



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**  
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**Responses to the list of issues and questions in the absence  
of initial and periodic reports**

**Comoros\***

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## **Questionnaire on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women**

1. The Comoros ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 30 November 1994. However, no national report, as required by article 18 of the Convention, has been produced, owing to the lack of a national mechanism for implementation and follow-up of the provisions of the Convention. In 2000 a report was drafted with support from the United Nations Population Fund, but the prevailing political and institutional circumstances prevented it from being finalized and adopted.

2. In the past decade we have implemented many measures and policies to advance women's rights pursuant to the Convention's provisions, although discrimination against women still persists in some areas. The Comorian Government recognizes the importance of gender mainstreaming and women's full participation in the development process as a means of reducing poverty and promoting the country's economic development. In its Poverty Reduction and Growth Strategy Paper, the Government affirms its intention to restore women to their rightful place in the decision-making and development processes. Furthermore, it has initiated a national debate to help boost development in this high-priority area of the national agenda, and has devised and adopted a National Policy on Gender Equality and Equity (PNEEG) that is being implemented with the support of the United Nations system. The Comoros is thus demonstrating a clear momentum towards a new form of social organization in which discrimination against women will be reduced or even eliminated.

3. A major constraint for the Government in planning, following up and assessing efforts undertaken in this area is the lack of up-to-date sex-disaggregated data. The available data are from 2003 and are included in the 2006 national report on human development and gender and in the National Policy on Gender Equality and Equity.

4. The Comorian legal system protects women from all forms of discrimination. The Constitution of 23 December 2001 refers in its preamble to "the equality of all citizens concerning rights and duties without regard to sex, origin, race, religion, creed or ideological conviction" and to "the equality of all before the law and the right of every accused person to a defence". Article 7 of the Constitution states that "Comorians have the same rights, freedoms and obligations everywhere in the Union".

5. No information available: the Constitutional Court has never considered a case involving discrimination against women.

6. A comparative study of Comorian legislation and the Convention was concluded in 2007, and texts to harmonize the legal framework with the Convention have been prepared and are in the process of being adopted by the Government.

In accordance with the fundamental law, several pieces of legislation have also affirmed the prohibition of all discrimination against women. They include the Labour Code, the Health Code, the general civil service regulations, the electoral laws, and so forth. The Labour Code forbids employers to allow race, colour, gender, religion, political views, or national or social origin to affect their decisions

on matters of hiring, employment, professional training and development, compensation and benefits, allocation of work or disciplinary or dismissal measures.

No distinction is made as to the gender of a witness providing oral testimony and in practice women may give evidence before any Comorian court of law. Nor does the Criminal Code discriminate against women in any way.

7. In regard to existing judicial mechanisms and sanctions against discrimination, the Constitution proclaims “the equality of all before the law and the right of every accused person to a defence”. As far as jurisdiction is concerned, the Codes of Civil and Criminal Procedure make no distinction on the basis of gender among the parties to a case. The above-mentioned laws refer to “parties”, with no gender or other distinction implied. The rules governing trials, whether civil or criminal, do not refer to the gender of those involved. They apply equally and without distinction to both women and men. Both criminal and civil procedure give the same weight to the testimony of women and men.

8. The Comorian legal framework protects women against all forms of violence. The preamble to the Constitution also enshrines the right of children and young people to the protection of the State and local public authorities against abandonment, exploitation or violence of any kind. The Family Code includes several provisions protecting women against the various types of violence they encounter. The age of consent to marriage is 18 for both sexes and forced marriages may be annulled. The wife’s consent is required at the solemnization of a marriage, and a wife may sue for divorce if her husband fails to maintain her or in cases of abuse. The Comorian Criminal Code punishes exploitation of or sexual violence against minors (article 323), the abandonment of children, and desertion (articles 340-350).

