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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-sixth session**  
29 April–10 May 2024

## **Comoros**

### **Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.<sup>1</sup> It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with human rights mechanisms**

2. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Comoros ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and incorporate their provisions into the domestic legal framework.<sup>2</sup>

3. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment recommended that the Comoros prioritize ratification of the International Covenant on Civil and Political Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>3</sup> and the Optional Protocols to the Convention on the Rights of the Child.<sup>4</sup>

4. UNHCR recommended that the Comoros accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.<sup>5</sup>

5. UNHCR recommended that the Comoros accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>6</sup>

6. In 2019, the Special Rapporteur on torture conducted an official visit to the Comoros. He stated that he had been obliged to suspend his visit halfway through, as full access had been obstructed to places of detention and the modalities did not comply with the terms of reference of the mandate.<sup>7</sup> According to the Special Rapporteur, the suspension of the visit gave the unfortunate perception that the Government was not yet in a position to fully cooperate with international institutions.<sup>8</sup> He stressed that that engagement was crucial if the Government was to deliver tangible results in line with its international commitments on human rights and fundamental freedoms.<sup>9</sup>



7. The Special Rapporteur on torture recommended that the Comoros submit reports to treaty bodies in relation to the international treaties it had ratified, in line with its international obligations; implement the recommendations that it had accepted during the universal periodic review; and develop institutional capacity in order to report to the relevant treaty bodies, in line with its international obligations.<sup>10</sup>

8. The Special Rapporteur on torture recommended extending an invitation to the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and ensure full cooperation with any future visits.<sup>11</sup>

### **III. National human rights framework**

#### **1. Constitutional and legislative framework**

9. The Special Rapporteur on torture noted that the Constitution had been amended in 2018 and the provisions guaranteeing a rotation of the presidency among the three islands had been removed, now allowing the elected President to hold office for two consecutive terms. He added that in 2019, the incumbent President, Azali Assoumani, had been re-elected, which had sparked mass protests among opposition groups.<sup>12</sup>

10. The Special Rapporteur on torture noted with concern that the Penal Code approved in 2014 had still not been adopted. He recommended promulgating the new Penal Code and ensuring its compliance with international law.<sup>13</sup>

#### **2. Institutional infrastructure and policy measures**

11. The Special Rapporteur on torture noted that the National Commission for Human Rights and Freedoms lacked an independent budget and resources to undertake meaningful independent monitoring, and had not been accredited under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>14</sup> He recommended that the Comoros ensure that the National Commission for Human Rights and Freedoms was an independent and impartial institution, established in accordance with the Paris Principles, and that it had an independent operating budget and sufficient financial and human resources.<sup>15</sup>

12. The Special Rapporteur on torture emphasized that the Comoros lacked an effective independent monitoring or reporting system to guarantee the detection and documentation of situations of torture and ill-treatment.<sup>16</sup> He recommended that the Comoros ratify the Optional Protocol to the Convention against Torture, create a national system of regular prison monitoring and establish an effective complaints mechanism.<sup>17</sup>

13. UNICEF stressed the low level of public expenditure on social sectors, including health, education, water and sanitation, child protection and social protection, which resulted in an insufficient supply of and insufficient access to quality basic services.<sup>18</sup>

### **IV. Promotion and protection of human rights**

#### **A. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

##### **1. Equality and non-discrimination**

14. The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) once again requested the Comoros to provide information on the measures adopted or envisaged to amend the General Public Service Regulations with a view to introducing a clear and comprehensive definition of discrimination, which covered direct and indirect discrimination, at all stages of employment and occupation, and at least all of the grounds of discrimination listed in article 1 (1) (a) of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).<sup>19</sup>

15. UNHCR was concerned that only men had the right to transmit their Comorian nationality to their foreign spouses, which constituted an element of discrimination and was a risk factor for statelessness.<sup>20</sup> UNHCR recommended that the Comoros amend the Nationality Law (Law No. 79-12 of 12 December 1979) so that Comorian men and women enjoyed equal rights to pass on their Comorian nationality to non-Comorian spouses.<sup>21</sup>

## 2. Right to life, liberty and security of person, and freedom from torture

16. The Special Rapporteur on torture noted the moratorium on the death penalty, and that the last known execution had taken place in 1997. He was concerned that those on death row were held in small, overcrowded, dark and poorly ventilated cells and were denied educational or recreational activities, except for 10 minutes of exercise per day. He indicated that, at the time of the visit, there were seven people on death row.<sup>22</sup> He recommended abolishing the death penalty.<sup>23</sup>

