



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

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States  
parties under article 18 of the Convention on the  
Elimination of All Forms of Discrimination  
against Women**

**Combined initial, second, third and fourth periodic reports of  
States parties**

**Comoros**

[25 August 2011]

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## Introduction

1. With the adoption of the Convention on the Elimination of All Forms of Discrimination against Women on 18 December 1979 the United Nations General Assembly had in its resolution 34/180, called on the Member States of the United Nations to promote the advancement of women. The Convention entered into force on 3 September 1981.
2. The Union of the Comoros ratified the Convention on 30 November 1994 following the adoption of Act No. 94-013 of 7 June 1994, authorizing the ratification.
3. Since the ratification of the Convention, however, the Comoros has not submitted a report, despite the provisions of its article 18, which establishes that: “States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect.”
4. The delay has been caused by the political and institutional turbulence that has blighted the country for the past two decades.
5. The difficult and tense situation notwithstanding, the Government of the Comoros, in partnership with civil society organizations and with the support of the country’s development partners, has managed to implement many of the Convention provisions.
6. Outcomes of that partnership include the adoption of the Family Code in 2005 and the National Policy on Gender Equality and Equity in 2008.
7. The Government is therefore grateful for the opportunity offered by the Committee on the Elimination of Discrimination against Women to submit a single consolidated report combining the initial and the periodic reports due between 1994 and 2010.
8. This report, initiated by the Government through the Ministry of Health, Solidarity and Gender Affairs, was drafted through a participatory process involving both government agencies and civil society organizations. The document was endorsed at a national seminar held on 23 November 2010 and presided over by the Ministry of Health, Solidarity and Gender Affairs.
9. Technical and financial assistance for drafting the report was provided by United Nations agencies, including the United Nations Development Programme (UNDP).
10. The report is divided into four chapters:
  - Chapter I: Overview of the Comoros
  - Chapter II: Political rights
  - Chapter III: Economic, social and cultural rights
  - Chapter IV: Civil rights and citizenship rights

## **Chapter I Overview of the Comoros**

### **I.1 Geography**

11. Located at the northern end of the Mozambique Channel between East Africa and north-west Madagascar, the Union of the Comoros occupies a strategic position in terms of maritime security. It covers an area of 2,237 km<sup>2</sup> and is spread unevenly over four islands: Njazidja (Grande Comore), Nzwani (Anjouan), Mwali (Mohéli) and Maoré (Mayotte). Its volcanic origins make it a hilly, mountainous country with few areas of plain, which restricts the amount of arable land. The volcanic content of the islands' soil, however, makes them all fertile. One of the world's small island developing states, the Union of the Comoros exercises sovereignty over only Grande Comore, Anjouan and Mohéli, Mayotte having remained under French administration since the declaration of independence.

### **I.2 Demographic data**

12. The Comoros has a total resident population of 575,660, unevenly distributed among the islands: Njazidja has 296,177 inhabitants, Nzwani 243,732 and Mwali 35,751. According to the September 2003 General Population and Housing Census, 50.4 per cent of the population is female, which is a faithful reflection of the situation in the Comoros with women far outnumbering men.

13. The population was estimated at 670,000 in 2009 and is expected to rise to 785,000 by 2015. The demographic situation in the Comoros is explosive with an average annual population growth rate of 2.1 per cent and an average national population density of 309 inhabitants per km<sup>2</sup>, and reaching 575 inhabitants per km<sup>2</sup> on Nzwani. The proportion of people living in rural areas is 72 per cent.

14. Women account for 50.4 per cent of the population, with approximately 72.1 of the population living in rural areas.

15. Comorian culture is firmly anchored in the Muslim faith and its traditions. The Comoros has for many years been a melting pot, a crossroads for persons of Afro-Arab and European descent, and has produced a highly original culture with no clear boundary between social life and religious practice.

### **I.3 Political information**

16. At no time since gaining independence on 6 July 1975 has the Union of the Comoros enjoyed a period of real political stability conducive to the requirements of sustainable socio-economic development. The political and institutional crises triggered by the numerous coups d'état and recently, in 1997, the separatist crisis of the island of Nzwani have plunged the country into a state of chronic instability.

17. A national reconciliation process was launched in the late 1990s with the support of the international community and resulted in the signing of the Fomboni Agreements in February 2001, which paved the way for the adoption, by popular referendum in December that same year, of a basic law that established a new Comorian model that guaranteed the islands a considerable measure of autonomy. The resulting institutional framework is complex and marked by multiple and continuous power struggles between the executive branches of the islands and that of the Union.

18. In response to this situation, the President of the Union submitted for popular referendum a bill which was adopted on 17 May 2009.

19. The new Act limits the prerogatives devolved to the island authorities. Executive power over each island is now exercised by an elected governor assisted by commissioners, and legislative power has been devolved to an elected legislative council. At the national level, the principle of rotating the presidency among the three islands has been maintained, and the president and three vice-presidents (one for each island) are elected for a term of five years.

#### **I.4 Economic information**

20. The Union of the Comoros is one of the least developed countries (LDCs), with a gross national product (GNP) per capita of 680 dollars in 2007.

21. In 2007, the Human Development Index for the Comoros was 0.576, placing it 139th out of 177 countries.

22. The Human Poverty Index (HPI-1) was 31.6 per cent in 2005 and estimated at 20.4 per cent for 2009. GDP per capita has been falling for 20 years. One Government estimate put actual GDP growth at 0.8 per cent in 2007 and at about 0.2 per cent for 2008, the lowest levels recorded for that decade. Economic growth in fact picked up briefly in 2001 and 2002, reaching close to 4 per cent per annum, but declined steadily thereafter once political and institutional tensions once again began to mount. The energy crisis that hit the country in the second half of 2008, exacerbated by the global financial crisis, paralysed all sectors of the economy and deepened an already dire economic crisis.

23. The economy is essentially based on agriculture and trade, which account on average for 40 per cent and 25 per cent of GDP respectively. Three raw and semi-processed agricultural products (vanilla, cloves and ylang-ylang oil) generate over 90 per cent of export receipts.

#### **I.5 Legal framework**

24. The Comorian legal system is an original one derived from three different sources: modern law (Criminal Code), Islamic law (*Mihadj*) and customary law (*Anda na mila* and *Mila nantsi*).

25. With regard to international law, the Comoros follows a monist system that establishes the primacy of international law.

26. The ratification of any international legal instrument thus implies its automatic incorporation in the domestic legislation.

27. The Comorian State has ratified several international instruments of — both the United Nations and the International Organization of la Francophonie — as well as African instruments, on human rights and the rights of women and children.

## **Chapter II Political rights**

28. The political rights set forth in articles 1, 2, 3, 7 and 8 of the Convention grant women the right not to be discriminated against and the right to participate actively in political and public life.

## II.1 Progress achieved

### Article 1

#### Definition of discrimination against women

29. The Constitution of the Union of the Comoros prohibits all forms of gender-based discrimination. The preamble to the Constitution proclaims the equality of men and women and prohibits all sex discrimination in the following terms: “the equality of all citizens concerning rights and duties without regard to sex, origin, race, religion, creed or ideological conviction and the equality of all before the law and the right of every accused person to a defence”.

## II.2 Respect for the principle of non-discrimination against women through the implementation of the other international women’s rights instruments ratified by the Comoros

30. In addition to ratifying the Convention, the Comoros has acceded to several instruments that uphold non-discrimination against women and gender equality, including:

- The International Covenant on Economic, Social and Cultural Rights
- The African Charter on Human and Peoples’ Rights
- The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa
- The African Charter on the Rights and Welfare of the Child
- The Minimum Age Convention, 1973 (No. 138) of the International Labour Organization
- The Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization

31. Moreover, several departments, services, bodies, organizations and institutions in both the public and private sectors, as well as NGOs and human rights associations, are engaged in promoting the various instruments and compliance with their provisions.

### Article 2

#### (a) *Constitutional provisions that embody the principle of the equality of men and women*

32. Article 7 of the Constitution of the Union of the Comoros states that “Comorians have the same rights, freedoms and obligations everywhere in the Union”. No authority may adopt measures that directly or indirectly hamper the free movement or settlement of persons or the free movement of goods within the territory of the Union.

#### (b) *Legal provisions that prohibit discrimination against women*

33. In order to comply with the Constitution, several laws contain provisions prohibiting all forms of discrimination against women.

34. Act No. 84-18/PR establishing the Labour Code, Act No. 04-006 AU on Civil Service Regulations in the Union of the Comoros, the Health Code, and Act No. 94-023/AF establishing Educational Policy all prohibit discrimination against women.

35. The Family Code also contains several provisions to protect equality and promote non-discrimination.

*(c) Non-discrimination in the courts*

36. Men and women appearing before Comorian courts have the same rights and duties. The Codes of Civil and Criminal Procedure make no distinction on the basis of gender among the parties to a case. The rules governing trials, whether civil or criminal, are not stipulated on the basis of gender considerations. They apply equally and without distinction to women and men alike.

37. Both men and women have unrestricted access to justice.

*(d) Public institutions' avoidance of any act or practice that discriminates against women*

38. The Comorian Government, in partnership with civil society organizations and with the support of its development partners, has implemented policies and mechanisms to eliminate discriminatory provisions and practices, as described below.

*(d.1) Action to combat gender-based violence*

39. In response to the disturbing rise in gender-based violence, the Comorian Government, in partnership with the United Nations Population Fund (UNFPA), has conducted awareness-raising and capacity-building programmes to combat gender-based violence, and a start has been made on provision of counselling and care services for women victims of gender-based violence.

*(d.2) Counselling and protection services for child victims of violence*

40. Starting in 2004, the authorities, in partnership with the United Nations Children's Fund (UNICEF) and civil society, have opened counselling and care services for child victims of abuse and ill-treatment in Anjouan, Grande Comore and Mohéli. These services are designed to foster, through awareness-raising, education, advocacy and the protection of children's rights, an environment conducive to better protection of human rights, especially the rights of children, while raising awareness of the existence of any mistreatment and abuse of children; and to denounce such abuses in order both to help the victims and to promote inclusion of these rights in national legislation and jurisprudence. These services have given the population a better grasp of the extent and seriousness of sexual assault in the country, helping them to protect child victims of violence and to apply for civil damages in criminal proceedings against the perpetrators.

*(e) Appropriate measures for eliminating discrimination against women by any person, organization or enterprise*

41. The Labour Code contains provisions prohibiting any person, organization or enterprise from dismissing employees on the ground of pregnancy or marital status.

