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## **Draft report of the Working Group on the Universal Periodic Review\***

### **Comoros**

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its eighteenth session from 27 January to 7 February 2014. The review of Comoros was held at the 9th meeting on 31 January 2014. The delegation of Comoros was headed by Dr Abdou Ousseni, « Ministre de la Justice, de la Fonction Publique, des Reformes Administratifs, des Droits de l'homme et des Affaires Islamiques ». At its 14<sup>th</sup> meeting held on 4<sup>th</sup> February 2014, the Working Group adopted the report on Comoros.
2. On 15 January 2014, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Comoros: Benin, Czech Republic and Germany.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Comoros:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/18/COM/1);
  - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/18/COM/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/18/COM/3).
4. A list of questions prepared in advance by Czech Republic, Germany, Liechtenstein, Mexico, Slovenia, Spain, the Netherlands, and the United Kingdom of Great Britain and Northern Ireland was transmitted to Comoros through the Troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. La Délégation Comorienne conduite par S. E. Dr Abdou Ousseni a rappelé l'importance des Droits de l'Homme dans la stratégie de Gouvernance de l'Union des Comores. Le Ministre a tenu, alors à conduire la délégation et présenté lui-même le rapport.
6. La délégation a insisté sur la stabilité politique, la cohésion nationale et l'effort constant de renforcement de l'Etat de droit dans le pays ce qui a permis la mise en œuvre des 52 recommandations acceptées en 2009 et la reconsidération des 7 non acceptées.
7. Le rapport de l'EPU est le fruit d'une consultation inclusive des parties prenantes tout en tenant compte des difficultés qui existaient dans l'approfondissement et l'accomplissement des droits de l'homme liées aux insuffisances en capacités humaines et financières dans le pays même si la volonté politique était toujours effective.
8. Depuis 2009 à ce jour, les ratifications demandées ont été faites. Il s'avère que quelques instruments de ratification ne sont pas parvenus au secrétariat général des Nations Unies mais les dispositions nécessaires seront prises pour y remédier.
9. L'Union des Comores a renforcé les droits civils et politiques. Elle a adopté une politique nationale des Droits de l'Homme en novembre 2012.

10. Elle lutte contre la torture, les peines et autres traitements cruels, inhumains ou dégradants. Le projet de loi portant révision du code pénal réprime la torture. Il prohibe également la traite des personnes. Il abolit la peine de mort. Il est à rappeler que depuis 2009, aucune exécution de prisonniers n'a eu lieu pour se conformer au moratoire des Nations Unies sur la peine de mort.
11. Des progrès ont été réalisés dans l'amélioration des conditions de vie des prisonniers. La justice a connu d'énormes progrès en infrastructures et en capacités, notamment dans la prise en charge des mineurs. Mais, le niveau d'exigence est difficile à atteindre eu égard aux moyens financiers limités du Gouvernement.
12. La bonne gouvernance est une préoccupation majeure. Il a été créé la Commission Nationale des Droits de l'Homme et des Libertés, la Commission Nationale de lutte contre la Corruption, la Commission des Passations des Marchés, une chambre des comptes au sein de la Cour Suprême nouvellement mise en place.
13. Les élections libres, démocratiques et transparentes organisées en 2010 ont vu la participation de nombreuses femmes.
14. L'effort pour renforcer les droits économiques, sociaux et culturels est réel. Validé par la Communauté financière Internationale, il a permis de bénéficier de l'Initiative de Réduction de la Dette des Pays Pauvres très Endettés.
15. Le Gouvernement encourage le secteur Privé. Le climat des affaires est amélioré. Le code des investissements est modifié et des avantages sont accordés pour une durée de 5 ans aux investisseurs.
16. Le tourisme est relancé. Il est un bassin d'emplois. L'enseignement technique est encouragé.
17. La législation sur le travail a été renforcée pour mieux protéger les travailleurs. Les textes régissant la Caisse de Prévoyance Sociale sont modifiés pour plus de clarté et une bonne facilitation à l'accès à la couverture maladie.
18. La liberté syndicale, reconnue par la Constitution, est règlementée par le Code du Travail. Le Tribunal administratif et l'Inspection du Travail sont compétents pour connaître les différends éventuels entre travailleurs et employeurs.
19. L'autosuffisance alimentaire est une priorité. Le Gouvernement facilite l'accès au crédit pour les pêcheurs, les éleveurs et les cultivateurs. Leurs syndicats respectifs sont associés à l'élaboration de toute politique publique leur concernant.
20. Le logement comorien est en général décent malgré sa précarité. Ces dernières années, on en note une amélioration notable.
21. Le droit à la santé est primordial. Un plan stratégique de renforcement des capacités couvrant la période 2010-2014 a été adopté. Des mesures importantes sur la réduction de la mortalité des enfants et des mères ont été adoptées. La gratuité de l'accès aux premiers soins d'urgence et la diminution de moitié des honoraires de la césarienne ont été adoptées depuis 2012. Des nouvelles infrastructures sanitaires ont été créées.
22. L'éducation est un moteur du développement socioéconomique. La loi portant orientation sur l'éducation a été renforcée par quatre (4) documents importants, notamment le rapport sur le système éducatif national, la note de cadrage sectoriel de l'éducation, la Lettre de politique éducative, la Lettre de Mission du Chef de l'Etat définissant les grandes lignes de la politique du Gouvernement en matière d'éducation et le Plan Directeur de l'Éducation portant la période 2015 – 2020. Des stratégies transversales garantissant à tous les enfants un meilleur accès à l'éducation sont définies dans les plans intérimaires de l'éducation 2015-2020.