17. In 2021, United Nations special procedure mandate holders condemned in the strongest terms the secret detention of Inssa Mohamed, better known as Bobocha, since his manifestly unlawful extradition from a neighbouring country on 27 January 2021. The experts were alarmed about the irregularities of the extradition procedures and the secrecy surrounding his place of detention, which raised serious concerns about his physical and mental integrity and whether he was still alive. The experts stated that despite credible allegations of intimidation, ill-treatment and excessive use of force at the hands of the military, access to places of deprivation of liberty under its authority were seriously obstructed, preventing independent monitoring and creating an environment of impunity. The special procedure mandate holders called on the Comoros to reveal the fate and whereabouts of Mr. Bobocha and to demonstrate full commitment to international law.<sup>24</sup>

18. The Special Rapporteur on torture referred to credible indicators that some law enforcement officials had engaged in practices that amounted to torture and ill-treatment in the context of policing during demonstrations, upon arrest and during interrogation.<sup>25</sup> He recommended ensuring that torture was established as an offence in national law in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>26</sup> and that confessions and testimonies that may have been obtained through torture or other ill-treatment were not used in any proceedings.<sup>27</sup> The Special Rapporteur also recommended that the Comoros establish a single national register of detention;<sup>28</sup> ensure that perpetrators of torture or ill-treatment were held criminally responsible and that adequate penal sanctions were imposed on convicted perpetrators; and ensure that victims of torture obtained redress and fair and adequate compensation, including rehabilitation.<sup>29</sup>

19. The Special Rapporteur on torture received accounts of excessive use of force by the gendarmerie and the National Police Intervention Unit, primarily during the policing of demonstrations. There were reports of one death and dozens wounded by gunshots in protests during the presidential referendum on 25 March 2019.<sup>30</sup> The Special Rapporteur also heard consistent allegations of excessive use of physical force during the period of arrest and sometimes during interrogation by the gendarmerie and the national police force.<sup>31</sup> The Special Rapporteur recommended amending national legislation to restrict the use of force and firearms by the police and to ensure that the powers of all law enforcement officials were stipulated and were subject to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>32</sup>

20. The Special Rapporteur on torture observed that conditions of detention clearly failed to meet the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) in various respects, and amounted to cruel, inhumane or degrading treatment or punishment.<sup>33</sup> The sanitary conditions were unacceptable, and the level of hygiene was inhumane;<sup>34</sup> detainees reported limited access to drinkable water and received only one meal a day.<sup>35</sup> The Special Rapporteur also noted insufficient space, a lack of medical care, restricted access to legal counsel and to family, and the absence of opportunities for work, education and recreation.<sup>36</sup> He recommended ensuring minimum standards of conditions of detention, in accordance with the Nelson Mandela Rules; providing each detainee with the minimum acceptable amount of floor space, sufficient cubic quantity of air and ventilation, a separate mattress, adequate sanitary conditions, and physical exercise; and allocating adequate resources to prison health services and ensuring that doctors and all

medical services in detention centres were under the administration of the Ministry of Health and independent of the Ministry of Justice.<sup>37</sup>

21. The Special Rapporteur on torture heard allegations of persons being held in solitary confinement in cells, with no artificial and virtually no natural light, no bedding and very limited ventilation, for periods of up to 55 days.<sup>38</sup> He recommended that solitary confinement be used only as an absolute measure of last resort, and adhering to the limitations (length of time, adequate space and regime, including one hour of outdoor exercise) in accordance with the Nelson Mandela Rules.<sup>39</sup>

### **3. Administration of justice, including impunity, and the rule of law**

22. The Special Rapporteur on torture noted that the country faced numerous challenges in its criminal justice system. Legal procedures were not respected and there was a lack of procedural safeguards concerning the liberty, security and dignity of the person.<sup>40</sup> The Special Rapporteur recommended that the Comoros reform the judiciary and reinstate the Constitutional Court;<sup>41</sup> ensure that fundamental safeguards were granted to all persons deprived of their liberty, without exception;<sup>42</sup> and approve the bill on legal aid pending with Parliament and financially invest in a legal aid programme.<sup>43</sup>