9. The Labour Code prohibits dismissal for reasons of pregnancy or marital status. A contract may not be terminated for reasons of gender, marital status or pregnancy, according to article 46, paragraph 3, of the Code. Pregnancy is a major area of concern of the Code. Under article 60, women may suspend a work contract without notice for up to 14 weeks. This period, which can be extended for three additional weeks in cases of medical necessity, is paid in full by the employer, who therefore may not cite it or the woman’s state of health as a reason for dismissal. The Labour Code provides for paid maternity leave without loss of former employment. Women are also entitled to take nursing breaks for a period of 15 months. The law is particularly favourable in this area, as it allows the mother to break her employment contract without notice and without having to pay compensation for doing so. The law also provides for a widow to keep her job and her salary during the 4 months and 10 days of the mourning period following the loss of her husband. In 2008, the country passed a law criminalizing rape.

10. The General Office for Solidarity and Gender Advocacy was created by presidential decree and consists of the National Department of Gender Advocacy and the National Department of Solidarity. Its mission is to establish national policies on gender by putting this area at the centre of sectoral development policy concerns; to ensure follow-up and assessment of activities at the national and island levels; and to take action to prevent mistreatment and violence directed at women and children and to protect the family.

- Apart from these bodies, each island has a General Office for Gender Advocacy which is responsible for implementing national policies and programmes at the local level.
- In addition, a national department of women's entrepreneurship has been created within the Ministry of the Economy and Budget.
- These bodies operate in partnership with civil society organizations working in gender advocacy.

11. The National Policy on Gender Equity and Equality (PNEEG) was established in 2008 pursuant to the provisions of the Convention. It is an expression of the Government's willingness to ensure equality between men and women in rights and obligations, in society and in the development process, a vision which is shared by all Comorians and reflected in the Constitution. This willingness takes into account analysis of the situation according to gender and perspectives in four key areas: gender, economy and poverty; gender and social sectors; gender and institutional mechanisms; and gender, rights and participation in decision-making.

The National Policy is thus a framework for guiding and proposing strategies to reduce gender inequality and plan activities to enhance gender mainstreaming; it is also a coordinating framework for State and non-State actors working towards a sound understanding of the various aspects of gender issues in the Comoros.

It sets out five strategic directives, as follows:

- (a) Create a positive image of economic activities dominated by women and increase women's involvement in other economic activities;
- (b) Increase the percentage of girls and women in education and training, with the aim of achieving female/male parity;
- (c) Promote the right of women to health care and reproductive health care;
- (d) Adopt policies aimed at achieving male-female parity in political, traditional and religious decision-making bodies;
- (e) Harmonize and coordinate State and non-State institutional mechanisms.

Sectoral plans of action for implementing these directives, including budget requirements, were drawn up in December 2009.

A meeting for mobilizing the resources needed to finance this policy will be organized in 2011 with the support of the United Nations system.

12. The State has not adopted temporary special measures to accelerate the achievement of de facto equality between men and women.

13. Although tradition and custom confer certain advantages on Comorian women, they conceal discriminatory practices that continue to assert men's domination of women. As for involvement in decision-making, Comorian women receive an education that accustoms them to avoiding contact with men, with the result that they are de facto excluded from the public spaces and decision-making bodies occupied by men. Whatever her level of empowerment, skills or socio-professional status, a Comorian woman gives priority to her role as a mother, to supervising her children's education and to her duty as a wife.

In addition to being instilled with respect for traditions, Comorian girls are educated to be good wives and mothers. They take on household tasks very early in life, and thus perpetuate gender inequality in the division of labour between men and women, as such tasks are traditionally reserved for women and passed on from mother to daughter.

In the area of the roles of husband and wife in a marriage, the man is traditionally considered the legal head of the household and the breadwinner.

Under article 54 of the Family Code, the husband is responsible for the spiritual and material welfare of the household. This attitude has its origins in Muslim doctrine, which places men in a position of authority over women.

14. The enactment of the Family Code law in 2005 generated considerable hope for the improvement of Comorian women's status. The Code is designed to help modify various behaviours that discriminate against women, as exemplified in the following provisions:

- Article 14 of the Family Code sets a minimum age of marriage for both sexes. This innovation is helping to reduce the country's high rate of early marriage. This article complies with article 16, paragraph 2, of the Convention, and has the effect of lowering the female school dropout rate, thus responding to article 10 (f) of the Convention.
- In the same vein, article 20 of the Code states that the consent of both spouses to a marriage must be firm and unconditional. This article corresponds to article 16 (b) of the Convention and is helping to reduce or even eliminate forced marriages.
- In matters of custody, adoption, guardianship and trusteeship, article 16 (f) of the Convention establishes the same rights for both sexes. Article 106 of the Family Code specifies that both parents have parental authority, and it appears that in the case of divorce, the mother is given preference in custody decisions (see article 92 of the Family Code).