*(f) Measures taken to modify or abolish all laws, regulations, customs or practices which constitute discrimination against women*

42. The Family Code, adopted in June 2005, has modified and abolished certain practices that discriminated against women. It prohibits, for example, forced and arranged marriages, and guarantees the freedom to choose one's spouse.

*(g) Measures taken to repeal all penal provisions which constitute discrimination against women*

43. There are no criminal provisions that discriminate against women in Comorian positive law. The Codes of Civil and Criminal Procedure guarantee the equality of men and women.

**Article 3****Political, social and economic measures to guarantee the full development and advancement of women**

44. The Government has established permanent agencies to work with civil society organizations, and various programmes and policies are being implemented.

*3.1 Government and non-government institutions and bodies**3.1.1 Government institutions and bodies*

45. Women's issues have been mainstreamed in government bodies for the past 20 years. In 1991, the governing structure contained a State Secretariat for the Status of Women and subsequently an Office of the High Commissioner on the Status of Women, and a Ministry of Social Affairs and the Status of Women. From 1999 to 2006, gender issues were the responsibility of the General Office for Social Affairs and the Status of Women, which came under the Ministry of Health. In 2006 the Government established the National Department of Gender Advocacy under the Office of the Vice-President responsible for health, solidarity and gender advocacy. Its remit was 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.

46. This State institutional setting for gender affairs reflects the willingness to establish public bodies to address gender issues. However, over the years, those bodies have been positioned at increasingly lower levels of the Government hierarchy, hence their scant impact on the situation of women in the Comoros.

47. Gender issues are now handled by the General Office for Solidarity and Gender Advocacy, the Government body responsible for this area in the Ministry of Health, Solidarity and Gender Affairs. Its remit is as the former National Department of Gender Advocacy. Its present institutional ranking allows it no influence in Government decision-making on gender-related issues because it is not represented in the Cabinet. The General Office consists of two national departments: one for solidarity and one for gender advocacy. The institutional framework is still not fully operational, however: decentralized bodies have been set up at island level, but their internal organization is yet to be determined. The Office is also short of qualified staff for fulfilling its mandate.

48. The Government has likewise recently set up gender focal points in each ministry with the mission to ensure that gender issues are addressed in their respective ministries, which should foster gender mainstreaming in each sector.

49. Also, in 2007 the Government established the Office of Female Entrepreneurship in the Ministry of the Economy and Budget. Despite limited resources, this Office managed to compile a list of women entrepreneurs and associations of women entrepreneurs in the Comoros, carry out awareness-raising activities to inculcate the entrepreneurial and networking spirit in women, network and facilitate their contacts with microfinancing institutions.

50. It is apparent from these frequent changes of name, institutional status and directors of the Government body responsible for gender affairs, the blurred distinction between national and island responsibility, and the trial and error nature of the interventions, that gender mainstreaming in the Comoros is still in its infancy. More sustained efforts are called for to ensure that the process continues and develops. The key to successful gender mainstreaming in decision-making and development is strong leadership; that leadership must be institutionalized if it is to preserve the benefits gained, break down policymakers'



resistance, win political support for gender issues, build on the solidarity of “gender advocates” and secure development sector backing for the “gender cause”.

### 3.1.2 Non-government bodies

51. A number of civil society organizations promote gender equality, and particularly women’s rights. They operate at either the community or national level, the main ones being:

#### **Le Réseau National des Femmes et Développement (National network for women and development) (RNFD)**

52. This network comprises over 100 women’s organizations across the three islands. Its main function is to promote the social, economic and political status of women and to coordinate and support its member associations’ activities. It holds a series of literacy training courses for women, especially those from underprivileged backgrounds. The network is active in the fight against the sexual abuse of girls and in the promotion of maternal and neonatal health. Its main problems are insufficient operational resources and the lack of permanent staff, all its members being volunteers.

#### **The Forum for African Women Educationalists, Comoros section – (FAWECOM)**

53. The Forum, which also operates on all three islands, focuses on promotion of girls’ and women’s education. Its action is focused on pilot schools, the aim of which is to raise girls’ school attendance rate.

#### **Le Réseau National des Avocats du Genre (National network of gender advocates) (RENAG)**

54. This network was created in 2007 under the project entitled “Support for women in decision-making” financed by UNDP and the Japan Women in Development Fund (JWIDF). It brings together men and women for the promotion of gender equality and equity, its mission focusing mainly on training and advocacy. Important activities have been carried out in those areas with the support of United Nations bodies. They include gender and development training for network members, awareness-raising and training for women candidates in legislative and island council elections in 2009, and lobbying the authorities to appoint women to positions of responsibility.

#### **L’Appui à la Micro-Entreprise (Support for microenterprise) (AMIE)**

55. The outcome of a former UNDP-funded project, this organization supports Comorian women’s economic empowerment through the creation of microenterprises.

#### **L’Association Comorienne pour le Bien-Être de la Famille (Comorian family welfare association) (ASCOBEF)**

56. This association runs several family planning and reproductive health programmes. It also has a counselling and care unit for child victims of abuse and ill-treatment on the island of Grand Comore.

#### **La Fondation Comorienne des Droits de l’Homme (Comorian Human Rights Foundation) (FCDH)**

57. This foundation is a civil society organization that promotes, upholds and protects human rights, democracy, good governance and the rule of law. It also addresses children’s and women’s rights issues. Its activities for the elimination of acts and practices that discriminate against women include training in human rights, women’s rights, child rights, good governance and the rule of law. It also organizes activities to combat gender-based violence. With UNICEF support, it has established a counselling and care unit for child victims of abuse and ill-treatment on Anjouan.

**L'Observatoire des Elections (Election Observatory)**

58. This is a civil society organization that promotes good governance in electoral matters. Since it was established it has played a nationwide awareness-raising and election observation role and organized a series of training activities for women leaders on democracy and women's role in policymaking.

59. All in all, with the support of the country's development partners, progress has been made in the fight against all acts and practices that discriminate against women, thanks to the State's commitment and political will and the determination and dedication of civil society organizations.

60. Arranged and forced marriage, sexual abuse, gender-based violence and violations of the principle of gender equity are being increasingly reported and punished.

**3.2 Policies and programmes to promote women's rights and gender equality****3.2.1 The Poverty Reduction and Growth Strategy Paper (PRGSP)**

61. The Government of the Comoros affirmed its willingness to promote gender equality and equity in its Poverty Reduction and Growth Strategy Paper (PRGSP), updated in September 2009 and subsequently converted into a plan of action. The Paper mainstreams the gender perspective in its assessment of the situation in each sector and in the six strategies it defines.

62. Strategic priority 3 consists of a programme to promote social cohesion, solidarity and consolidation of peace, with two main objectives:

1. To develop capacity to analyse and respond to social cohesion issues through a programme entitled "Reinstating the role of Comorian women in decision-making and the promotion of social cohesion";
2. To develop national systems to protect and promote human rights and gender equality and equity.

63. This second objective is pursued through six activities: (a) updating the National Policy on Gender Equality and Equity; (b) implementing the Policy; (c) enforcing the Family Code; (d) setting up the National Commission for Human Rights and Freedoms; (e) creating and strengthening counselling and protection services for victims of violence; and (f) boosting the capacity of the Government departments responsible for protecting and promoting gender and human rights.

64. While the Paper contains indicators and annual targets, the operating methods and planning, monitoring and assessment tools have yet to be devised.

**3.2.2 National Policy on Gender Equality and Equity**

65. In July 2008, the Government adopted the National Policy on Gender Equality and Equity, a framework document proposing guidelines and strategies for reducing gender inequalities. It covers four main topics: gender, economics and poverty; gender and the social sectors; gender, rights and participation in decision-making; and gender and institutions.

66. The Policy is intended to guide and coordinate the activities of State and non-State agencies involved in gender affairs and to help decision-makers in their planning of activities for improved gender streamlining and the elimination of gender disparities.

67. The Policy sets out five strategic courses of action in order to:

1. Upgrade female-dominated economic activities and increase women's participation in other economic activities;
2. Boost the rate of girls' school attendance and training to bring it up to that of boys;
3. Promote women's right to health, including reproductive health;
4. Adopt policies that promote gender parity in traditional, religious and political policymaking;
5. Harmonize and coordinate State and non-State institutional mechanisms.

68. Since March 2009, the Comorian Government, with the support of United Nations agencies, has been implementing a joint project to establish the strategic framework policy for the Comoros National Policy on Gender Equality and Equity. Its aim is to help the Government implement the Policy by establishing or strengthening national mechanisms for promoting gender equality and equity and improving women's socio-economic situation. Four main outcomes are envisaged:

1. Improved legal and institutional framework for implementation of the National Policy, accompanied by public awareness-raising activities and preparation of sectoral implementation plans.
2. Enhanced capacity of women, civil society organizations and the authorities to mainstream the gender perspective in development plans, political participation programmes and networking initiatives.
3. Establishment and functioning of gender equality information, promotion and protection services, with particular emphasis on preventing violence towards women and caring for victims.
4. An operational solidarity fund to finance projects run by grass-roots women or women's groups.

69. Two years after the project launch, substantial progress has been made on institutional development of gender advocacy. The main results have been: (i) the appointment of gender focal points in ministerial departments at the Union and island level and their training in analysis and techniques of gender mainstreaming in sectoral programmes; (ii) the establishment and training of a group of trainers for women politicians on communication, lobbying and leadership techniques; (iii) preparation and validation of sectoral plans for implementing the Policy; (iv) creation of a women's solidarity fund in the Office of the Commissioner-General for Solidarity and Gender Advocacy; and (v) establishment of the national platform for women entrepreneurs. In addition, national mechanisms to combat gender-based violence and provide care for the victims have begun operation with UNFPA support.

### 3.2.3 United Nations Development Assistance Framework (UNDAF)

70. The Comorian Government has also endorsed the revised United Nations Development Assistance Framework (UNDAF 2008–2012), one outcome of which is described as follows: "institutional and individual capacity-building for political and economic governance at the national and island levels on the basis of the primacy of the law, of gender equity and of accountability".

**Article 7**  
**Political and public life**

(a) *The right to vote*

71. Comorian women have always enjoyed the right to vote, even during the colonial period, and that right has been enshrined in every Constitution of the Comoros since independence. All electoral legislation, including article 9 of Act No. 05-015/AU establishing the Electoral Code, amended by Act No. 07-001/AU, reaffirms this principle in the following terms: “all Comorians of both sexes aged 18 years or over on 1 January of the electoral year may vote in elections or be eligible for election”. Article 16 of the Electoral Code, which establishes universal suffrage, stipulates that “no person may stop an elector from voting”. Article 119 of the Family Code also grants women full capacity to exercise their civil rights. In terms of civil and political rights, therefore, Comorian women are not subject to any discrimination. They have the right to vote and to be elected just as men do.