23. The Special Rapporteur on torture highlighted the lack of a legal provision to provide detainees with access to a lawyer in the 48 hours before being brought before court, this being a high-risk window of time for abuse by police; noted that many detainees had been subjected to lengthy pretrial detention and custody;<sup>44</sup> and noted the abusive use of pretrial detention.<sup>45</sup> Moreover, the Special Rapporteur indicated that several detainees had claimed to have been held in prolonged detention without ever having seen a prosecutor, a judge or a lawyer.<sup>46</sup> He recommended that the Comoros guarantee detainees the right to a lawyer in all circumstances and without exception.<sup>47</sup>

24. The Special Rapporteur on torture noted the frequent practice of incommunicado detention owing to obstructed access to legal assistance, and lengthy pretrial detention resulting in a heightened risk of ill-treatment.<sup>48</sup> He recommended conducting a systematic review of criminal legislation and sentencing policies on drug offences and other lesser, non-violent offences, with a view to reducing lengthy sentences.<sup>49</sup> He also recommended ensuring the separation of juveniles from adults by creating juvenile quarters in prisons, in compliance with international standards.<sup>50</sup>

25. The Special Rapporteur on torture received information about alleged corruption by judges.<sup>51</sup> He recommended that the Comoros seek technical assistance to strengthen the independence of the judiciary and improve the training of judges so that they could have a more effective role;<sup>52</sup> and reinstate the National Commission for Preventing and Fighting Corruption to independently and effectively combat corruption.<sup>53</sup>

### **4. Fundamental freedoms and the right to participate in public and political life**

26. In connection with the protests that followed the 2024 presidential election, the United Nations High Commissioner for Human Rights voiced concerns over reports of arrests and the use of tear gas against peaceful protesters. He was worried that repression and the absence of pluralism in the Comoros had been continuing for several years.<sup>54</sup>

27. The High Commissioner urged the authorities to ensure the rights to freedom of expression and peaceful assembly, and called upon all to exercise restraint. He urged the authorities to release political prisoners detained arbitrarily, to conduct thorough investigations into violations of civil and political rights in the pre-election period, and to bring perpetrators to justice.<sup>55</sup>

28. The High Commissioner noted the mounting of tensions after the election, and that it was therefore of paramount importance that the authorities ensure a safe environment, where all Comorians, including members of the political opposition, could freely express their views and exercise their right to peaceful assembly. The High Commissioner stated that authorities should ensure that those demonstrating peacefully could continue to do so freely and safely, and called upon the Government to steer the country towards a climate of democracy and pluralism by creating conditions for dialogue.<sup>56</sup>

29. The Special Rapporteur on torture noted that the Penal Code criminalized speech that could lead to public disorder, prohibited unarmed gatherings that could disturb the public peace, and criminalized offences against the President through the media or other forms of speech. He stated that these vague and broad laws with severe penalties had the cumulative effect of legitimizing a heavy police presence in the lives of civil society, political opponents and journalists.<sup>57</sup>

30. The Special Rapporteur on torture indicated that the protests upon the re-election of the President, Mr. Assoumani, had been quelled by the Government, mainly through arrests and intimidation and further restrictions on freedom of expression and freedom of association, and that several persons had been deprived of their liberty for political reasons. The Special Rapporteur observed an atmosphere of fear and tension when meeting with civil society representatives, and that all decisions came from the Office of the President. According to the Special Rapporteur, there seemed to be little room in Comorian society to discuss civil or political rights; and a genuine dialogue between the Government, civil society and the outside world was very much needed in order for human rights to begin to take hold in the Comoros.<sup>58</sup>

31. The Special Rapporteur on torture received credible reports of excessive force during politically motivated arrests and violence (kicking and beating) and intimidation during interrogations to extract confessions by both the gendarmerie and the National Police Intervention Unit.<sup>59</sup>

32. The Special Rapporteur on torture stated that pretrial detention appeared to be used to target political opponents and journalists,<sup>60</sup> and that several political prisoners had been placed under house arrest in private houses.<sup>61</sup> He recommended reviewing all legal provisions that impeded freedom of expression or freedom of association and assembly, as they were broad and subject to abuse by law enforcement agencies.<sup>62</sup>