23. Dans le domaine culturel, des centres culturels sont créés et appuyés par le Gouvernement.
24. Pour une meilleure protection des enfants, les services d'écoute en faveur des enfants et des femmes victimes d'abus et de maltraitance ont été renforcés. Il n'existe pas de centres d'accueil et de réinsertion pour les enfants vulnérables. Dans les commissariats de police, des brigades de mineurs et des mœurs ont été créées, un quartier pour mineurs a été construit lors de la réhabilitation d'une prison.
25. La campagne de sensibilisation sur l'enregistrement systématique des naissances se poursuit. L'enregistrement systématique de tous les nouveaux nés est garanti par la création de 99 centres d'état civil en 2012.
26. Dans le cadre de la lutte contre le travail des enfants, la Commission Nationale des Droits de l'Homme et des Libertés a organisé des ateliers de sensibilisation sur les pires formes de travail des enfants destinés aux maîtres coraniques en septembre 2013. Le Gouvernement a organisé des assises nationales sur les pires formes de travail des enfants en novembre 2013, des assises nationales sur les violences sexuelles et toutes formes de violence en mars 2012. En partenariat avec la COI, il a organisé des assises régionales sur les violences faites aux femmes et aux filles en octobre 2013.
27. Le projet de révision du Code pénal prévoit des dispositions prohibant la pédophilie, la pornographie, la traite des enfants, les pires formes de travail des enfants, le proxénétisme, l'enlèvement des mineurs, la servitude et le trafic des enfants.
28. Le Gouvernement intègre dans son action, les politiques publiques en faveur des handicapés. Il a ratifié la Convention des Nations Unies sur les personnes handicapées. Le Protocole Facultatif est en cours de ratification. Une réflexion est en cours pour adapter certaines infrastructures au handicap. Un fonds est créé pour venir en aide aux handicapés. Il n'y a pas de discrimination à l'égard des handicapés.
29. L'environnement, la protection de la biodiversité, le changement climatique sont une préoccupation majeure du Gouvernement. Un manifeste engageant l'Etat dans le développement durable est adopté.
30. Enfin, de 2009 à 2013, l'Union des Comores s'est attachée à l'interdépendance des droits économiques, sociaux et culturels avec les droits civils et politiques en dépit de ses moyens limités.