72. Although women’s political rights are guaranteed by law, Comorian women are still underrepresented in elective office and decision-making bodies owing to sociocultural barriers and the lack of incentives to ensure that women’s political rights are effectively upheld.

(b) *The right to participate in the formulation of Government policy and the implementation thereof*

73. Regarding women’s right to participate in the formulation and implementation of Government policy, the Comorian State has not established any structures that would allow women to participate in the formulation and implementation of social and economic policies either at the Union or island level. Nevertheless, a number of professional women and most women’s organizations are frequently involved in the drafting of bills, development programmes and policies, such as the Family Code, the National Policy on Gender Equality and Equity, the United Nations Development Assistance Framework and the Poverty Reduction and Growth Strategy Paper.

74. In the management of community and village affairs, women occupy a key position in the formulation and implementation of local community development programmes and projects, an approach widely supported and encouraged by the country’s development partners, including the United Nations, the European Union and the French cooperation agency.

(c) *Access to senior government positions*

75. The senior government positions held by women are of little strategic importance (usually in ministries responsible for gender, solidarity, health and so on).

76. None of the successive Union/federal Governments that have come to power in the Comoros since the advent of democracy in the early 1990s have had more than one woman in their Cabinet: in 2007, of the 11 ministers in the Government of the Union of the Comoros, 10 were men and 1 a woman.

77. There is currently not a single woman minister at the Union level, and the two women appointed as commissioners do not sit on the Council of Ministers. They are the Commissioner-General for Planning and the Commissioner-General for Solidarity and Gender Advocacy.

78. Women are, however, better represented in the executive branches of the islands. Since 2009, the executives of Anjouan and Njazidja have comprised two female and four male Commissioners, while in Mohéli the ratio is one woman to six men.

79. All things considered, however, the distribution of decision-making positions in Comorian public institutions is unequivocally skewed in men's favour. This was confirmed by the National Human Development Report, 2006, which put the proportion of senior government posts occupied by women at 28 per cent, compared to 72 per cent for men. Similarly, some 29 per cent of mid-level and technical government posts are occupied by women, as opposed to 71 per cent for men.

80. Comorian women's participation in policymaking is therefore still limited, for all that the situation has improved, as shown in the tables below.

Table 1  
**Distribution of key political posts by sex at 1 July 2000**

<i>Type of post</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Ministers and similar posts	15	1	<b>16</b>
Island Governors	3	0	<b>3</b>
State Councillors	33	0	<b>33</b>
Regional Prefects	15	0	<b>15</b>
Other senior political posts	21	6	<b>27</b>
<b>Total</b>	<b>87</b>	<b>7</b>	<b>94</b>

*Source: Rapport National sur le développement humain, Union des Comores, 2000.*

81. Women hold 7.4 per cent of senior political posts.

Table 2  
**Distribution of key political posts by sex at 1 July 2010**

<i>Type of post</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Ministers and similar posts	10	Heads of General Offices for Planning and for Solidarity and Gender Advocacy (do not sit in the Cabinet)	<b>10</b>
Island Governors	3	0	<b>3</b>
Other senior political posts	30	7	<b>37</b>
Union Assembly	32	1	<b>33</b>
Island Councillors	50	1	<b>51</b>
Mayors	87	2	<b>89</b>
<b>Total</b>	<b>212</b>	<b>10</b>	<b>222</b>

*Source: Archives of the Assembly of the Union.*

82. Despite the persistent inequalities, a slight change can be observed in the distribution of senior government posts. Between 2000 and 2010 the proportion of women in senior government positions rose from 7.4 per cent to 21.2 per cent, a 13.8 per cent increase.

83. The proportion of women in the judiciary is increasing. Since 2005, a woman has presided over the court of first instance of the Union of the Comoros on Moroni. There are also three female magistrates, two female lawyers and one female clerk of the court at the

Palais de Justice in Moroni. The number of female lawyers is gradually rising on all three islands.

84. Be that as it may, the disparity between the number of men and women in all administrative and socio-economic sectors is still considerable as shown in the table below.

Table 3

**Distribution (in percentage terms) by the profession and sex of the working population, 2003**

<i>Social and professional category</i>	<i>Sex</i>		<i>Total</i>
	<i>Male</i>	<i>Female</i>	
Armed forces	2.24	0.12	<b>1.55</b>
Executive, legislature and senior management	1.39	0.40	<b>1.07</b>
Intellectual and scientific work	6.91	5.46	<b>6.44</b>
Middle management	3.14	2.76	<b>3.02</b>
Administrative work	1.63	3.42	<b>2.21</b>
Service personnel, sales	8.45	17.05	<b>11.25</b>
Farmers	43.47	48.90	<b>45.23</b>
Skilled and manual labour	20.66	18.86	<b>20.07</b>
Heavy plant drivers	7.74	0.17	<b>5.28</b>
Unskilled workers and employees	4.37	2.86	<b>3.88</b>
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

*Source:* General Population and Housing Census, 2003.

85. A similar disparity is evident in the civil service. The bulk of senior and middle management posts at both the island and central levels are held by men, with women generally filling junior positions. The 2005 report on the Civil Service revealed a gender gap, with women occupying only 30 per cent of civil service jobs. While women occupy posts at all levels of the civil service, they often work under a senior superior (35 per cent of cases) or in ancillary positions (32 per cent), as shown in the table below.

Table 4

**Civil service posts held by women by type at 31 December 2005**

<i>Job status</i>	<i>Civil servant</i>	<i>Ancillary</i>	<i>Decision-makers</i>	<i>Contractual</i>	<i>Working for a superior</i>	<i>Magistrates</i>	<i>Non-civil service</i>	<i>Political posts</i>	<i>Total</i>
Proportion	29%	32%	26%	21%	35%	8%	21%	6%	<b>30%</b>

*Source:* Civil Service: Report 2005.

(d) *The right to join non-governmental organizations and political groups*

(d.1) The right to join civil society organizations

86. Comorian legislation makes no gender-based distinction regarding freedom of association. Article 1 of Act No. 86-006/AF on contracts of association states that an association is “a convention whereby two or more persons” decide to engage in not-for-profit activities. Several typical women’s associations have been set up and, increasingly,

mixed associations are being established, in which women often hold as many executive positions as men. It should be noted that typical women's associations, especially traditional associations, are extremely active and contribute enormously to the implementation of large-scale community projects.

(d.2) The right to join political parties

87. There has been a marked increase in women's membership of political parties over the past 30 years. Since 1990, the year that marked the advent of democracy in the Comoros ushered in multiparty politics and freedom of expression, a substantial number of women have thrown themselves into political activism, testing their intellects and talents in the political arena and joining political groups in force. A dozen women stood in the legislative elections of November 1992 but none were elected. In the wake of the dissolution of the National Assembly in 1993, 9 women stood for election to the legislature and, for the first time in the country's political history, a woman was elected to 1 of the National Assembly's 33 parliamentary seats. During the 2009 legislative and council island elections, 50 women stood either as principal or alternate candidates, most of them backed by political parties. These women received leadership and communication skills training and were able to set themselves up as a network with United Nations support through the joint gender project.

88. Civil society organizations engage in numerous activities to raise awareness and mobilize public opinion, in collaboration with the Government and with the support of its development partners. They are having an increasingly positive impact that translates into women's greater awareness of their role and place in society and their assertion in political life. In the last presidential elections one woman ran for the highest executive post.

#### Article 8

### II.1 The opportunity for women to represent their Governments at the international level

89. In terms of diplomatic representation, the Comoros makes no distinction between men and women, although female representation is still minimal.

90. The Comoros has appointed a female ambassador to the United Nations Educational, Scientific and Cultural Organization (UNESCO). Women also hold positions of responsibility in the high-level missions and delegations to the United Nations, European Union, African Union, International Organization of la Francophonie, and League of Arab States.

### II.2 Obstacles encountered in implementing the Convention

91. Force of circumstance has limited women's right to participate in political life and their access to senior government posts, thus curtailing the effective exercise of the political rights set forth in the Convention. It includes.

#### Sociocultural constraints

92. Certain cultural practices and deeply rooted stereotypes about the roles and responsibilities of the two sexes in all aspects of life result in discrimination against women and perpetuate their subordination to men. Within the family, for example, which is viewed as the first decision-making level, men enjoy certain powers that are withheld from women. Men tend to be seen as the decision-makers and the representatives of the family in the

outside world, while women are considered only in terms of their position of wife, daughter, sister or niece. Also, at the village level men dominate the grass-roots and customary decision-making bodies. The paucity of female involvement in politics is exacerbated by male chauvinistic attitudes.

93. Despite civil society's awareness-raising activities, the women's participation in political and electoral life remains minimal, with an enormous gap between men and women. More significantly, the women's participation in party politics is far smaller than men's. Women hold neither strategic nor decision-making positions in political parties, but are relegated to operational tasks and mobilization of women voters. Consequently, since Comorian independence, the proportion of women in parliament has been very low: of those elected at the most recent legislative elections, held in December 2009, some 3 per cent were women and 97 per cent men. As indicated in the thematic paper on Millennium Development Goal 3: Promote gender equality and empower women, "This underrepresentation of women at the level of political decision-making appears to be due, according to most of the documents examined, to the chauvinistic attitude of Comorian men, women's lack of training to prepare for senior government posts and their lack of self-confidence" (*Rapport thématique de l'OMD 3, «Promouvoir l'égalité des sexes et l'autonomisation des femmes»*, Samia Abdoul Madjid, October 2009, p. 16).

#### **Repeated pregnancy and childbirth**

94. A sizeable proportion of women are sidelined from decision-making and political life because of repeated pregnancy and childbirth. They are excluded on the pretext that pregnancy and motherhood makes them unsuitable for positions of responsibility.

#### **Lack of proactive measures**

95. The lack of proactive policies and measures to enforce political rights, such as quotas and other forms of positive discrimination, restricts women's involvement in political and public life.

#### **The silence and impunity surrounding domestic violence**

96. Many women often suffer spousal abuse by their own husbands or violence by their husbands' relatives when they engage in politics without the husband's consent. However, most victims of such violence are reluctant to denounce their husband in order to avoid humiliation and preserve marital harmony.