33. The ILO Committee of Experts also hoped that, in the context of the adoption of the new Penal Code, the Government would take the necessary measures to ensure that persons who peacefully expressed their political views or views opposed to the established political, social or economic system were not liable to sentences of imprisonment involving compulsory labour.<sup>63</sup>

34. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that the Comoros introduce a freedom of information law in accordance with international standards; decriminalize defamation and place it within a civil code that was in accordance with international standards;<sup>64</sup> and reform legislation regarding the accreditation process for journalists, to align with the provisions of Human Rights Committee general comment No. 34 (2011) on article 19 of the International Covenant on Civil and Political Rights (regarding freedom of opinion and of expression).<sup>65</sup>

## **5. Right to work and to just and favourable conditions of work**

35. The ILO Committee of Experts requested once again that the Government take steps to declare and pursue a national policy designed to promote equality in employment and occupation for all the categories of the population, irrespective of race, colour, religion, political opinion, national extraction or social origin.<sup>66</sup>

36. Recalling the importance of the role of the labour inspection services in combating discrimination, the ILO Committee of Experts asked the Government to encourage the labour inspection services to engage in awareness-raising activities on discrimination issues, including sexual and psychological harassment, for workers, employers and their respective organizations. The Committee once again hoped that the Government would soon be in a position to provide updated statistical data on the situation of men and women in employment and occupation in the public and private sectors.<sup>67</sup>

37. The ILO Committee of Experts urged the Government to take the necessary measures to promote collective bargaining in both the private and the public sectors (employees of public enterprises and public servants not engaged in the administration of the State).<sup>68</sup>

38. The ILO Committee of Experts urged the Government to take the necessary steps to ensure that persons implicated in the worst forms of child labour were subjected to effective

prosecution. Accordingly, the Committee requested the Government to take steps to ensure that offences relating to the worst forms of child labour and the corresponding penalties were harmonized, so that they were clear and non-contradictory; and to take the necessary steps to establish mechanisms to monitor the worst forms of child labour, including by providing for a monitoring mechanism to supplement the labour inspectorate.<sup>69</sup>

## **6. Right to social security**

39. UNICEF noted that the limited coverage of social protection programmes, including cash support and health insurance coverage, adversely impacted vulnerable children the most.<sup>70</sup>

40. According to the World Bank, the social safety net system in the Comoros was progressing, but its impact was limited due to inadequate coverage. The Comoros had made significant efforts during recent years to set up social safety net programmes and there had been an increase of national coverage of vulnerable groups (around 6 per cent of the population) but the coverage was not yet able to meet the needs of the country.<sup>71</sup>

## **7. Right to an adequate standard of living**

41. According to the World Bank, some 45 per cent of the Comorian population lived just below the national poverty line, and 44 per cent faced either moderate or severe food insecurity. Comorian children were expected to complete 8.4 years of schooling by 18 years of age. Girls received significantly less education than boys, and the rate of adolescent pregnancies was two to three times that of peer countries. Chronic malnutrition led to stunting in 31 of 100 children.<sup>72</sup>

42. UNICEF noted that, while significant progress had been made to widen access to quality social services, access remained very limited, particularly for rural dwellers and the most vulnerable.<sup>73</sup>

43. UNICEF further indicated that significant progress towards reducing mortality among children under the age of 5 years had been achieved. However, the neonatal mortality rate remained high, at 24 deaths per 1,000 live births.<sup>74</sup>

44. According to UNICEF, despite policies and coordinated efforts to improve the nutritional status of children and women, the situation remained alarming, mostly because of feeding practices rather than food availability. One third of Comorian children were stunted, and one quarter were underweight. Thirty-two per cent of children in rural areas were stunted, compared to 25 per cent in urban areas. In addition, 10.6 per cent of children aged under 5 years were overweight, and only 7 per cent consumed the minimum acceptable diet with adequate meal frequency and dietary diversity.<sup>75</sup>

45. UNICEF stressed that sustained government efforts had improved the level of access to potable water, especially in urban areas. However, the overall water, sanitation and hygiene (WASH) situation in health and education facilities remained particularly worrisome. Over 60 per cent of health centres did not have water, 75 per cent lacked hand-washing facilities, and 49 per cent lacked sanitation services. The situation was similar in schools: some 43 per cent of primary school pupils had no access to water, 81 per cent had no access to hand-washing facilities, and 43 per cent lacked access to toilets.<sup>76</sup>