15. The Comorian legal framework protects women against all forms of violence. The preamble to the Constitution enshrines the right of children and young people to the protection of the State and of local public authorities against abandonment, exploitation or violence of any kind. The Family Code includes several provisions protecting women against the various types of violence that may affect them. The age of consent to marriage is 18 for both sexes and forced marriages may be annulled. The wife's consent is required at the solemnization of a marriage, and a wife may sue for divorce if her husband fails to maintain her or in cases of abuse. The Comorian Criminal Code punishes exploitation of or sexual violence against minors (article 323), the abandonment of children, and desertion (articles 340-350).

16. In order to implement these legal provisions, training sessions on violence have been organized for social workers, educators, magistrates, health-care workers and criminal investigation officers. Three counselling and protective services for children who are victims of abuse or mistreatment have been opened in the Comoros since 2004. The counselling services, managed by three civil society organizations, are designed for listening to, guiding and supporting child victims of mistreatment and abuse of any kind, and for providing medical, psychosocial and legal care for them.

The overall aims of the counselling services are to contribute, through awareness-raising, education, advocacy and protection of children's rights, to establishing an environment conducive to better protection of human rights, especially the rights of children, while raising people's awareness of the existence of every kind of abuse and mistreatment of children; and to denounce such abuses in order both to help the victims and to support the inclusion of these rights in national legislation and jurisprudence.

17. Counselling centres for women victims of violence, and an observatory on gender-based violence are being set up with the support of United Nations agencies.

18. No data exists on trafficking and sexual exploitation of women and girls; prostitution is illegal and the country has no legislation aimed specifically at combating trafficking and exploitation of women.

19. The Labour Code prohibits forced or compulsory labour. It states that children may not be employed in any business, even as apprentices, before the age of 15. A law establishes the types of work prohibited for children under article 120 of the Code. Furthermore, the Comoros has also ratified the principal international conventions of the International Labour Organization, including the seven fundamental conventions and those that regulate the minimum age permitted for certain types of work, such as conventions 5, 10 and 33 on minimum ages in the areas of industry, agriculture and non-industrial employment.

20. Although the gender-adjusted human development index (GDI) of 0.541 is close to the overall human development index (HDI) of 0.547, women's participation, as measured by the Gender Empowerment Measure (GEM) remains weak (0.30). Even so, there are very few differences between socio-economic indicators for women and those for men. Women participate far less than men in political activities, and are very much in the minority in positions of responsibility and decision-making. In the private sector, there is an emerging class of women entrepreneurs who are very active in the import trade with countries in the region, although no statistical data is available at present.

Following the December 2009 legislative elections, there was only 1 woman among the 33 representatives in the Assembly of the Union, which means a level of parliamentary representation of 3 per cent for women compared to 97 per cent for men. As for the governments of the Union and the autonomous islands, only the Anjouan government included women members, with two women out of six members. Women occupy 28 per cent of upper-level and management positions, while men account for 72 per cent. Similarly, women occupy 29 per cent of mid-level positions, as opposed to 71 per cent for men.

21. There is no institutional mechanism to ensure women's participation in the design, implementation, monitoring or assessment of social and economic policies, or the making of budget allocations, at either the national or the decentralized level. However, some women and women's organizations have become influential intermediaries in the drafting of laws, policies and development programmes, including the Family Code, the National Policy on Gender Equality and Equity and the Poverty Reduction and Growth Strategy Paper. At the community level, there has been progress towards greater visibility for women in the management of community life. Women are becoming increasingly involved in implementing

community and local development projects, a trend often supported and encouraged by development partners, including the United Nations.

With regard to women's participation in civil society organizations, including non-governmental organizations and private associations, Law No. 86-006/AF on contracts of association makes no gender-based distinction with regard to freedom of association. Its article 1 defines an association as an "agreement whereby two or more persons" decide to conduct non-profit activities. The use of the word "person" rules out any connotation of gender or sex.