### **Chapter III Economic, social and cultural rights**

97. Social, economic and cultural rights deal with equal opportunities for men and women in terms of access to education, vocational training, employment and health, in addition to women's access to the same economic facilities as men. These rights are enshrined in articles 4, 5, 10, 11, 12, 13 and 14.



### III.1 Progress achieved

#### Article 4

(a) *Temporary special measures aimed at accelerating de facto equality between men and women*

98. The temporary special measures adopted by the Comoros to accelerate de facto equality between men and women involve affirmative action in favour of girls' school enrolment.

99. Concerned by the persistent disparity between boys and girls in education, the Government of the Comoros adopted a national plan of action for 2005–2007 to promote education for girls, with a view to reaching a net enrolment rate of 83.7 per cent for girls and boys alike. The Comorian Movement for Girls' Education, created at the time the plan was launched, pursued this initiative. At that time, the movement successfully sought formal abolition of school fees by the President and the regional island presidents, particularly for girls, so paving the way to free education, one of the MDGs.

100. This measure is implemented differently from island to island. In Mwali and Ngazidja schooling is free for girls and boys, whereas in Ndzwani it is free only for girls.

(b) *Special measures for women*

101. The Government of the Comoros has taken a number of special measures for women under its current legislation.

102. The Labour Code stipulates that a woman shall retain her job and salary during the 4 months and 10 days of the mourning period following the loss of her husband. Women are also entitled to take nursing breaks for a period of 15 months.

#### Article 5

(a) *Measures taken to eliminate prejudices and customary practices*

103. Custom is favourable to girls, who have the right to inherit family property and assets, making them unavailable to men.

(b) *Shared responsibility for children's upbringing and development*

104. Under article 86 of the Family Code, both parents are jointly required to "feed, look after and affectionately bring up their children", and strict equality is established by law.

#### Article 10

(a) *Equal rights in the field of education*

105. Comorian law contains no provisions that discriminate against women with regard to education, and the same is true of the Constitution, which emphasizes "the right ... of all to education".

106. The Comoros has taken the legislative measures necessary to ensure effective equality of right to education for all persons without discrimination. Thus, the Government adopted Act No. 94-023/AF establishing educational policy, promulgated by Presidential Decree No. 95-012/PR of 20 December 1994, as well as the education and vocational training policy framework in 2005. Its overall aim is to ensure that "every Comorian child receives high-quality education worthy of the country's social values".

107. There was significant progress in first-year primary school enrolment between 2005 and 2008, especially in net admission rates. During this period, the gross admission rate increased from 77.7 per cent to 79.6 per cent and the net admission rate from 19 per cent to 34.6 per cent. Anjouan was the only island on which the admission rate decreased, from 76.2 per cent in 2005 to 67 per cent in 2008. Moheli posted considerable progress in the associated gender parity index, which rose from 0.8 in 2005 to 0.9 in 2008. The index remained steady at 0.9 at national level during the same period.

(b) *Access to the same curriculums and examinations*

108. Girls and boys have equal access to primary, secondary and post-secondary education and to course examinations. Under the education and vocational training policy framework, the Government aimed at a 100 per cent net enrolment rate in 2009 for all six-year-olds, regardless of sex or geographical origin (Education and Training Policy Framework 2005–2009, p. 26). Accordingly, in its Educational Policy Strategy the Government has envisaged a 3 per cent annual increase in girls' enrolment (Periodic report on implementation of the Convention on the Rights of the Child, p. 54, March 2005).

109. Girls and boys are admitted to technical and vocational courses on a competitive basis and take the same examinations. Scientific and technical subjects are open to applicants of both sexes at all levels of education.

(c) *Elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education*

110. Comorian schools are co-educational. The State recognizes private schools. Public and private schools are open to all children of both sexes; they are subject to the same admission formalities and there is no quota system.

111. However, temporary special measures have been taken to promote girls' school enrolment in order to expedite de facto equality between girls and boys. In private schools girls and boys learn under the same conditions.

(d) *The same opportunities to benefit from scholarships and other study grants*

112. Scholarships are awarded without discrimination based on sex. Girls are offered grants on the same terms as boys. No grant is awarded on the basis of gender.

(e) *Equal opportunity of access to programmes of continuing education, including adult and functional literacy*

113. In the Comoros, at every level of education and in every grade, programmes and course content are the same for pupils of both sexes.

114. According to the analytical report on the data contained in the 2007 General Population and Housing Census concerning education and literacy in the Comoros, the literacy rate among those aged 15 years or over is 41.7 per cent, while among persons aged 15–24 years it is 61.9 per cent.

115. There is a marked literacy gender gap of approximately 13.4 per cent nationwide, female literacy being considerably lower than male. Rates vary from island to island, depending on each island's language of literacy. On that basis, 64.8 per cent of women and 51.4 per cent of men in the age groups 15–24 and 25 years and over are illiterate.

116. There are three official national languages in Comoros: Comorian, French and Arabic. In terms of literacy, Comorian in Latin script leads the field with 35.3 per cent, followed by French with 30.6 per cent and Comorian in Arabic script with 24 per cent. More women than men are literate in Comorian: in Latin script, 35.8 per cent of women are

literate as against 35 per cent of men, while in Arabic script 25.5 per cent of women are literate as against 22.9 per cent of men. Men are more literate in French and Arabic: 30.9 per cent of men are literate in French as against 30.3 per cent of women, and 8 per cent of men are literate in Arabic as against 6.1 per cent of women.

117. Some adult literacy programmes are provided by non-governmental organizations such as the National Women and Development Network, with support from the Government and development partners. The Forum for African Women Educationalists – Comoros section (FAWECOM) offers literacy programmes and education to girls with no schooling.

(f) *Reduction of the girls' dropout rate, and programmes for girls and women who have left school prematurely*

118. In 2008, the net primary enrolment rate in the Comoros was 76.1 per cent, with a completion rate of 57 per cent. Greater efforts are required if the target of primary education for all is to be met by 2015.

119. Significant progress in net enrolment rates has been made throughout the country in recent years. Yet there are still island and gender disparities in access to schooling. With a net enrolment rate of 80 per cent, Ngazidja has the best school coverage, but at 0.8, its gender parity index is lower than that of the other islands.

120. The weakest enrolment performance was found on the island of Ndzuwani, which had a net enrolment rate of 72.6 per cent and a gross enrolment rate of 93.3 per cent in 2008.

121. The table below spells out the current situation regarding girls' and boys' access to education.

Table 5  
**The current situation regarding girls' and boys' access to education**

<i>Rate (school year 2007/08)</i>	<i>Girls (%)</i>	<i>Boys (%)</i>
Gross admission rate (GAR)	77.4	81.7
Net admission rate (NAR)	34.1	35
Gross enrolment rate (GER)	91.8	107.8
Net enrolment rate (NER)	72.3	79.8

*Source:* Ministry of National Education, National Planning Department.

Table 6  
**Numbers and gender parity in primary education in the three islands (2005–2008)**

<i>Island</i>	<i>Numbers in primary education 2005</i>			<i>Numbers in primary education 2008</i>		
	<i>Girls</i>	<i>Boys</i>	<i>Gender parity</i>	<i>Girls</i>	<i>Boys</i>	<i>Gender parity</i>
Ngazidja	23 059	24 320	0.94	23 525	29 524	0.79
Mwali	3 084	3 832	0.80	3 322	4 204	0.79
Ndzuwani	21 509	26 410	0.81	23 017	26 872	0.85
Comoros	47 652	54 562	0.87	49 864	60 600	0.82

*Source:* Table of indicators for 2005 and 2008 (Ministry of National Education, Research, Culture and the Arts).

Table 7

**Statistics on progress in gender equality in junior and senior secondary schools, 2005 to 2008**

School year/numbers	2004/05		2006/07		2007/08	
	Junior	Senior	Junior	Senior	Junior	Senior
Girls	13 781	6 791	11 982	6 476	11 979	5 516
<b>Total</b>	<b>28 646</b>	<b>14 502</b>	<b>27 256</b>	<b>13 682</b>	<b>27 256</b>	<b>14 456</b>
Girls %	48.1	47	44	46.7	44	38
Boys %	51.9	53.2	56	53.3	56	62

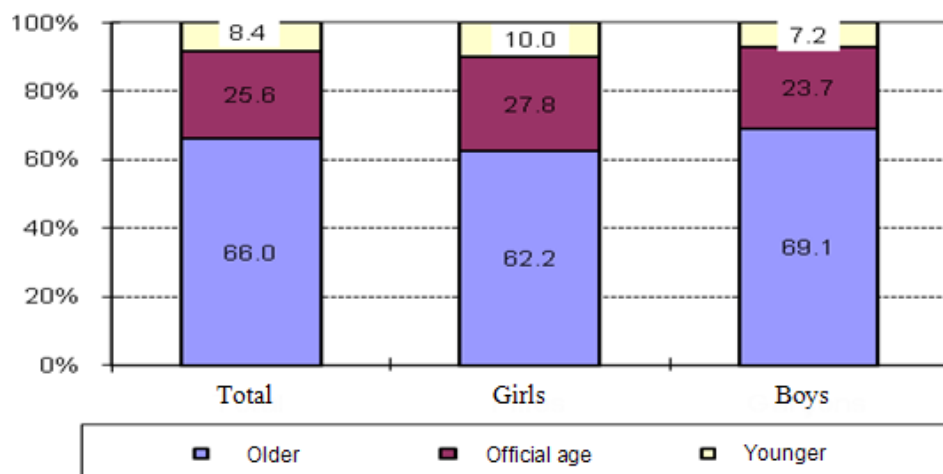
Source: Table of indicators for 2005, 2007 and 2008 (Ministry of National Education, Research, Culture and the Arts).

122. This shows that there is not yet gender parity in primary and secondary education. The situation is alarming, particularly in secondary education, where the number of girls keeps falling, thus underscoring the gender gap.

123. Similarly, in terms of quality, the system is producing marginal results. Educational levels are low, with a mere 8 per cent of children enrolled in primary school at the desired skills level, while 66 per cent are lagging behind. Also, educational data for 2008 show that 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.

124. The primary school repeat rate for 2008 disaggregated by gender is shown in the table below.

Table 8

**Repeat rate**

Source: Table of indicators for 2008.