## **8. Right to health**

46. According to UNICEF, child survival continued to be challenged by limited access to health care due to the insufficient number of functional health facilities and of skilled health personnel as well as to difficulties related to access.<sup>77</sup>

47. UNICEF indicated that national immunization coverage had been relatively stable in recent years. However, subnational data revealed serious equity gaps.<sup>78</sup>

48. The Special Rapporteur on torture noted that there was only one psychiatrist in the entire country.<sup>79</sup>

## 9. Right to education

49. UNESCO recommended that the Comoros guarantee the right to education for all in the Constitution and the law, revise its legislation to guarantee free primary and secondary education for at least 12 years and free pre-primary education for at least 1 year, step up efforts to finance education by allocating at least 4 to 6 per cent of gross domestic product to the education system and/or at least 15 to 20 per cent of public spending on education, in line with international criteria, and pursue efforts to enhance access to inclusive quality education, including by improving Internet access throughout the country.<sup>80</sup>

50. Recalling that compulsory education was one of the most effective means of combating child labour, the ILO Committee of Experts strongly encouraged the Government to take the necessary steps to make education compulsory until the minimum age for admission to employment, namely 15 years. Moreover, the Committee requested that the Government intensify its efforts to increase the school attendance rate and reduce the school dropout rate, especially among girls, in order to prevent children under 15 years of age from working. The Committee also requested that the Government provide information on the results achieved in that respect.<sup>81</sup>

## B. Rights of specific persons or groups

### 1. Women

51. UNICEF emphasized that children and women were frequently subject to exclusion, abuse and violence. Social conventions fostered a culture of violence and abuse against children and women, and impunity for perpetrators. Victims rarely spoke up, and disputes were frequently settled between families outside the formal justice system. No institutions were in place to identify, support and provide shelter to survivors of violence. Prevention and care services for victims of violence were scarce, centralized and largely ineffective.<sup>82</sup>

52. The Special Rapporteur on torture was alarmed to learn of the high rate of spousal and post-divorce violence.<sup>83</sup>

53. The Special Rapporteur on torture expressed concern that children of female detainees were prohibited from visiting prison because, according to the authorities, the conditions were too disturbing and therefore it was not a suitable environment for children.<sup>84</sup> The Special Rapporteur also noted that there were no dedicated detention facilities for women.<sup>85</sup> He recommended that the Comoros ensure that the act on violence against women and children, and the national strategy to combat violence against women and minors and the accompanying road map, be fully implemented in order to eradicate gender-based violence; that it uphold the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and implement alternative measures, especially for pregnant women or women with dependents; and that female inmates be protected from all gender-based violence and sexual harassment.<sup>86</sup>

54. According to UNICEF, despite efforts by authorities to promote gender equality, girls and women continued to bear the brunt of gender-based inequality and violence. Patriarchal traditions gave women economic advantages within the family structure, but there were significant imbalances in favour of males in terms of political, cultural, social and economic power. Some traditional social norms led to child marriage and exposed girls and women to multiple forms of abuse. UNICEF further indicated that the 2018 Gender Development Index placed the Comoros among the countries that deviated the most from absolute parity.<sup>87</sup>

55. The ILO Committee of Experts once again requested the Government to take specific steps to eliminate obstacles to the participation of women in employment and the various occupations, and particularly vocational guidance and training measures to combat stereotypes and prejudices regarding the capacities and vocational aspirations of girls and women and, more generally, to combat stereotypes and prejudices concerning their role in society, and to provide information on any measures adopted in that respect.<sup>88</sup>

56. UNESCO encouraged the Comoros to give due consideration to participation by communities, cultural actors and civil society organizations as well as groups in vulnerable

situations (minorities, Indigenous Peoples, migrants, refugees, young people and persons with disabilities) in cultural heritage and creative expressions, and to ensure that equal opportunities were given to women and girls, in order to address gender disparities.<sup>89</sup>

## 2. Children

57. According to the Special Rapporteur on torture, limited resources and, reportedly, corruption had compromised the effective enforcement of child protection programmes. The Special Rapporteur was concerned by reports that, in some cases, judges and police had allegedly accepted bribes to return children to traffickers.<sup>90</sup> The Special Rapporteur also noted that in the criminal justice system, there were no dedicated institutions for minors.<sup>91</sup>