22. Nationality is governed by Law No. 12 of December 1979, which provides for the acquisition, granting, loss and deprivation of nationality without discrimination on the basis of sex. That law also sets out the conditions and procedures for acquisition or loss of Comorian nationality and the settlement of disputes over nationality. Article 1 of the nationality law refers to "individuals" when discussing nationality, a term which rules out any gender connotation. The two sexes are placed on an equal footing. Article 10 grants Comorian nationality to "any individual born in the Comoros" to Comorian parents. Under article 54 of that law, "a Comorian woman married to a foreigner retains Comorian nationality". That is to say, a mixed marriage does not constitute grounds for loss or deprivation of Comorian nationality. In addition, the child of such a union would acquire Comorian nationality by virtue of its relationship to the mother. While this right is clearly affirmed, it does not prevent a woman from voluntarily renouncing Comorian nationality. Conversely, a foreign woman who marries a Comorian citizen acquires Comorian nationality, unless she expressly renounces it.

Nationality in the Comoros is acquired by descent from either the mother or the father, in accordance with Law No. 12 of December 1979, articles 10 and 11, which provide that a child born in the Comoros to a Comorian parent is Comorian, as is an individual born outside of the Comoros to a Comorian parent. Nationality is acquired by descent without discrimination, from either the mother or the father.

23. The number of students enrolled in primary school increased from 78,527 in 1995 to 104,418 in 2007, of whom 48,582 were girls. The net enrolment rate for primary school increased from 63.2 per cent in 1990 to 76.1 per cent in 2008. The imbalance between male and female enrolment persists (72.3 per cent for girls compared to 79.8 per cent for boys in 2008). At the secondary level, the figures jumped from 11,606 in 1995 to 27,256 in 2007, of whom 11,982 were girls. The gross enrolment rate was 101.5 per cent for primary school and 40.1 per cent (36.5 per cent for girls) for secondary school. The net rate was only 18 per cent (18.6 per cent for girls compared to 17.4 per cent for boys).

When it comes to quality of education, the system is producing marginal results. Educational achievement levels are low, with only 8 per cent of children enrolled in primary school at the desired skill levels, while 66 per cent are lagging behind. According to education data for 2008, of the 159,850 children between the ages of 6 and 14 who have the right to compulsory free education, 31 per cent were not in school, and 55 per cent of those were girls. The repeat rate is high: 27.7 per cent for boys and 25 per cent for girls.

Article 1 of the education law drafted in 1994 provides for the right of boys and girls to a "school education". The country's education programmes and policies give due consideration to the issue of gender. One need only refer to the Growth and

Poverty Reduction Strategy Document and framework documents on national education policies and strategies: the most recent education plan was for the 2005-2009 period and the National Action Plan — Education for All by 2015 had six objectives, including the elimination of disparities between the sexes in primary and secondary education and guaranteed equitable access for adults to basic education and lifelong learning programmes.

In order to meet the challenge of gender parity in school enrolment, the Comorian authorities drafted a national plan of action for 2005-2007 to promote girls' education, with the goal of achieving an enrolment rate of 83.7 per cent for girls and boys. The launch of that plan brought into prominence the Comorian movement for girls' education, which led to verbal commitments from the Head of State and the heads of the executives of the autonomous islands to waive enrolment fees.

24. According to the 2003 census, male and female employment patterns are almost the same. Women are most active in agriculture (48.9 per cent), followed by craft industries (18.8 per cent) (the garment industry) and services (17.05 per cent). The distribution is similar for men, with 43.47 per cent, 20.66 per cent and 8.45 per cent, respectively, in agriculture, crafts and manual labour, and the service industry.

The unemployment rate among women is twice that among men (19.2 per cent versus 9.2 per cent), and close to three times among those who have had access to higher education. According to that same survey, young girls were much more affected by unemployment than their male counterparts. For example, the unemployment rate among girls aged 15 to 19 was 9.2 per cent, compared to 5.5 per cent among boys in that age group. Moreover, few women had access to protected employment. That survey showed that the agricultural sector and the informal sector accounted for 66.9 per cent and 19.5 per cent, respectively, of women's employment, meaning that women tended not to occupy salaried positions, and, if they did, those positions were mainly unprotected ones.