## **B. Interactive dialogue and responses by the State under review**

31. During the interactive dialogue, 58 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.
32. Kuwait commended the promulgation of the Information and Communication Code, which promoted freedom of expression and information, involvement of the private sector in policies to reduce unemployment, especially among young people, and legislation to promote social security and to facilitate access to medical coverage, including for vulnerable groups. Kuwait made a recommendation.
33. Libya commended the ratification of a number of human rights treaties and action to strengthen the health-care system, to provide free health care in emergency situations and to halve the cost of caesarean sections. Libya made a recommendation.
34. Madagascar commended the accession to several international instruments, the development of human rights legislation, the establishment of the National Committee for Human Rights and Freedoms and progress made in judicial reform, education and

employment. It encouraged further efforts to promote and protect human rights. Madagascar made recommendations.

35. Thailand commended the efforts to incorporate human rights obligations into national legislation and for the adoption of a national human rights policy. It encouraged the Government to ensure free access to education, but remained concerned about access to health care, especially for women and vulnerable groups. Thailand made recommendations.

36. Maldives congratulated Comoros on its accession to the ICC and ratification of the CRPD. It recognized the challenges of addressing certain human rights issues and noted the importance of strengthening the judicial system and police training to improve the human rights of vulnerable groups. Maldives made recommendations.

37. Mauritania welcomed the ratification of a number of international human rights treaties, including ICERD, as well as the 1949 Geneva Conventions and Additional Protocols I and II. It urged Comoros to redouble its efforts to promote political stability and the rule of law.

38. Mauritius noted steps to implement recommendations accepted during the first UPR cycle. It acknowledged the establishment of the Supreme Court and the National Commission to Prevent and Combat Corruption, and the adoption of a human rights policy and a poverty reduction and growth strategy paper. Mauritius made a recommendation.

39. Mexico noted the commitment to promoting human rights in the Constitution and the formulation of a national policy to that end. It applauded the establishment of the National Committee for Human Rights and Freedoms, but emphasized the need to ensure it was adequately resourced. It noted efforts to combat corruption. Mexico made recommendations.

40. Montenegro commended efforts to address forced and early marriage. It welcomed the renovations of short stay prison facilities and requested details of the policy on improving prison and custodial facility conditions. It noted draft legislation to amend the Criminal Code to abolish the death penalty. Montenegro made recommendations.

41. Morocco welcomed political reforms and the holding of transparent local and national elections. It noted efforts to align the National Committee for Human Rights and Freedoms with the Paris Principles, to ensure universal education and to combat poverty and unemployment through the national solidarity policy. Morocco made recommendations.

42. Mozambique noted steps taken towards implementing the previous recommendations, particularly given the political instability in the country. It commended the establishment of the human rights delegation and the submission of the report to the CEDAW. International assistance was vital to ensure further progress in implementing the recommendations. Mozambique made a recommendation.

43. Germany welcomed the establishment of the National Commission to Prevent and Combat Corruption and the de facto moratorium on the death penalty. It was concerned by reports of human rights violations in prisons, including excessive detentions, overcrowding, lack of food, and lack of health and sanitation facilities. Germany made recommendations.

44. Oman commended the adoption of an accelerated growth and sustainable development strategy (2015–2019), a poverty reduction and growth strategy paper (2010–2014) and public policies aimed at improving the population's health and supporting persons with disabilities. It noted that women enjoyed the same rights as men. Oman made a recommendation.

45. The Philippines appreciated steps to improve health and education for women and girls and to address child labour. It encouraged Comoros to continue to improve its

institutional and legislative frameworks in line with international standards and urged it to consider accelerating the process of amending its Criminal Code. It made a recommendation.

46. Portugal welcomed the adoption of measures to promote gender equality, notably through the creation of platforms for women in business, politics and sustainable development. It noted efforts to ensure the right to education and the de facto moratorium on the death penalty. Portugal made recommendations.

47. Qatar commended the establishment of the National Commission for Human Rights and Freedoms and the Group on Follow-up to the Commitments of the Government relating to Human Trafficking, and the ratification of international human rights treaties. It also noted the adoption of a growth and poverty reduction strategy paper. Qatar made recommendations.