58. Regarding child labour, the Special Rapporteur on torture received reports of *wapambe*, that is, the practice of poor children being placed in the homes of wealthy families to work in the house and in the fields, or being sent to Qur'anic teachers, and that many of them were exploited, subjected to forced labour and routinely abused, including with the risk of sexual abuse.<sup>92</sup>

59. The ILO Committee of Experts requested that the Government once again take the necessary steps to provide labour inspectors with such training as to ensure that children who were not bound by an employment relationship, such as those working on their own account or in the informal economy, benefited from the protection afforded by the Worst Forms of Child Labour Convention, 1999 (No. 182). The Committee requested that the Government take the necessary steps to ensure that the provisions of article 3 of the Convention were observed and, in particular, that the minimum age for admission to hazardous types of employment or work was fixed at 18 years, or at 16 years subject to fulfilment of the conditions set out in the Convention.

60. The ILO Committee of Experts urged the Government to take the necessary steps to ensure that a ministerial order was adopted to set the minimum age for admission to light work at 13 years, to regulate the employment of young persons from 13 to 15 years of age in these types of light work, to determine the activities in which light work might be permitted and to prescribe the number of hours during which, and the conditions in which, such employment or work might be undertaken.<sup>93</sup>

61. UNESCO noted that, although the Family Code adopted in 2005 provided that neither men nor women could marry before the age of 18, exceptions could be granted by the courts and that no absolute minimum age was established by law. It recommended that the Comoros should revisit the minimum age for marriage and set the absolute minimum age at 16 years.<sup>94</sup>

62. UNHCR stated that the continued detention of asylum-seeking and refugee children after their disembarkation constituted cruel treatment, due to the prolonged nature of the detention and the conditions in which the children were held, without access to leisure, developmental activities and formal education.<sup>95</sup>

63. UNHCR recommended that the Comoros establish a governmental agency responsible for establishing and implementing protection-sensitive entry systems; and reception arrangements and mechanisms for screening and referral, including for children at risk, individuals with medical needs, victims of trafficking and other individuals.<sup>96</sup>

## 3. Persons with disabilities

64. UNESCO pointed out that, during the previous cycle of the universal periodic review, recommendations had been made to the Comoros concerning inclusion, particularly the inclusion of persons with disabilities in school.<sup>97</sup> The Comoros had made progress in that area as a result of the development of preschool education with a view to ensuring access to primary education for all, including vulnerable and disadvantaged children and children with disabilities.<sup>98</sup>

65. According to UNICEF, universal and inclusive access to school remained a challenge, particularly for children living with disabilities – nearly 37 per cent of persons with disabilities had never been enrolled in the education system. The Comoros was encouraged to give due consideration to the participation of persons with disabilities.<sup>99</sup>



#### 4. Lesbian, gay, bisexual, transgender and intersex persons

66. The Special Rapporteur on torture emphasized that homosexuality continued to be criminalized in the Comoros, and that the Government's position had remained unchanged during the three cycles of the universal periodic review despite encouragement to decriminalize same-sex relations. The Special Rapporteur was concerned that the current law and the Government's view put lesbian, gay, bisexual, transgender and intersex persons at high risk of violence, intimidation, harassment and imprisonment.<sup>100</sup> He recommended that the Comoros repeal laws that targeted and criminalized lesbian, gay, bisexual, transgender and intersex persons and that it take action to combat violence, threats and intimidation on the basis of sexual orientation and gender identity.<sup>101</sup>

#### 5. Migrants, refugees and asylum-seekers

67. The Special Rapporteur on torture referred to reports of several thousands of nationals per year trying to flee Anjouan for a neighbouring country in unsafe boats operated by private transport companies. He received reports that, due to the reluctance of the Government of the Comoros to accept the returnees and assume responsibility for their well-being after their expulsion by the foreign authorities, they were at high risk of being exploited or trafficked upon their return.<sup>102</sup>

68. UNHCR stressed that the Comoros lacked national asylum legislation and a legal framework on asylum consistent with relevant international standards.<sup>103</sup> It recommended ensuring prompt access to fair and efficient refugee status determination procedures and providing the necessary safeguards.<sup>104</sup>