Finally, that survey showed that women's average earnings in the labour market were far less than those of men. The ratio of the average employment income of women to those of men was 0.641, while 56.1 per cent of women took home wages of less than the minimum wage benchmark of 300,000 Comorian francs per year, compared to 31.7 per cent of men.

25. In order to improve employment and income while reducing gender disparities, the National Policy on Gender Equity and Equality has set the following goals:

- Raise wages in agriculture and the informal sector, in accordance with the Poverty Reduction and Growth Strategy Paper, and strengthen other labour-intensive sectors such as tourism and small businesses;
- Promote the placement of women in positions of responsibility.

Implementation strategies are as follows:

(a) Draft an employment policy that develops jobs in sectors that employ large numbers of women, such as agriculture, tourism and trade;

(b) Conduct studies and surveys on both formal and informal employment, and develop a terminology that addresses employment and income from a gender perspective;



- (c) Create an employment observatory;
- (d) Give preference to equally qualified women in recruitment for the civil service and positions of responsibility;
- (e) Require statistics offices to provide gender-disaggregated data.

26. Article 1 of Law No. 84-18/PR on the Labour Code does not discriminate between men and women. Article 2 of that law provides that “work, training, and professional development are the rights of every Comorian citizen”. That article prohibits any employer from “taking into consideration ... gender in making recruitment decisions”. Article 5 of Law No. 04-006/AU on the general civil service regulations of the Union of the Comoros provides that “access to public employment ... shall be on the basis of equality of rights and opportunity without discrimination on the basis of gender, religion ...”. The statutes governing the judiciary do not discriminate on the basis of gender with regard to access to the profession of magistrate. Women who meet the required qualifications can take up their posts without restrictions, and legislative provisions are followed in practice in all respects. The Labour Code stipulates that the same standards should be applied to females and male workers without discrimination. Among other things, it provides for freedom of contract without discrimination. The Labour Code, article 97, states that “where working conditions, professional qualifications and productivity are equivalent, pay should be equal for all workers, regardless of their origin, sex, age or status”. That law does not discriminate with regard to salary. Men and women of equal qualifications should receive the same salary. The Labour Code, articles 71 et seq., deal with collective agreements. Those articles require inclusion of the principle “equal pay for equal work” for women and young persons, and their provisions are abided by in practice, notably by the State, which is the country’s main employer.

Government officials and agents are compensated according to a scale based on other considerations. It takes into account qualifications and seniority, but not age and certainly not sex.

27. A national policy on female entrepreneurship is currently being drafted by the new Office of Female Entrepreneurship, which is part of the Ministry of the Economy.

28. The Comorian Constitution affirms in its preamble the “right to health and education for all”. The Code of Public Health and Social Action for the Well-being of the Population, article 5, provides that the protection and promotion of public health and health services are the responsibility of the Comorian State. In 1996, in the light of the objectives of the International Conference on Population and Development, the National Health Policy and its implementation plan affirmed that health is a basic right of the entire Comorian population without any discrimination of any kind. The reduction of both maternal and infant mortality are central objectives of this policy and plan, making the health of both mother and infant a priority concern of the public authorities and the community.

Life expectancy at birth, which had been 56.5 years (55.6 years for men and 57.3 years for women) according to the 1991 census, is estimated to be 63.3 years (61.1 years for men and 65.4 years for women). The gap between men and women, which was only 1.7 years in favour of women in 1991, increased to four years in 2003. That gain in life expectancy reflects a decrease in maternal mortality, which is nonetheless still high. In general, a majority of infant and child mortality is

accounted for by males. The infant and child mortality rate dropped substantially during the 1990s, going from 130 per 1,000 live births to 74 per 1,000 live births in 2000. Health programmes implemented by the country during that period contributed to that decrease. According to the 2003 census, the maternal mortality ratio was 380 per 100,000 live births in the Comoros. The breakdown of the maternal mortality ratio by age group shows that older women have a greater risk of maternal mortality compared to women under 35 (see chart). By contrast, the maternal mortality rate was 0.468 per 1,000. That means that one out of 1,000 women of childbearing age die during their reproductive life as a result of childbirth. The maternal mortality rate measures the impact of maternal mortality on the adult female population, but masks the effects of varying fertility levels in different countries.