125. Thus, in order to improve educational quality so that pupils can attain the desired skills levels, the primary education curriculum was reformed in 2006 and to introduce a performance-based approach. The purpose of the curriculum reform is to promote basic skills in mathematics and French, and early learning with a view to a significant increase in the primary school completion rate. It was introduced gradually and after the experimental phase it was extended to all first and third year classes (CP1, CE1) in 2008 and to second and fourth year classes (CP2, CE2) in 2009. The reform benefits 76,659 children, 25,406 of them girls. All teachers and administrative staff have been trained to understand and use the tools it provides. The reform also offered the opportunity to review textbooks and eliminate both male and female sexist stereotypes.

(g) *The same opportunities to participate actively in sports and physical education*

126. In the Comoros, all primary and secondary school pupils of both sexes may participate in all disciplines of sports and physical education.

127. This means that girls and boys have the same opportunities to participate actively in sports and physical education.

128. In recent years, many women have won national or regional prizes in sports and cultural competitions.

(h) *Access to specific educational information to help to ensure family health and well-being, including information and advice on family planning*

129. The Comorian curriculum contains no specific modules on education in population and family life.

130. However, programmes on sexually transmitted diseases (STDs) and HIV/AIDS provide girls with access to such information.

131. Moreover, the Comorian Family Welfare Association (ASCOBEF) offers such education to adolescents of both sexes.

## **Article 11**

1 (a) *The right to work as an inalienable right of all human beings*

132. The inalienability of the right to work is guaranteed by domestic law.

133. Article 1 of Act No. 84-18/PR on the Labour Code does not discriminate in any way against women. Article 2 provides that: “all Comorian citizens have the right to work, training and professional development”. It makes no distinction between employees on grounds of sex.

1 (b) *The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment*

134. Regarding equality, access to the labour market, and selection criteria, the domestic legislation prohibits any discrimination on gender grounds. Article 2 of Act No. 84-18/PR on the Labour Code prohibits any employer from “taking into consideration ... gender on making recruitment decisions”.

135. Similarly, article 5 of Act No. 04-006/AU establishing 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 distinction on the basis of gender, religion ...”.

136. The statutes governing the judiciary do not discriminate on the basis of gender with regard to access to the profession. Women who meet the required qualifications have unrestricted access to the profession, which means that both men and women preside in Comorian courts.

*1 (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training*

137. The Labour Code addresses this issue, stipulating that the same standard should be applied equally to male and female workers. It also provides for freedom of contract without discrimination.

138. Article 2 of the Labour Code provides the right to receive vocational training and retraining, which are offered on the basis of the employee's qualifications and experience and the needs of the employer, regardless of gender.

*1 (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value*

139. Concerning the right to equal pay, article 97 of the Labour Code provides 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 receive equal pay for equal skills. This provision was reaffirmed in the collective agreements provided for in articles 71 et seq. of the Labour Code, which require inclusion of the principle of "equal pay for equal work", respected and protected by the State, women and young persons.

140. The services of government officials and agents are compensated in accordance with a scale based on school and university education, qualifications and seniority, but not on sex.

*1 (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave*

141. The Labour Code guarantees the right to social security, retirement and paid leave. Indeed, article 7, Title II, of the Labour Code, which concerns trade unions, states unequivocally that women may fully exercise their right to organize, as activists or as leaders.

142. The right to health protection and safe working conditions is enshrined in articles 142 to 146 of Act No. 84-18/PR establishing the Labour Code, without any discrimination whatsoever based on sex. These provisions are substantiated by those of Act No. 88-015/AF concerning general measures for the prevention of occupational hazards, and improved working conditions.

*1 (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction*

143. Comorian law provides for healthy and safe working conditions. Articles 142 to 146 of Act No. 84-18/PR establishing the Labour Code guarantee the safety and hygiene of workers, with no distinction between men and women. These provisions are substantiated by those of Act No. 88-015/AF concerning general measures for the prevention of occupational hazards, and improved working conditions.

2 (a) *Prohibition, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or maternity leave, and discrimination in dismissals on the basis of marital status*

144. Any dismissal on grounds of pregnancy or marital status is prohibited under Comorian law. Article 46 (3) of the Labour Code prohibits dismissal for reasons of pregnancy or marital status. Similarly, article 60 allows women to suspend a work contract without notice for up to 14 weeks. This period, which may be extended by three weeks in cases of medical necessity, is paid in full by the employer who therefore may not cite the woman's state of health as a reason for dismissal.

2 (b) *Paid maternity leave without loss of former employment*

145. The Labour Code also provides for paid maternity leave without loss of former employment. This system is of considerable advantage to women, who may also take nursing breaks for up to 15 months. A mother may also break her employment contract without notice and without having to pay compensation for doing so.

146. The Labour Code 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.

2 (c) *Necessary supporting social services to enable parents to combine family obligations with work responsibilities*

147. The Comoros has no specific social services to enable parents to combine family obligations with work responsibilities.

148. Nonetheless, child rearing and upkeep is traditionally shared by various family members including grandparents, aunts, sisters-in-law and sisters.

2 (d) *Provision of special protection during pregnancy to women in types of work proven to be harmful to them*

149. The Government has taken special measures to help pregnant women engaged in work proven to be harmful to their health. Article 119 of the Labour Code entitles "women and children to a minimum rest period of 12 consecutive hours". Similarly, women's work "should not be too strenuous for them". Such a request by the person concerned cannot be turned down.

150. These specific provisions supplement the more general provisions under articles 142 et seq. of the Labour Code.

151. It guarantees additional protection for pregnant women, who are considered vulnerable because of the state of their health.

## **Article 12**

### **Equal rights to health care**

152. The preamble to the Constitution of the Comoros proclaims the "right of all to health and education".

153. Article 5 of the Code of Public Health and Social Action for the well-being of the population provides the protection and promotion of the public health and health services are the responsibility of the State.

154. This Health Code (Act No. 95-103/AF) does not discriminate between men and women in any way. The right of all citizens to health is recognized without any distinction, including gender.

155. The National Health Policy and its implementation plan, which were reviewed in 1996 to conform to the objectives of the International Conference on Population Development (ICPD), affirmed that health is a basic right of all Comorians without discrimination of any kind. These objectives are reaffirmed in the strategy guidelines of the National Gender Equity and Equality Policy.

156. The decrease in maternal and infant mortality is also central to the objectives of these instruments; mother and child health are matters of fundamental concern to the central Government and local health authorities.

#### **Provision of appropriate free services during pregnancy**

157. The Comorian Government has taken important steps to ensure that women are provided with appropriate services during pregnancy, confinement and the post-natal period. The Government's efforts to provide appropriate services for women, in particular during pregnancy and confinement, are set out in the following table.

Table 9

#### **Provision of appropriate services for women, in particular during pregnancy and confinement, in order to reduce the maternal mortality rate**

<i>Target indicators 2015</i>	<i>Baseline</i>	<i>Recent level</i>	<i>Target level</i>
Maternal mortality rate (per 100,000 live births)	517 (RGPH 1991)	380 (RGPH 2003)	129
Rate of childbirth in health centres, assisted by qualified medical personnel (%)	52 (EDS 1996)	80 (RETMN 2009)	> 60
Contraceptive prevalence rate (%)	26 (MICS 2000)	19 (RSDME 2008)	> 55
Rate of women receiving prenatal care at least once, and those receiving prenatal care at least four times during their pregnancy	52 (MICS 2000)	53 (RSDME 2008)	100

*Source:* Millennium Development Goals, Mid-term review, December 2009, p. 56.

158. Progress in this area has been achieved through a number of government policies and programmes.

#### **Health system**

159. The Government of the Comoros has established a three-tier pyramidal health system comprising namely:

- Central
- Island
- Outlying areas

160. This decentralized system facilitates women's access to medical treatment, reproductive health, maternal health and family planning, especially women from underprivileged backgrounds.

161. A network of military health clinics and others run by NGOs such as Caritas Internationalis at the Catholic Mission and a burgeoning private sector on all the islands.



**Pride of place to family planning**

162. Since 2002, the Government has had in place a reproductive health strategy and a road map for speeding up reduction of maternal and neonatal mortality.

**Family planning as a prime Government concern**

163. Family planning advice is offered by 97 per cent of health institutions. Although there is a dearth of data on the topic, contraceptive distribution figures appeared to indicate that acceptance of contraception is beginning to gain momentum. Monthly average consumption rates of certain products have almost doubled during the past five years.

**State measures to control fertility rates**

164. The 2003 General Population and Housing Census data indicate that the fertility rate among Comorian women remains high, although lower than those of past censuses. The total fertility rate (TFR) was calculated at 5.3 children per woman in 2003. In 2008, it was estimated at 4.95 children per woman, on the basis of reasonable assumptions and taking fertility reduction programmes into account. The basic fertility trend is one of decline, more pronounced among women in the 20–34 age group. The trend is opposite among older women (age 35–40).

165. The downward fertility trend is attributable to various factors, including the higher average age at first marriage, progress in family planning, and women's access to education. Accordingly, the most significant change in the total fertility rate has been among those aged 35 years and over.

**Determined action in the fight against sexually transmitted diseases (STDs) and HIV/AIDS**

166. The HIV epidemic is not very prevalent in the Comoros with a low rate at less than 0.05 per cent (0.025 per cent in 2003), including among the most typically vulnerable groups, such as sex workers or carriers of other STDs. However, one cannot discount the risk of a rapid increase, given the presence of certain determinants including:

- Poverty (more than half of the population lives below the poverty line: 54.7 per cent according to the 2004 Household Survey), which implies an increase in occasional prostitution
- The low school enrolment rate (37.9 per cent)
- Teenage girls' unfamiliarity with prophylactic methods (53.3 per cent)
- High STD prevalence (4.6 per cent among adults in 2006)
- Low rate of male and female condom use (22 per cent)
- Poor support structures and inadequate provision of STD services in our health institutions

167. The country has therefore developed a multisectoral HIV strategic plan focusing on five main elements, namely:

- 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 of STD services, screening, epidemiological surveillance and comprehensive services for persons living with HIV/AIDS
- An environment conducive to the protection of persons living with HIV/AIDS, and the legal framework
- Coordination, follow-up and evaluation, which includes supervision, monitoring, meetings, study and research

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

### **Article 13**

(a) *The right to family benefits*

169. The Comoros does not so far have a social security system, the main reason why women do not have access to health care.

170. In order to remedy the situation, a cooperative health insurance scheme is currently being established as a means of providing proper health care for the population. The main objective of the mutual health insurance system is to sustainably improve public access to higher quality health services on a sustainable basis, especially care for mothers and children. The services provided by these mutual insurance schemes consist mainly of hospitalization for medical or surgery treatment, childbirth (normal or with complications), antenatal care and accidents (broken bones, burns, minor surgery and so on).