69. UNHCR indicated that, in the absence of a relevant national legal framework, refugees and asylum-seekers were not recognized as persons who had specific rights or safeguards to ensure their protection. As a result, they were subjected to the general Comorian Immigration Law, which did not provide any safeguards against refoulement or indefinite detention.<sup>105</sup> UNHCR also noted that the Comoros lacked a legal framework to respond to mixed movements, and that migrants and asylum-seekers intercepted at sea or arrested on Comorian territory had been perceived as a national security threat. In addition, a partnership agreement with a third country to fight against "uncontrolled population movements" had resulted in everyone, regardless of age, gender and specific needs, being placed in detention, without them being granted the right to a trial and without informing them about a specific release date. Furthermore, UNHCR stated that the conditions of such detentions allegedly involved physical and emotional abuse, ill-treatment, lack of access to adequate medical care and education and lack of food, inter alia. In addition, the partnership agreement had led to deportations to countries where people were exposed to refoulement.<sup>106</sup>

70. UNHCR recommended that the Comoros enact national asylum legislation which respected the international principle of non-refoulement, and that it establish a functioning national asylum framework for ensuring international protection, which included procedures for refugee status determination in line with international standards.<sup>107, 108</sup>

71. UNHCR further indicated that, following interception at sea or the arrest of migrants, asylum-seekers or refugees on Comorian territory, the authorities transferred them to facilities without access to adequate medical care and food, which were, indeed, detention centres. These were overcrowded and lacked proper sanitation. In addition, several refugees had reported having endured beatings, with one refugee suffering neurological damage resulting in partial paralysis. Release was generally possible only in the context of repatriation or resettlement to third countries or when the Government ran out of food to provide to the detained groups and allowed them to leave.<sup>109</sup>

72. UNHCR recommended that the Comoros end the detention of all asylum-seekers, refugees and migrants intercepted or rescued at sea by the Comorian Coast Guard, or detained in other circumstances; and that it ensure that the right to liberty, security and freedom of movement applied to asylum-seekers and refugees and that if and where detention took place it should be as a measure of last resort, and in accordance with the law, not arbitrary, not discriminatory and not indefinite.<sup>110</sup>

73. UNHCR encouraged the Government of the Comoros to systematically issue new arrivals with temporary permits to avoid prolonged and arbitrary detention and enable all asylum-seekers to move freely;<sup>111</sup> and recommended that it engage with UNHCR and other international organizations to develop standard operating procedures on disembarkation, reception, government documentation and registration with the Government, a protection referral mechanism, and identification of individuals in need of international protection.<sup>112</sup>

## 6. Stateless persons

74. UNHCR commended the Comoros on the fulfilment of its pledge to establish an interministerial commission to prevent and combat statelessness.<sup>113</sup>

75. UNHCR noted that the Nationality Law provided no legal safeguard for children born in the country who would otherwise be stateless.<sup>114</sup> UNHCR recommended that the Comoros amend the Nationality Law to grant foundlings and stateless children Comorian nationality, in line with its 2019 Global Refugee Forum pledge.<sup>115</sup>

76. UNHCR recommended that the Comoros establish the extent of statelessness in its territory, in line with its 2019 Global Refugee Forum pledge; establish procedures for statelessness status determination; and implement procedures which ensured access to civil registration and which provided rights to stateless persons and persons of concern.<sup>116</sup>