29. The Health Code provides in its article 53 that the costs of health care and services received at public health facilities are covered by the recipients. Exceptionally, certain types of health care and services are provided free of charge. In practice, payment is required for all of the services provided by the Regional Hospital Complex and District Health Centres. Although the distribution of health facilities meets international standards for geographical coverage, a large proportion of the female population does not have access for financial reasons. It is mainly economic and financial restraints that limit women's access to modern health services and care. Illiteracy and the low level of access to information also play a significant role in hindering poor women's access to care, preventing them from making use of health services when they are ill. Access to quality health-care services for certain women (in both rural and urban areas) is affected by their illiteracy, low level of education, social and cultural prejudices and lack of income. Unequal gender relations also have an impact on fertility. Comorian women have relatively high fertility, with an average of 5.3 children per woman. According to the general population and housing census, fertility levels fluctuate significantly according to their island of residence, area of residence, level of schooling and economic occupation.

30. The rate of modern contraceptive use has risen from 4 per cent in 1994 to 19.4 per cent (2000 multiple indicator cluster survey), which indicates that contraception is gaining acceptance, if only for the purpose of birth spacing. Over 95 per cent of public health facilities offer at least three methods of family planning. Despite these efforts, 56 per cent of family planning needs for women of childbearing age are still unmet (1996 demographic and social survey of the Comoros). Young people and adolescents do not have access to family planning services, but they account for 6 per cent of total fertility and 9.8 per cent of adolescents aged from 15 to 19 years have already begun their reproductive life (2000 multiple indicator cluster survey).

31. In Comoros, the HIV epidemic has been at a low level, with a prevalence of less than 0.05 per cent (0.025 per cent according to the 2003 HIV survey), including among those groups that are usually the most vulnerable, such as sex workers or carriers of other sexually transmitted diseases. However, it could rise rapidly in view of certain risk factors.

Hospital facilities and surveys and activities of the national AIDS prevention and control programme are sources of information on the epidemic. Epidemiological surveillance of the disease has identified one hundred and six (106) infected persons

so far (from 1988 to 2008) and the general prevalence rate is high among people aged from 19 to 23 years (who account for 55.7 per cent of all cases). Within that age group, women are most affected (66.1 per cent). Young people aged from 0 to 14 years account for 7.5 per cent of cases and young people aged from 15 to 24 years account for 15.1 per cent. The number of deaths recorded is 40, or 38 per cent of total cases. Seventeen patients are undergoing treatment, while no records are available for the other 49.

HIV prevalence among pregnant women is also relatively low in Comoros. According to the 2008 report of the national AIDS programme, the prevalence among the 1,081 pregnant women who were screened is 0.17 per cent. The Comorian Government has made progress in providing treatment and support services for persons living with HIV/AIDS.

The national strategy in this area is focused on increasing access to quality therapeutic care. The manual on clinical care for HIV/AIDS has been revised in accordance with the recommendations of the World Health Organization. In 2008, eight persons living with HIV/AIDS (5 men and 3 women) aged from 4 to 64 years were given antiretroviral treatment. Comoros has a multisectoral strategic plan for HIV with the following five (5) main components:

- Leadership, which includes commitment, advocacy, mobilization and resource allocation;
- Prevention and social mobilization, which covers information, education and communication techniques, peer education, condoms, teaching materials, universal precautions and the prevention of mother-to-child transmission;
- Monitoring and support, which involves treatment, care, support and services for sexually transmitted diseases, testing, epidemiological surveillance and comprehensive services for persons living with HIV/AIDS;
- An environment conducive to the protection of persons living with HIV/AIDS, the legal framework;
- Coordination, follow-up and evaluation, which includes supervision, monitoring, meetings, study and research.

Draft legislation on the protection of persons living with HIV/AIDS has been drafted, approved and submitted to the National Assembly for adoption. This draft legislation addresses the protection of persons infected and affected by HIV, universal access to preventive care, treatment, services and support for persons in need, and legal advice and assistance for women, children, young people and other vulnerable groups.

