

COMOROS 2019 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. In March presidential elections occurred following the passage of the 2018 constitution. 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 2015 legislative elections to be generally free and fair.

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 National Directorate of Territorial Safety, which oversees immigration and customs, reports to the minister of interior, information, and decentralization. The Federal Police report 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.

Significant human rights issues included: torture; arbitrary detention; harsh and life-threatening prison conditions; political prisoners; the worst forms of restrictions on free expression, the press, and the internet, including violence, threats of violence, and unjustified arrests or prosecutions against journalists; severe restrictions of religious freedom; widespread acts of corruption; trafficking in persons; the existence or use of laws criminalizing consensual same-sex sexual conduct between adults; and use of forced child labor in domestic work, fishing, and agriculture.

Impunity for human rights violations was widespread. Although the government discouraged officials from committing human rights violations and sometimes arrested or dismissed officials implicated in such violations, 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 was a report that the government or its agents committed an arbitrary or unlawful killing. In July police allegedly severely abused and killed a fisherman in Ouani suspected of smuggling individuals.

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.

On March 30, police arrested the editor in chief of the daily *Masiwa* when he came to a police station to ask questions for a story. Police released him several hours later, and he stated the gendarmerie had tortured, harassed, and intimidated him during that time.

On July 17, according to civil society organizations, police arrested and allegedly tortured fishermen in Ouani on the island of Anjouan suspected to be involved in the smuggling of individuals. One detainee allegedly died after being transferred to the hospital, and another allegedly had his fingers cut off.

Prison and Detention Center Conditions

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

Physical Conditions: Overcrowding was a problem. As of September, the Moroni prison held 97 inmates, including three women and five minors, but according to International Committee of the Red Cross (ICRC) standards, the capacity was 60

inmates. Koki Prison on Anjouan held 101 detainees, with two women and one minor. Its capacity is not known but prisoners are kept in only one of the two prison buildings, consisting of three rooms each with 215 square feet and a single toilet. On Moheli there were 27 detainees, with two minors.

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. 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 Koki Prison on Anjouan said they were sometimes allowed to leave the prison if they needed medical care.

On August 10, President Azali pardoned Said Ahmed Tourqui (known as SAST) and three other prisoners convicted of crimes against the state for their roles in an alleged coup plot (see section 1.e., Political Prisoners and Detainees). Authorities reportedly had held Tourqui in a prison cell so small he could neither lie down nor stand straight, and denied him and the others medical treatment, visitations, clean water, and sanitation.

Administration: Prisoners could submit complaints without censorship, but investigations and follow-up actions almost never occurred.

Independent Monitoring: The government permitted the ICRC 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 during the year.

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. According to press reporting, former president Ahmed Abdallah Sambi, under arrest for charges relating to an economic citizenship passport program, was denied the right to confidential counsel with his lawyer.

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 4, the gendarmerie detained the wife of presidential candidate Archmet Said Mohamed for several hours in an effort to find her husband.

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. On April 30, the lawyer for former president Sambi stated in a press conference that his client's pretrial detention had expired in April, but the government continued to hold Sambi prisoner. Authorities initially placed Sambi under house arrest in May 2018, where he remained during 2019. Authorities formally declared his home, which is government housing from his time as president, to be a prison annex in August 2018, with Sambi considered under detention, not house arrest.

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 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 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. 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 at no charge of an interpreter for any defendant unable to understand or speak the language used in court, this is not generally implemented in practice. 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. In 2018 civil society, government officials, and political parties on Anjouan reported cases of political prisoners, primarily from opposition political parties based on Anjouan. These sources estimated the number of political prisoners from 11 to 200 persons. Opposition and some national and international media outlets used the term “political prisoner” in reference to the writer SAST and three others arrested in August 2018 for allegedly planning a coup d’etat.

Amnesty: In May President Azali commuted SAST’s and the other prisoners’ sentences, and on August 10 he pardoned them.

Also in May, Azali pardoned and released the secretary general of the opposition party, Juwa, and 17 others accused in the coup plot, the attempted assassination of the vice president, and other crimes against the state. Former vice president Djaffar Ahmed Said, who fled the country and resides in France, did not receive a pardon for a sentence he received in absentia.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations 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 Expression: In July 2018 the country adopted a constitution that establishes Islam as the state religion and notes, “the state will draw on Sunni principles and rules, and Shafi’i rites which regulate belief and social life.” The law establishes Sunni Islam under the Shafi’i doctrine as the “official religious reference” and prohibits the performance of non-Sunni religious rituals in public places on the basis that such religious practices would “affront” society’s cohesion and endanger “national unity.” Individuals may not criticize the government or raise matters of public interest without restriction. The law criminalizes libel.

Press and Media, Including Online Media: Independent media were active and expressed a variety of views, but not without restriction. Some journalists practiced self-censorship.

Violence and Harassment: Some journalists were subjected to violence or harassment by government authorities due to their reporting. In February police arrested administrators of a private online radio station Facebook FM and accused them of insulting a high authority, disturbing public order, and incitement to hatred and defamation. Authorities released them without charge on May 31.