## Notes

- 1 [A/HRC/41/12](#), [A/HRC/41/12/Add.1](#) and [A/HRC/41/2](#).
- 2 UNHCR submission for the universal periodic review of the Comoros, p. 2.
- 3 [A/HRC/43/49/Add.1](#), para. 110 (a).
- 4 *Ibid.*, para. 118 (a).
- 5 UNHCR submission, p. 5.
- 6 *Ibid.*, p. 4.
- 7 [A/HRC/43/49/Add.1](#), p. 1.
- 8 See <https://www.ohchr.org/en/press-releases/2019/06/un-expert-torture-suspends-comoros-visit-after-continued-obstructions>.
- 9 [A/HRC/43/49/Add.1](#), para. 103.
- 10 *Ibid.*, para. 110 (b), (c) and (d).
- 11 *Ibid.*, para. 121 (b).
- 12 *Ibid.*, paras. 19 and 20.
- 13 *Ibid.*, para. 111 (d).
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- 15 *Ibid.*, para. 114 (b) and (c).
- 16 *Ibid.*, para. 107.
- 17 *Ibid.*, para. 114 (a).
- 18 UNICEF submission for the universal periodic review of the Comoros, para. 15.
- 19 See [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4326009,103360](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4326009,103360).
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- 21 *Ibid.*, p. 3.
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- 23 *Ibid.*, para. 117 (a).
- 24 See <https://www.ohchr.org/en/press-releases/2021/03/comoros-un-experts-decry-enforced-disappearance-defiance-international-law>.
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- 26 *Ibid.*, para. 111 (c).
- 27 *Ibid.*, para. 112 (d).
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- 29 *Ibid.*, para. 113 (b) and (f).
- 30 *Ibid.*, para. 24.
- 31 *Ibid.*, para. 29.
- 32 *Ibid.*, para. 111 (g).
- 33 *Ibid.*, para. 84.
- 34 *Ibid.*, para. 77.
- 35 *Ibid.*, para. 80.
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- 37 Ibid., para. 115 (b), (c) and (d).
- 38 Ibid., para. 87.
- 39 Ibid., para. 115 (g).
- 40 Ibid., para. 104.
- 41 Ibid., para. 111 (a).
- 42 Ibid., para. 112 (e).
- 43 Ibid., para. 112 (g).
- 44 Ibid., paras. 38–40.
- 45 Ibid., para. 46.
- 46 Ibid., para. 42.
- 47 Ibid., para. 112 (b).
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- 51 Ibid., para. 43.
- 52 Ibid., para. 112 (o).
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- 54 See <https://www.ohchr.org/en/press-releases/2024/01/comoros-un-human-rights-chief-calls-calm-and-urges-authorities-protect-free>.
- 55 See <https://www.ohchr.org/en/press-releases/2024/01/comoros-un-human-rights-chief-calls-calm-and-urges-authorities-protect-free>.
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- 57 [A/HRC/43/49/Add.1](#), para. 25.
- 58 Ibid., paras. 7, 20 and 21.
- 59 Ibid., para. 104.
- 60 Ibid., para. 46.
- 61 Ibid., para. 66.
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- 63 See [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4326006,103360](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4326006,103360).
- 64 UNESCO submission for the universal periodic review of the Comoros, paras. 17 and 18.
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- 70 UNICEF submission, para. 15.
- 71 See <https://www.worldbank.org/en/country/comoros/overview>.
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- 82 UNICEF submission, para. 12.
- 83 [A/HRC/43/49/Add.1](#), para. 94.
- 84 Ibid., para. 75.
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- 87 UNICEF submission, para. 11.

- <sup>88</sup> See [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4326009,103360](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4326009,103360).
- <sup>89</sup> UNESCO submission, para. 22.
- <sup>90</sup> [A/HRC/43/49/Add.1](#), para. 96.
- <sup>91</sup> *Ibid.*, para. 97.
- <sup>92</sup> *Ibid.*, para. 98.
- <sup>93</sup> See [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4326015,103360](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4326015,103360).
- <sup>94</sup> UNESCO submission, paras. 6 and 16 (v).
- <sup>95</sup> UNHCR submission, p. 3.
- <sup>96</sup> *Ibid.*, p. 6.
- <sup>97</sup> [A/HRC/41/12](#), paras. 118.126, 118.127, 118.128 and 118.161.
- <sup>98</sup> UNESCO submission, para. 7.
- <sup>99</sup> UNICEF submission, para. 10.
- <sup>100</sup> [A/HRC/43/49/Add.1](#), paras. 99–101.
- <sup>101</sup> *Ibid.*, para. 120.
- <sup>102</sup> *Ibid.*, para. 102.
- <sup>103</sup> UNHCR submission, p. 5.
- <sup>104</sup> *Ibid.*, p. 5.
- <sup>105</sup> *Ibid.*, p. 2.
- <sup>106</sup> *Ibid.*, p. 1.
- <sup>107</sup> *Ibid.*, p. 6.
- <sup>108</sup> *Ibid.*, p. 1.
- <sup>109</sup> *Ibid.*, pp. 2 and 3.
- <sup>110</sup> *Ibid.*, p. 3.
- <sup>111</sup> *Ibid.*, p. 4.
- <sup>112</sup> *Ibid.*, p. 5.
- <sup>113</sup> *Ibid.*, p. 3.
- <sup>114</sup> *Ibid.*, p. 3.
- <sup>115</sup> *Ibid.*, p. 3.
- <sup>116</sup> *Ibid.*, p. 4.
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