(b) *The right to bank loans, mortgages and other forms of financial credit*

171. The Comorian sector permits no discrimination whatsoever on grounds of sex. Men and women alike have access to credit, enabling women to take personal initiatives in the development process. Credit associations such as Mutuelles d'Épargne et Crédit ya Komor (MECK) (Comoros Mutual Savings and Credit) or Sanduk grant loans to women and men on the same terms. Moreover, with UNDP support, the Government has implemented specific measures for women in this field. The Government/UNDP project to give vulnerable groups access to credit and enable them to establish microenterprises, known as *Appui à la création et au développement des micro et petites entreprises* (AMIE) (Support for the creation and development of micro and small-scale enterprises), has a small loans programme for women. More significantly, in the context of poverty reduction, AMIE cooperates with women's associations, to which it provides credits ranging from 250,000 to 1 million Comorian francs (CF). For their part, the associations lend to their members, under a legal and financial warranty (regularly constituted associations) and a deposit of 10 per cent of the loan amount. Thus, of the 1,050 microcredit loans granted between 2001 and 2006 for the establishment and consolidation of microenterprises, 522 were to women. The same conditions applied to urban and rural areas. This system of loans and support for the creation of microenterprises has been taken over by the *Fonds d'Appui au Développement Communautaire* (FADC) (Community Development Support Fund) through income-generating activities, MECK agencies and other microfinance institutions and initiatives. These initiatives have helped improve the landscape of small-scale businesses in the Comoros.

(c) *The right to participate in recreational activities, sports and all aspects of cultural life*

172. The right to participate in recreational and cultural activities is enshrined in Act No. 81-29 on the organization of physical and sporting activities. Article 1 in particular “guarantees for everyone, young or adult, the possibility to engage in the physical and sporting activities of their choice” and reaffirms this right, declaring that “everyone shall be free to practise ... the physical and sporting activity of their choice”. Consequently, there are a substantial number of highly active women’s sports teams in various disciplines, such as football, handball, volleyball and basketball.

**Article 14**1. *Situation of rural women in terms of the Convention*

173. According to the 2003 General Population and Housing Census, women represent 50.4 per cent of the population; 28 per cent live in urban areas and 72 per cent in rural areas.

Table 10

**Distribution of the resident population by sex and area**

<i>Location</i>	<i>Total population</i>	<i>Number of households</i>	<i>Male population</i>	<i>Female population</i>	<i>Ratio of men to women</i>
Union of the Comoros	<b>575 660</b>	97 306	285 590	290 070	0.98
Urban	<b>160 865</b>	29 669	79 877	80 988	0.99
Rural	<b>414 795</b>	67 638	205 713	209 082	0.98

*Source:* General Population and Housing Census 2003.

174. Domestic legislation does not provide for any specific measures for rural women but places rural and urban women on an equal footing. Thus, current policy measures and legislative provisions apply to both rural and urban women.

175. However, rural women are inadequately informed about all the legal provisions for protection of their rights under the Convention because they have difficulty obtaining access to information, mainly owing to their limited level of education and the absence of a permanent mechanism for training and information adapted to local conditions.

176. In recent years, the General Office for Solidarity and Gender Advocacy, with technical and financial support from development partners and in cooperation with NGOs and associations, has carried out awareness-raising and information activities in all three islands through training and information workshops for rural women on the core women’s rights instruments.

2 (a) *Participation in the elaboration and implementation of development planning*

177. Rural women participate on an equal basis with men in the elaboration and implementation of local development projects, for which they are much in demand because of their actual availability and their grasp of the issues involved. The existence of a considerable number of women’s mutual aid groups and associations, the main stay of rural women’s improvement of their economic situation, accounts for this trend.

2 (b) *Right of access to adequate health-care facilities*

178. This problem is resolved under Comorian law. The aforementioned provisions of the Health Code, in particular articles 142 to 145, apply to all Comorian nationals without

discrimination on grounds of sex or social origin. Similarly, the establishment of district and local health centres has given rural women access to health services.

2 (c) *Social security*

179. The Comoros does not have a social security system. However, a prototype mutual health insurance scheme is gaining ground throughout the country.

2 (d) *Education and literacy*

180. In education, gender problems are inherent in girls' late and still unequal school enrolment and their high rate of dropout between primary and secondary school. Education is open to all Comorians without distinction on grounds of sex or social origin. There is less of a gap between girls and boys in secondary and higher education, although girls' enrolment in technical and vocational education remains very low.

181. Female illiteracy is higher than male in the Comoros. The disparities are more pronounced in rural areas (56.9 per cent) and among women (57.8 per cent).

182. Similarly, the literacy rate among persons in the 15-plus age group is 41.7 per cent and 61.9 per cent in the 15–24 age group.

183. The literacy gap between men and women, especially rural women, is significant. The gap is approximately 13.4 per cent nationwide, with women's literacy lower than men's, according to the report analysing the data contained in the 2007 General Population and Housing Census on education and literacy in the Comoros.

184. Moreover, a number of functional literacy training and project management courses to promote income-generating activities are conducted through development projects such as AMIE, *Projet d'Appui aux Initiatives Économiques de Base (AIEB)* (Support to Economic Grass Roots Initiatives Project), decentralized financial institutions, local development projects and FADC.

2 (e) *Equal access to economic opportunities*

185. Gender analysis of the labour market by sector in terms of employment and economic activity reveals the feminization of casual and informal employment and unemployment in the Comoros. The agricultural sector employs the largest proportion of women (66.9 per cent), whereas a mere 30 per cent of civil service employees are women, mainly in low-ranking positions. There are more self-employed women (56.1 per cent) than men (47.5 per cent), and 47 per cent of the unemployed in the Comoros are women. In agriculture, women are involved mainly in subsistence farming, market gardening and poultry farming. They also cultivate cash crops but are seldom involved in their sale. On the contrary, in the fish trade women mainly do the selling. With regard to land, the problems lie in the absence of land registry and inadequate land registration, in addition to the matrilineal system whereby land may not be divided up or transferred, thus preventing women, even traditional landowners, from using it, for example, to secure bank loans. Women also engage in craft industries (18.8 per cent) and services (17.05 per cent). More and more women are working in the formal private sector (18.3 per cent).

186. In addition to the agriculture sector, rural women have embarked on income-generating activities with the support of certain technical and financial partners, the main industries being poultry farming, manufacture of traditional garments, market gardening and catering/bakery. Some of these activities are financed by the *tontine* system established by women to provide mutual support.

2 (f) *Participation in all community activities*

187. Rural women participate in community development activities. They help formulate local development plans, and work in community development projects, to which they are invited for their ability to mobilize or their grasp of the problem. A number of women's groups and associations provide mutual assistance, their principal means of improving their economic situation in rural areas. The de facto exclusion of Comorian women from community decision-making is on the wane owing to the dynamism of women's associations and their members' increased self-confidence.

2 (g) *Access to credit*

188. Access to credit is not subject to discrimination based on either social or regional origin or sex. Rural women and men have equal access to financial credit under the conditions required by the lending institutions. Women entrepreneurs have very limited access to traditional bank credit because they do not meet the loan conditions. In order to overcome this problem, microfinance institutions have developed financial products specifically for women and grant credit on more flexible terms, making for a female clientele of over 50 per cent. Thus, microfinance institutions in the Comoros are among the specific supporters of gender equality.

189. The Government has also instituted specific savings measures for the rural population, thereby helping to establish decentralized financial institutions. In order to encourage savings and small-scale lending to the rural population, a number of projects have been set up to help finance activities in rural areas. This policy has yielded satisfactory results; it has given a considerable number of women, mainly from rural areas, access to credit.

190. These projects include MECK savings and loan associations which, since their establishment in 1996, have promoted the emergence of a genuinely independent network of mutual financial institutions capable of significantly improving and ensuring the sustainability of financial intermediation in rural areas.

191. Some 12 MECKs have been established, with approximately 50,000 members, most of them women living in rural areas. They have raised some 10 billion Comorian francs in savings and their current loans stand at some 5 billion Comorian francs.

2 (h) *The right to adequate living conditions*

192. Rural women make up the sector of the population in whose living conditions are dominated by poverty. According to the 2004 Household Survey, the incidence of household poverty is as described below.

193. The incidence of rural household poverty was 39.1 per cent on Grande Comore, 43.5 per cent on Anjouan and 38.3 per cent on Mohéli. In urban areas, with the exception of Mohéli, approximately one quarter of households are poor. Personal poverty was also highest in rural areas. The incidence of personal poverty was 45.4 per cent, 52.1 per cent and 50.2 per cent respectively in the rural areas of Grande Comore, Anjouan and Mohéli, putting the proportion of poor households in rural areas in the Comoros at 78.8 per cent. It is this that determines the population's living conditions.

194. According to the 2004 Household Survey, some 48 per cent of the population live in houses made of sheet metal and coconut leaves, most of them without electricity, water or sewerage.

195. Wood is still the main source of energy for cooking and is used by some three quarters of households. A great deal of the wood is fetched by the women, particularly in rural areas.

196. Similarly, some 90 per cent of the population nationwide does not have access to “safe” drinking water. Neither the rainwater stored in tanks, which is the primary source of drinking water in Grande Comore and is used by 50 per cent of households, nor the tap water or fountain water used by many households in Anjouan (39.5 per cent) and Mohéli (36.1 per cent), is clean, lacking as it does protection against various chemical or bacteriological pollutants.

197. The electricity situation is similar. A mere 37.8 per cent of households nationwide use electricity as a source of light.

### **III.2 Obstacles to the implementation of economic, social and cultural rights**

198. The Government of the Comoros faces a number of serious obstacles with regard to full implementation of the Convention in the area of social, economic and cultural rights, particularly in the education, health and economy sectors.

199. In the education sector, the Government’s structural budget problems:

- Limit the State’s capacity to invest in improving the physical environment of schools, which for the most part are in an obvious state of disrepair
- Lead to repeated strikes by public sector teachers because of chronic irregularities and arrears in civil servants’ pay, which leads to disruption of the school year, reduced quality of education and lower student grades
- Require a double shift system, owing to the shortage of classrooms, thus reducing statutory school education hours
- Result in a severe shortage of appropriate resources for central and decentralized education, making for a high level of teacher absenteeism and the unchecked growth of private institutions

200. The consequences of this situation are a low female literacy rate, a high female school dropout rate and a low rate of female enrolment in basic education.

