses, by a fine of from 75,000 to 150,000 Comoran francs (\$210 to \$420) and/or a prison sentence of from five days to one month. The penal code provides for a two to 12 month prison term and/or a fine of from 50,000 to one million Comoran francs (\$140 to \$2,770) for anyone who employs children for work defined as hazardous or dangerous. The penal code also provides for a fine of from 100,000 to 5,000,000 Comoran francs (\$280 to \$13,850) and a prison sentence of five months to 10 years for anyone who employs children in one of the worst forms of child labor, as defined by the labor code.

Children worked in subsistence farming, fishing, and extracting and selling marine sand. Children worked on 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* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations do not address discrimination regarding race, sex, gender, disability, language, sexual orientation and gender identity, HIV-positive status or other communicable diseases, or social status. There were no reports that such discrimination occurred in the country.

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 Comoran francs (\$150) 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 weekly rest minimum 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 did not yield a collective bargaining agreement. There are no sectors or groups of workers specified as not covered by these laws. The official estimate for the poverty income level is 250,000 Comoran francs (\$690) per year. There are few credible occupational safety and health standards.

Although the union 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. Fishing was considered the most hazardous work. Most fishermen were self-employed, working from their often unsafe canoes. There was no credible data on the number of occupational accidents. Workers can remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.