48. Saudi Arabia commended the enactment of legislation, particularly regarding health and employment, the ratification of international treaties and the willingness to cooperate with the special procedures and human rights treaty bodies. It noted vigorous action taken to promote human rights, despite a lack of resources. Saudi Arabia made a recommendation.

49. Senegal praised the establishment of the National Committee for Human Rights and Freedoms and the National Commission to Prevent and Combat Corruption and the introduction of a national human rights policy. It noted legislation adopted to combat violence against women and children. Senegal made recommendations.

50. Singapore noted projects and programmes to reduce maternal and child mortality and to improve access to health-care services, especially for children. It noted progress in strengthening the right to education, evidenced by the increased school enrolment rate and a report prepared in cooperation with UNESCO and UNICEF. Singapore made recommendations.

51. Slovenia welcomed reconsideration of the use of corporal punishment in homes and schools and encouraged the Government to prohibit and penalize corporal punishment of children in all settings. It welcomed policies on gender equality but remained concerned at the high rate of violence against women. Slovenia made recommendations.

52. Somalia welcomed the delegation of Comoros and congratulated it on the excellent presentation of its thorough and transparent report and on progress made. It applauded the implementation of most of the recommendations accepted during the first UPR cycle. Somalia made recommendations.

53. South Sudan praised Comoros on its efforts to strengthen institutional and legislative frameworks. It welcomed amendments to the Constitution to incorporate human rights principles and the signing and ratification of international human rights instruments. It encouraged the country to continue cooperating with human rights mechanisms. South Sudan made recommendations.

54. Spain noted progress in the field of human rights, including the development of a constitutional and legal framework, ratification of various human rights instruments and efforts to combat gender-based violence. It commended provision in the Constitution to ensure religious freedom and the ratification of the CRPD. Spain made recommendations.

55. Malaysia noted inclusion of human rights standards in national legislation and improved the rights of women and children. It commended efforts to combat child labour, increase school enrolment and access, and eradicate illiteracy. It called for support from the international community to provide assistance. Malaysia made a recommendation.

56. Togo welcomed institutional strengthening through the creation of the National Commission for Human Rights and Freedoms, the National Commission for Action against and Prevention of Corruption and the General Office for Solidarity and Gender Advocacy. Despite limited resources, it noted initiatives to improve health, education and women's rights. Togo made recommendations.

57. Egypt commended efforts to protect and respect human rights, despite technical and institutional challenges and a lack of resources. It noted the adoption of a national human rights policy, creation of the National Commissions for Human Rights and Freedoms and action to combat and prevent corruption. Egypt made recommendations.

58. The United Arab Emirates welcomed efforts in the area of economic, social and cultural rights to strengthen the infrastructure required for development programmes and a strong economy. It commended steps taken to combat poverty and guarantee social justice. It requested details about the national human rights policy and results achieved. It made recommendations.

59. The United Kingdom of Great Britain and Northern Ireland welcomed Comoros' engagement in the UPR process, but said that more progress was needed. It noted that Comoros had signed, but not ratified, the CAT, ICCPR and ICESCR. Comoros should take action towards religious freedom and access to justice. It made recommendations.

60. The United States of America commended democratic reforms, trials of coup plotters and continued civilian governance, but official corruption, the ineffectiveness of and corruption within the judicial system and collective bargaining rights remained a concern. It urged increased access to prisons, noting poor detention conditions. It made recommendations.

61. La délégation Comorienne remercia les appréciations positives des représentants des Etats et leurs encouragements en tenant compte de leurs observations.

62. Elle souligna que la vétusté des prisons était une réalité. L'aide internationale est sollicitée pour mieux parvenir à des normes acceptables et assurer l'insertion des ex-détenus dans la société. (Questions Madagascar, Allemagne, Etats-Unis, Mexique).

63. Les ratifications demandées lors de l'EPU 2009 ont été faites. La délégation reconnaît que des instruments de ratification ne sont pas parvenus au secrétariat de l'ONU. Ils le seront instamment. Les conventions et traités non ratifiés continueront à l'être. (Questions: Royaume Unie, Togo, Egypte, Slovaquie, Brésil, Tchad, Mozambique).