32. The per capita income in the Comoros is about \$500 per year. The per capita income by sex shows a disparity in favour of men, which is not necessarily due to men's higher per capita income but rather to the lower proportion of women with a job and an income. A gender analysis of the economic situation indicates that a high rate of women (75 per cent) are not economically active, which includes the 22 per cent of women who are housewives. Although these women are classified as "not economically active" for the purposes of national accounting, they do provide services, which although unpaid, have a value which should be quantified. According to the 2003 census, only 25 per cent of women were economically active, compared to 46 per cent of men. Only 15 per cent of women were employed,

compared to 37 per cent of men. It should also be factored in that most Comorian women, in addition to their labour income, receive support and/or transfers of money and goods from family members who have emigrated; according to the 2004 household consumption budget survey, women received more money than men did in the form of remittances. According to the 1995 and 2004 surveys, female-headed households are less affected by poverty than male-headed households. The poverty rate for female-headed households was 42.1 per cent in 1995, compared to 49 per cent for households led by males during the same period. In 2004, the rate was 30.4 per cent for households led by women compared to 38.6 per cent of those led by men. The gender-adjusted human development index for Comoros (GDI) is very close to the human development index (HDI). In 2003, the GDI was 0.541 and the HDI was 0.547. These figures show that there are few gender-related disparities in human development components (life expectancy, schooling and literacy rates, per capita income).

The national unemployment rate is 14.3 per cent. The rate for women is 18.5 per cent and for men, 11.9 per cent.

33. The country does not have a social security system but there is a social welfare fund under the authority of the Ministry of Labour which provides coverage for work accidents at public establishments. This institution is not very efficient and a system of health insurance associations is being established as a means of providing appropriate service for the population. The main objective of the health insurance network is to improve public access to quality health services on a sustainable basis, especially care for mothers and children. The services provided by these insurance associations consist mainly of hospitalization for medical treatment, surgery, childbirth (normal or with complications), antenatal care and accidents (broken bones, burns, minor surgery and so on).

The Labour Code provides for paid maternity leave without loss of former employment. Women are also entitled to take nursing breaks for a period of 15 months. The legislation is particularly favourable in this area, as it allows the mother to break her contract without notice and without having to pay compensation for doing so. The law also provides for a widow to keep her job and her salary during the 4 months and 10 days of the mourning period following the loss of her husband.

34. A national strategy on natural disaster prevention is being prepared with support from the United Nations Development Programme and recommendations for the inclusion of a gender perspective have been made.

35. The status of women is essentially governed by the Family Code, details of which are provided in the answer to question 37.

36. The Constitution of the Union of the Comoros clearly establishes the principle of equality of men and women. The legal capacity referred to in article 15, paragraph 2, is also identical for the two sexes. Women have full legal capacity and can engage in all civil acts: enter into a contract, be a party to legal proceedings, exercise and enjoy their rights. Women are full legal actors. This paragraph also recognizes that women are entitled to equal treatment in legal proceedings. In that respect, the Code of Penal Procedure and the Family Code do not contain any provisions that discriminate against women. The two texts refer to parties, defendants and applicants, without making any gender distinction.

All parties appearing before Comorian jurisdictions have the same rights and duties. The law is applied under the same conditions for both men and women. General commercial law makes no distinction with regard to the gender of a person engaged in business. The legislation is drafted in general terms and excludes any possible discrimination against women. In fact, article 2 of the uniform act on commercial law provides that “business people are those who carry out acts of commerce and make it their usual profession”.

As for the fourth paragraph of article 15, relating to freedom of movement and residence, women have freedom of residence and movement, in consultation with their husbands and in the interests of the household and the children.

37. The Family Code was prepared on the basis of a participatory process with the involvement of government authorities, civil society and religious authorities. The Code contains provisions based on Islamic law and on Western law. It recognizes that men and women have the same right to enter into marriage. Under article 17 of the Family Code, a valid marriage is entered into with the consent of the two spouses. This consent must be “firm and unconditional”, as set out in article 20.