Censorship or Content Restrictions: On April 1, the government blocked the printing of the three main daily newspapers for that day’s issue. The three papers had written articles protesting the arrest and harassment of journalist Toufe Maecha.

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.

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 these rights.

Freedom of Peaceful Assembly

Following the first round of the presidential election in March, police used barricades, tear gas, and gunfire to block and disburse protestors who sought to gather outside the election commission's office. There were reports of minor injuries, including among presidential candidates. A representative of the Workers Union stated in September that the Interior Ministry banned all union and social demonstrations during the year. Public school teachers planned a peaceful march for March 7, but security forces blocked access to the area.

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.

The country continues to claim sovereignty over the island of Mayotte, which France has administered since the island voted to remain part of France in a 1974 referendum in which the other three islands voted for independence. The government insists on the right of Comorians to travel freely to Mayotte despite the implementation of the so-called Balladur visa in 1995, which prevents most Comorians from doing so. Consequently, illegal migration to visit relatives, to

seek medical care, or for other reasons continued, prompting the repatriation of more than 20,000 Comorians per year.

e. Internally Displaced Persons

Not applicable.

f. 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.

g. Stateless Persons

Not applicable.

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 presidential election.

Elections and Political Participation

Recent Elections: On March 24, 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. 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 on March 24, 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 on March 28 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 2015 free and fair legislative elections were held.

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

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, 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 to obtain falsified police reports.

On April 15, the court in Moroni heard embezzlement charges against former finance minister Mohamed Bacar Dossar, the former vice president in charge of finance, Mohamed Ali Soilihi, and former president Ahmed Abdallah Sambu. Sambu is currently under arrest, while the others were told they could not leave the country until after the trial. As of October the court continued proceedings.

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. Conviction of 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 is unclear whether any other organization has 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 issues. 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.

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. Being married to a victim does not exonerate the perpetrator. Authorities prosecuted perpetrators if victims filed charges. 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.

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 up to two million Comorian francs (\$4,500). 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 conviction is 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.

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.

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 a citizen unless both parents are foreigners, although these children 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.

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.

On June 24, the court sentenced a firefighter known as Civilise to seven years in prison for sexual assault of a four-year-old girl.

Early and Forced Marriage: The legal minimum age of marriage is 18 for both boys and girls. Child marriage was a problem, with estimates of 35 to 40 percent of girls being married before age 18. The government did engage 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. The law criminalizes some forms of child sex trafficking and prescribes penalties of 10 to 20 years' imprisonment and a fine of 30 million Comorian francs (\$67,900). 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 of one to two million Comorian francs (\$2,250 to \$4,500). 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 sex trafficking 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 <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, 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 (\$110 to \$2,250). Authorities reported no arrests or prosecutions for same-sex sexual activity during the year 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.

There are no laws prohibiting 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. 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. Worker organizations are independent of the government and political parties. There are no laws protecting strikers from retribution. The government did not effectively enforce the law. 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 but were seldom applied. Labor disputes may be brought to the attention of the Labor Tribunal.

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 during the year.

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 disaster recovery efforts if it is unable to obtain sufficient voluntary assistance. The labor code prohibits forced child labor, with specific antitrafficking provisions. The law requires prisoners awaiting trial to work.

The government did not consistently enforce the law. Resources, inspections, and remediation were inadequate. Penalties were not sufficient to deter violations. 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 15 if it does not hinder the child's schooling or physical or moral development. The labor code, however, does not specify the conditions under which light work may be conducted or limit the number of hours for light work, as defined by international child labor standards. 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 identifies hazardous work where child labor is prohibited, including the worst forms of child labor. Child labor infractions are punishable by fines and imprisonment. The government did not enforce the law. 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 sufficient to deter violations. 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 subsistence farming, fishing, and extracting and selling sand. Children 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 provides for equality of persons without regard to gender, creed, belief, origin, race, or religion. The law forbids employers from discriminating 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 does not address sexual orientation. 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. There were no official reports of discrimination, however.

e. Acceptable Conditions of Work

A committee called the Labor Collective--consisting of representatives of unions, employers, and the Ministry of Labor--met periodically regarding an enforceable national minimum wage. The existing minimum wage 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 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; 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 official estimate for the poverty income level is less than prevailing minimum wages.

The government, specifically the Ministries of Finance and Labor, sets wages in the large public sector and imposes a minimum wage in the small, formal private sector. 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 government did not effectively enforce the law. Penalties were not sufficient to deter violations. There were four labor inspectors (two on Grande Comore and one each on Anjouan and Moheli), but they did not have enough resources to perform their duties. The number of labor inspectors was insufficient to enforce compliance.

The labor code includes a chapter on occupational safety and health requirements, but these were seldom enforced. Fishing was considered the most hazardous work. Mostly self-employed, fishermen worked from often unsafe canoes. There was no credible information on the number of occupational accidents. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. There were no known industrial accidents, although fishermen and fisherwomen died while fishing in rough seas from small boats.