#### **Health sector**

201. The impoverishment of the population, particularly of women, is one of the main obstacles to women’s access to health services. Similarly, article 53 of the Health Code, which provides that the cost of “health care and services in public health facilities shall be assumed by the people”, does not facilitate women’s access to health care.

202. Likewise, the absence of a functioning social security system aggravates women’s lack of access to health care. However, a mutual health insurance scheme is currently being established.

203. Traditional childbirth practices persist. Some 28 per cent of births take place at home using traditional methods, according to the 2000 Multiple indicator cluster survey (MICS). The significant number of births registered outside health institutions is reflected in a high rate of neonatal infections, which are one cause of maternal and neonatal mortality.

204. The fact that abortion is prohibited under the Health Code has led to a troubling increase in the number of backstreet abortions in the Comoros. Many women, including girls under 18 years of age, become sterile or suffer gynaecological and obstetric problems as a result of procedures performed under unsafe conditions.

205. The lack of basic obstetric care facilities and the high cost of services deprive many women of access to a Caesarean section.

**Employment sector**

206. The difficulties noted in the area of employment are essentially linked to the failure to enforce the regulations and to political patronage.

207. Despite the various measures taken to ensure equal rights to work and special protection for women, not only does political patronage permit its protégés to flout the rules, but some employers, motivated by considerations of profit, ignore the legal provisions on specific measures for women.

208. Moreover, Act No. 88-015/AF on general measures for the prevention of occupational hazards and the improvement of working conditions does not make specific provisions for women, especially pregnant women.

209. Women's unfamiliarity with the regulations makes them vulnerable to violations of the rights laid down in the Convention.

210. Furthermore, the low educational level of a large segment of the female population makes the unemployment rate among women twice as high as among men (19.2 per cent as against 9.2 per cent), according to the 2004 Household Survey.

**Economy sector**

211. Although rural credit unions have expanded, women remain at a relative disadvantage to men. Less than 17 per cent of loan recipients are women because they have difficulty finding the required financial guarantee.

212. Women's entrepreneurship is still at the organizational stage, but comes up against problems of access to credit and markets, and women entrepreneurs' poor management skills.

213. Some women entrepreneurs operate under their husbands' authority and do enjoy effective autonomy in the management and development of their enterprises.

## **Chapter IV**

### **Civil and citizenship rights**

214. Civil and citizenship rights are intended to protect the integrity, freedom, personal and family life and property of women. They are set out in articles 6, 9, 15 and 16 of the Convention.

**IV.1 Progress achieved****Article 6****Measures taken to suppress organized prostitution, trafficking in women and exploitation of prostitution of women**

215. Organized prostitution, trafficking in women and exploitation of prostitution of women have no place in Comorian society.

216. Gender-based violence does exist in the Comoros: according to a 2006 national qualitative study, a third of all women suffer from domestic violence at the hands of a spouse. Some women suffer materially and financially after divorce and are subjected to physical and psychological violence (insults and verbal abuse) from members of their own family (husbands, fathers, uncles, brothers, fiancés) or their in-laws. Repudiation and divorce being regarded as a disgrace to a woman and her family, the blame is almost always placed on women.

217. A few figures<sup>1</sup> illustrate the situation:

- 2006–2009: 135 requests for maintenance
- 2008: 115 cases of wilful desertion
- 2009: 40 cases of wilful desertion

218. Children, both girls and boys, of all social categories and all ages also suffer from physical, sexual and psychological ill-treatment. Since the opening of helplines on the three islands in 2004, over 700 cases of violence against minors have been reported,<sup>2</sup> with girls disproportionately affected. A “law of silence” appears to be observed by the victims themselves, their families, the Comorian authorities, development partners and civil society organizations, all of which view the issue as taboo. This is demonstrated by the lack of official figures on the number of women subjected to violence, their profile and the regions most affected. The child victim figures reflect only the more conspicuous cases, since complaints are rare and it is not standard practice on the islands to use the helplines. Among other challenges are the lack of outreach centres for victims, helplines for child victims of violence (only three across the entire country), psychological and social care facilities for victims, and preventive measures to protect women and children against violence and other forms of discrimination, not to mention ineffective punitive measures since not all rapists are convicted.

219. More often than not, cases of rape are settled amicably. Reluctant to subject their children to public exposure, some parents of victims come to an arrangement within the family or accept the decision handed down by the courts. In both cases financial compensation is involved. This procedure is becoming more common but makes it impossible to produce statistics on this kind of offence.

220. In terms of legislation, article 322 of the Criminal Code covers procuring, making it punishable with 1–3 years’ imprisonment sentence and a fine of between 75,000 and 1 million Comorian francs. The Code provides for aggravating circumstances, taking into account, inter alia, whether the victim is a minor, or the offender a direct ascendant. Aggravating circumstances also apply to instances where victims “have been engaged in or encouraged to engage in prostitution outside the country”. This provision also applies to international trafficking in women.

## **Article 9**

### *(a) Equal rights to acquire, change or retain their nationality*

221. Legislation on nationality is gender-neutral. Likewise, and in the interest of preserving national unity, article 9 of the Constitution states that nationality falls exclusively within the competency of the Union of the Comoros. In this regard, article 5 specifies that nationality may be acquired, retained or lost in accordance with the law and that no Comorian citizen by birth may be deprived of his or her nationality. Nationality is governed by the Act establishing the Nationality Code of 12 December 1979. The Act thus establishes conditions pertaining to the acquisition, conferral, loss or forfeiture of nationality, as well as disputes relating to nationality, irrespective of gender. It is in this light that article 10 of the Act confers Comorian nationality “on every individual born in the Comoros to Comorian parents”.

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<sup>1</sup> Source: Office of the Juvenile Court, October 2009.

<sup>2</sup> Statistics from the Grande Comore helpline, 2009.



222. Similarly, the Nationality Code prohibits any gender-based restriction of rights in respect of the acquisition of Comorian nationality in a mixed marriage. That is to say, a mixed marriage does not constitute grounds for loss or forfeiture of Comorian nationality. Under article 54 of the Act, “a Comorian woman married to a foreigner retains Comorian nationality”.

223. Consequently, a Comorian citizen of any sex may have a second nationality of his or her choice.

224. Moreover, unless she chooses to forgo her right, a foreign woman who marries a Comorian citizen may acquire Comorian nationality while retaining her original nationality.

(b) *Equal rights with respect to the nationality of children*

225. National legislation specifies that in the Comoros children acquire their nationality by filiation, be it patrilineal or matrilineal. Therefore, under articles 10 and 11 of Act 79-12 establishing the Nationality Code, a child born in the Comoros of a Comorian parent is also Comorian, just as a person born abroad of a Comorian parent. Nationality is acquired by descent from either the mother or the father without discrimination. The Act of 15 May 1984 governs the civil status of Comorian citizens. A citizen’s civil status may be established and proven only through a civil status certificate and, in exceptional cases, by a judicial ruling or an affidavit.

**Article 15**

1. *Equality before the law*

226. Provisions on equality before the law accord women a legal capacity identical to that of men and the same opportunities to exercise that capacity.

227. For instance, the principle of the equality of men and women is unequivocally enshrined in the Constitution, which also establishes that both sexes enjoy identical legal capacity. Neither the Code of Criminal Procedure nor the Code of Civil Procedure contain any provisions that discriminate against women. Hence, there is no discrimination with regard to access to justice.

228. Similarly, the Family Code contains provisions recognizing the equality of men and women before the law.

2. *Legal capacity*

229. National legislation protects legal capacity, as defined in article 15, paragraph 2, of the Convention. Women therefore enjoy full legal capacity and may engage in all civil acts, namely to enter into a contract, to be a party to legal proceedings and to exercise and enjoy their rights.

230. A woman therefore has the right, of her own free will, to enter into loan contracts, to acquisition of real estate or other property. She may also enter into contracts by authorizing or appointing another person to act on her behalf. Women are full legal actors. Consequently, all parties appearing before Comorian courts have the same rights and duties. Under the law, the same conditions apply to both men and women. Article 118 of the Family Code likewise confers on all persons “full capacity to exercise their civil rights”, irrespective of gender.

3. *The right to property*

231. Comorian legislation on the right to property does not contain any discrimination on the basis of gender. Similarly, in commerce Comorian laws do not discriminate on the basis

of an entrepreneur's sex. In fact, article 2 of the Uniform Act on Commercial Law provides that "business persons are those who engage in commerce and make it their habitual profession". In this regard, women may administer their property freely and undertake commercial activities.

4. *Freedom of movement and residence*

232. The right to the freedom of movement and to the freedom of residence, as set out in article 15, paragraph 4, of the Convention, is protected by Comorian legislation. Article 7 of the Constitution stipulates that "no authority may adopt measures which directly or indirectly obstruct the freedom of movement and of settlement". This article applies to all Comorian citizens irrespective of sex, which means that women enjoy freedom of movement and residence.

233. It must be pointed out that, by local custom, the wife is the householder and the husband lives in his spouse's home.

### **Article 16**

1 (a) *The same right to enter into marriage*

234. Equality of rights, regarding entry into marriage, is fully recognized by law for both men and women. The Family Code confers on men and women the same right to enter into marriage. Thus, under article 17 of the Code, a marriage shall be valid if entered into with the consent of the two spouses. Article 20 establishes that "consent to marry must be firm and unconditional. A marriage entered into without the free consent of the two spouses [...] shall be null and void".

235. These are new developments, for in the past, marriages were negotiated between the sets of relatives.

236. However, a woman marrying for the first time must be accompanied at the marriage by a marriage guardian, who will serve as intermediary between the bride and the judge during the marriage ceremony.

1 (b) *The same right freely to choose a spouse*

237. The legal system of the Comoros is unique and derives from three different sources. This is why the legislation governing a spouse's freedom of choice is ambiguous.

238. On the one hand, it promotes the spouse's right to freely choose a spouse: a Comorian citizen is free to choose his or her spouse.

239. While on the other, it is restrictive in that the Family Code partly derives from Muslim law and forbids marriage between a Muslim woman and a non-Muslim man. Thus, article 16 stipulates that "A marriage must be Muslim. It may be concluded only between Muslims and it is this Code that sets out the requirements for a valid mixed marriage."

240. Accordingly, a Comorian woman may not marry a non-Muslim man unless he converts to Islam; but a man is not prohibited from marrying a non-Muslim woman.

1 (c) *Equality of rights and responsibilities during marriage*

241. The provisions on spouses' rights and responsibilities in the Family Code are ambiguous.

242. First of all, it promotes equality between spouses. Article 51 confers on both spouses the same obligations towards each other, namely: cohabitation, cooperation, mutual respect, fidelity, goodwill, family rights, inheritance rights and respect for the spouse's family.