As for the right to choose a spouse freely and to enter into marriage only with full and free consent, Comorian law has provisions that restrict this freedom of choice. In fact, Islamic law forbids marriage between a Muslim woman and a non-Muslim man. Although a Muslim man may marry a non-Muslim woman, a Muslim woman does not have this right. In other words, she must marry a Muslim. This is set out in article 16 of the Family Code which provides that “marriage must be Muslim”. Furthermore, women do not in practice have full freedom to choose their spouse. Article 22 of the Family Code requires the authorization of the marriage guardian (*wali*) in the case of a young girl getting married. However, the law forbids any abuse by a guardian who improperly opposes a marriage desired by the woman under his guardianship. In such a case, according to article 24 “the judge shall proceed to solemnize the marriage”.

As for the rights of spouses to dissolve the marriage, the provisions of the Family Code are particularly discriminatory in relation to women. In fact, the husband may decide unilaterally to put an end to the marriage, although some formalities are required. Indeed, the husband may not pronounce the *talaq* (notice of divorce) during his wife’s pregnancy or menstruation. The law establishes a penalty for this action, a civil fine of a relatively modest amount (50,000 to 100,000 francs). Moreover, article 62 of the Family Code provides for a procedure to prevent an excessively abrupt rupture of the conjugal bond. Accordingly, the *talaq* must be performed before a judge and in the presence of the spouse. The magistrate may require the husband to reflect further before taking a decision. The magistrate also establishes the modalities for the separation: child maintenance, alimony for the spouse and visiting rights. Women may request a divorce under certain conditions that are strictly defined by law. Men may put an end to a marriage by meeting relatively simple conditions, while the conditions for women to do so are stricter. As for the choice of family name, Islamic law requires that children take the father’s name. Women have the full right to own property. As Islamic law recognizes the regime of separation of property only, a wife continues to own her property and her husband may not interfere with the exercise of her right of ownership without her consent.

With regard to the age of marriage, the Family Code provides in article 14 that “men and women may not marry before they reach the age of 18 years”. This is an important guarantee against the practice of early or forced marriage. In addition, a marriage must be solemnized by a competent judge, who must draw up an act within five days and record it in the civil registry. However, the law does not specify who is a competent judge. The registration must take place within 15 days, failing which a fine of from 50,000 to 100,000 francs is imposed.

38. The Family Code is not effectively implemented despite the various training courses organized for the main actors responsible. The decrees for implementation of this Code are not always signed. Marriages continue to be solemnized according to provisions made prior to the adoption of the Family Code, that is, provisions based on Islamic law.

In practice, therefore, under Islamic precepts, a woman who has never been married requires a legal guardian to be present at her marriage to serve as an intermediary between her and the judge who solemnizes the union. Furthermore, Comorian tradition requires that the bride withdraw to the conjugal chamber and not attend the nuptial ceremony. The ritual requires that her opinion is requested beforehand. However, the family may decide to ignore her opinion and the marriage may take place solely on her father’s initiative. According to the prophetic tradition, the silence of the daughter may be considered as consent. Errors of interpretation of the silence of the young woman may therefore result in forced marriages.

Although the Family Code provides for the right to choose a spouse freely and to enter into marriage only with full and free consent, arranged marriages do take place in Comoros, justified by the parents’ wish to preserve the family inheritance and thus contribute to social cohesion. The bride, in some cases a minor, is assigned a partner in order to preserve the family’s honour. Often the partner is a close relative. The endogamous tradition prevailing in Comoros requires marriage with a person from the same region and encourages parents to seek a partner for their child from among their close relatives, even if that choice does not correspond to the wishes of the person concerned.

Marriages are rarely recorded in the civil registry and legal provisions on the celebration of marriage are not respected, especially those relating to the time period for registration.

The practice of polygamy is recognized by the Family Code and takes place at the sole discretion of the husband, although a woman may apply for a divorce if her husband has married another or several other spouses. According to the national human development report for 2006, 85 per cent of marriages in urban areas were monogamous in 2003, compared to 79 per cent in rural areas. In the case of divorce, men tend to separate also from their children, leaving the mother with sole responsibility. Divorced women therefore often bring up their children alone. The alimony provided for by law is rarely paid and women are reluctant to claim their rights.

39. The initial country report is under preparation with assistance from United Nations organizations and will be transmitted to the Committee within the requested deadlines.