243. However, the Family Code also contains some discriminatory provisions. For all that if it does not explicitly prohibit a woman from contributing to household expenditure, article 54 confers on the husband “the moral and material leadership of the household”. The husband therefore has “the obligation to feed and look after his wife and children”, making the wife a dependant with no real say in conjugal life or in important related decisions. This provision runs counter to article 23 of the Convention, whereby “Nothing [...] shall affect any provisions that are more conducive to the achievement of equality between men and women.”

244. Spouses’ rights to dissolve a marriage is incontestably discriminatory against women. In this area the law introduced certain provisions that are unfair to women. Barring minor formalities, a husband may effectively decide unilaterally to end a marriage without any compensation to the woman.

245. In the same vein, men may put an end to a marriage by meeting relatively simple conditions, while the conditions for women to do so are stricter. More importantly, women who file for divorce must comply with certain conditions that are strictly defined by law. In particular, she must indicate failure to provide support; prolonged absence without clear contact with the spouse; insanity or serious illness; spousal abuse by the husband; other problems such as homosexuality or drunkenness; an incurable ailment such as impotence; or adultery; polygamy; or abandonment of his religion.

246. However, article 62 of the Family Code establishes a procedure involving a judge, to prevent an excessively abrupt rupture of the conjugal bond. The *Talaq* (repudiation) must be pronounced in court and in the presence of the spouse. The magistrate may require the husband to reflect further before taking a decision. He also establishes the modalities for the separation: child maintenance, alimony for the spouse, and visiting rights.

247. In short, women cannot dissolve a marriage contract unilaterally as men can. However, article 78 grants women the opportunity to file for divorce without legal grounds by paying the husband a *khol* (sum of money). There is no minimum or maximum limit to the *khol*. This measure is applied on a consensus basis or on a court decision.

248. During divorce proceedings men tend to separate from their children as well, leaving the mother as the sole ward of any children. Consequently, divorced women often bring up their children alone. The alimony stipulated by law is seldom paid and women are reluctant to claim it.

*1 (d) Parental authority*

249. As regards parental authority, legislation provides absolute equality between men and women. Article 106 of the Family Code stipulates that “the father and mother both enjoy *wilayah* (parental authority) ... They are both responsible for any harmful impact on or ill-treatment of their children. They are liable under civil law for acts caused by minor children in their charge.” There is thus absolute equality not only in terms of the strict exercise of parental authority, but also of civil liability. This provision is in conformity with article 1384 of the Civil Code, which establishes the liability of parents for harm caused by minor children in their charge.

*1 (e) Birth spacing*

250. Neither the Family Code nor the Health Code contains any provisions in this area. The issue of birth spacing will therefore continue to be left to the discretion of the two spouses until provisions are introduced into the Health Code granting women greater capacity for birth control. But to date, an awareness-raising campaign focusing on the importance of family planning is having a marked impact on couples’ birth spacing.

*1 (f) Guardianship of children*

251. The legislation provides for equality in respect of the guardianship of children. In addition to the general provisions set out in the Civil Code, article 133 of the Family Code, stipulates that “the parents of a minor are entitled to be his or her legal guardians”. The same provisions apply to adult wards of the State. In such cases, the credentials of the individual applying to assume guardianship or curatorship are paramount.

252. When parents divorce, unless the judiciary decides otherwise, the mother assumes natural custody of a child.

*1 (g) The same personal rights to choose a family name, a profession and an occupation*

253. A married woman may keep her family name, but throughout her marriage and should she become a widow, she maintains the right to use her husband’s family name. Women may combine their own family name with that of their husband.

254. However, Islamic law requires that offspring bear only their father’s name.

255. There are no legal restrictions on the choice of profession or occupation.

*1 (h) Equal rights of spouses in respect of ownership*

256. Equality of spouses in respect of ownership poses no problems.

257. Women have every right to own property. However, the Islamic law recognizes only the system of separation of property. Women therefore continue to own their property and to exercise their property rights. No man may assume this right without the woman’s consent.

*2. Betrothal and marriage contracts*

258. Comorian legislation contains provisions on betrothal and marriage in order to combat underage and forced marriage.

259. Under article 14 of the Family Code, “men and women may not marry before they reach 18 years of age”. The marriage must be solemnized by a competent judge who, within five days, must certify it and record it in the civil registry. The registration must take place within 15 days, failing which, a fine of between 50,000 and 100,000 Comorian francs is imposed. The law contains penalties to discourage people from defaulting on these essential formalities. The penalties are also set out in Act No. 84-10 on civil status.

**IV.2 Obstacles in respect of the civil rights set forth in the Convention**

260. With regard to the measures taken to give effect to the civil rights set forth in the Convention, there are some significant constraints on full implementation of the Convention.

261. Despite the inclusion of the Convention provisions in the national legislation, and other legislative achievements, many discriminatory provisions impede the effective application of the Convention. These include the Family Code’s continuing authorization of polygamy, which is not only a harsh reality for women, but also and above all, a blatant form of discrimination against them. The fact is that article 27 of the Family Code establishes that “A man wishing to enter into a new marriage shall be required to inform his existing spouses of his wish to found a new family and apprise the future wife of his marital status. The judge responsible for solemnizing the marriage shall verify that these essential formalities have been fulfilled, otherwise a fine shall be imposed, as set out in article 37 of the Code.”

262. It goes without saying that men take the unilateral decision to practice polygamy in violation of article 27. Polygamy is therefore very much a male prerogative. A man may marry two, three or up to four women, regardless of his income or his existing wives' objections and claims.

263. A woman's access to the justice system is hampered by her ignorance of the legal instruments in force, the total lack of legal clinics and the absence of initiatives of assistance with court proceedings.

264. Since the fees are high relative to the income of the average Comorian citizen, in court proceedings most women, and particularly those from underprivileged areas, struggle to pay the fees and thus their access to justice is impeded.

265. Most marriages take place in accordance with the provisions in force before the Family Code was adopted; in other words, the provisions of traditional Islamic law. This is because some provisions of the Family Code are not yet applicable for lack of the relevant implementing legislation.

266. Arranged marriages are still practised, justified by the parents' wish to preserve the family and thereby promote social cohesion. By reason of protection of family honour, the parties concerned, some of them minors, find themselves assigned a partner, more often than not a close relative.

267. Marriages are rarely recorded in the civil registry and legal provisions governing entry into marriage are not respected, especially those relating to time limits for registration.

## Conclusion

268. Preparation of this report has been a lengthy process, with contributions from administrative authorities at the national and island levels, representatives of civil society organizations active in the protection and promotion of women's rights, and with the support of United Nations agencies.

269. The report has enabled the Comoros to provide an overview of the status of women's rights, 16 years after the country's accession to the Convention on the Elimination of All Forms of Discrimination against Women. As such, it clarifies the achievements to be built upon and the challenges to be faced in the promotion and protection of women's rights in the Comoros.

270. It shows that, by and large, the commitment by the Comoros to give effect to women's rights has resulted in the introduction of numerous legislative and institutional measures and various sectoral development programmes.

271. Furthermore, the entire body of domestic legislation is in line with the provisions of the Convention and spurs the effective mainstreaming of the gender perspective in development policies and programmes for the implementation of the Convention's provisions.

272. All things considered, the Government's vigorous efforts to promote gender equality and equity, with the support of its partners in the United Nations system, have yielded tangible results in the creation of a social and cultural environment consonant with gender equality and equity and in laying the foundations for national mechanisms for ensuring that the country's development process takes due account of women's needs and interests.

273. Considerable progress has been made in enhancing the promotion of gender equality, particularly women's rights, in institutions, courtesy of the political will of public

authorities and the commitment of civil society organizations to promote and uphold women's rights.

274. Moreover, national mechanisms to combat gender-based violence, and a care system for victims of violence have also been initiated with the support of partners within the United Nations system.

275. Headway has also recently been made on gender equality, with the support of other partners such as the African Development Bank. This partner has undertaken to provide technical assistance to strengthen national institutions responsible for gender promotion and has recommended that gender be mainstreamed at the institutional level.

276. The European Union has supported a national education project that includes a section on the restructuring of primary and secondary school curricula. The aim of this section is to formalize gender equity awareness campaigns designed in schools and develop activities to support decentralization through new positive synergies, so that gender may be incorporated in the decentralization process.

277. This progress is tangible proof of the efforts deployed by the State on an international scale to protect and promote women's rights and of the Government's determination to give women their proper place in the decision-making and development processes, reflected in the Poverty Reduction and Growth Strategy Paper approved in September 2009. Such progress also contributes to the achievement of the Millennium Development Goals and the objectives of UNDAF which exemplifies the State's constant concern to support gender promotion.

278. Consequently, as described above, since the ratification of the Convention and the implementation of development and institutional support programmes, the status of women in the Comoros has been improving in the social sectors and in economic life. There has also been a significant improvement in people's attitudes, particularly vis-à-vis women's enjoyment of their rights, and their role in the country's development process.

279. Several restrictions and difficulties also identified among bodies and institutions constrain the effectiveness and impact of the Government's efforts to implement some of the Convention provisions.

280. These include:

- Household poverty, especially those headed by women
- High levels of ignorance and illiteracy among women
- Low capacity for implementing the legal and political framework required to develop a just and equitable society in which there is a tangible guarantee of the equality of men and women
- Breakdown of institutional mechanisms, featuring limited human and financial resources
- Social, cultural and religious impediments to changes in attitudes and behaviour regarding gender equality
- Lack of a funding mechanism to promote gender equality, and a shortage of funds allocated to this cause

281. On the basis of these observations, the Government undertakes to build on past achievements and redouble its efforts to remove the obstacles identified so as to speed up implementation of all the Convention provisions through various activities, inter alia:

- Establishing a national committee on the convention on the elimination of all forms of discrimination against women

- Ensuring that laws and regulations relating to gender equality and women's rights are effectively enforced
- Strengthening the partnership with international and regional organizations involved in the advancement of women
- Initiating a *gender budgeting* process and developing a fund-raising strategy to finance gender equality programmes
- Supporting civil society organizations and helping them to set up an awareness-raising campaign aimed at breaking down stereotypes and taboos and promoting changes within the society
- Increasing the number of initiatives to raise awareness of the Convention and make its provisions and those of other national and international human rights instruments known, especially in the field of women's rights
- Strengthening national mechanisms responsible for the advancement of women and gender equality

## Annex

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