64. La liberté d'expression est garantie. La presse est libre. Cette liberté est caractérisée par un foisonnement des organes de presse. Des syndicats puissants relevant de presque tous les secteurs sont un maillon essentiel de la Société Civile. (Question: Koweït).

65. Le Gouvernement fait l'effort nécessaire pour renforcer les moyens financiers de la Commission Nationale des Droits de l'Homme et des Libertés. Son indépendance est garantie. (Thaïlande, Sénégal, Mexique, Maroc, Allemagne, Djibouti).

66. La création d'emplois pour lutter contre le chômage est une préoccupation majeure. Elle trouve son expression dans la valorisation du secteur privé qui est le meilleur créateur de richesses et d'emplois. La création de la Maison de l'Emploi est un pas important. La micro finance et la facilitation de l'accès au crédit se développent (Question: Koweït, Mauritanie, Maroc, Madagascar, Malaisie, Sénégal).

67. L'exiguïté du territoire facilite l'accessibilité à la justice. Des audiences foraines sont souvent organisées. Le Gouvernement envisage d'offrir la protection judiciaire à tout justiciable démuné. Des justices de proximités sont prévues (Question: Maroc, Algérie, Royaume Uni).



68. Le projet de loi relatif à la révision du Code pénal prévoit l'abolition de la peine de mort. Le moratoire sur les exécutions est respecté (Questions: Etats-Unis, Espagne, Botswana, Monténégro).
69. La corruption est une réalité. Des mesures administratives et judiciaires sont régulièrement prises en cas de corruption avérée. Il a été créé une Commission Nationale de Lutte contre la Corruption pour la combattre. Le remplacement fréquent des Ministres de la Justice relevé n'est pas lié à une quelconque corruption. Il s'agit des problèmes spécifiquement politiques. (Question: Etats-Unis).
70. La politique de santé du gouvernement priorise la santé maternelle et infantile. D'énormes progrès sont réalisés pour rapprocher la santé des personnes vulnérables. (Question: Thaïlande, Madagascar, Oman, Libye, Qatar, Singapour, Djibouti, Monténégro, Maroc).
71. Les femmes ont le pouvoir en Union des Comores. Elles n'ont pas de statut inférieur dans la société. Elles sont protégées par des mécanismes traditionnels. A titre d'exemple, en cas de divorce, c'est le mari qui quitte le foyer conjugal, le laissant en jouissance à la femme. Elles sont privilégiées dans l'héritage suivant la tradition. Elles sont puissantes dans les différentes associations communautaires notamment pour les tontines, l'agriculture et l'élevage. Elles prospèrent dans le commerce. Elles ont une grande influence dans la décision politique. Au foyer, elles influent sur la prise de décision. Dans les instances publiques de décision et à des fonctions administratives stratégiques, les femmes ont une place prépondérante. L'âge minimum pour le mariage est fixé à 18 ans. Le mariage précoce est contenu. Le Code la Famille et le Code pénal le prohibent (Question: Thaïlande, Portugal, Djibouti).
72. Aux Comores, il existe une tradition très ancienne de tolérance religieuse. Une règle tacite veut que chaque communauté religieuse respecte l'autre en s'abstenant de tout prosélytisme. Les sectes ne sont pas autorisées. Sur cette base, nul n'est réprimé sur ses croyances religieuses. Toutefois, le gouvernement est vigilant sur les tentatives d'instrumentalisation de la religion à des fins politiques. (Question: Etats-Unis, Allemagne, Mexique, Royaume Uni, Ghana).
73. Il n'y a pas de politique pénale contre les homosexuels. Comme il n'y a pas de minorité homosexuelle visible. Effectivement, le Code pénal réprime l'homosexualité. Il n'y a pas actuellement de majorité politique à l'Assemblée pour changer la loi. (Espagne, Brésil, Pays-Bas).
74. Uruguay applauded the acceptance of most recommendations made during the first UPR cycle and endeavours to implement them. It noted the creation of government departments to promote gender equality and efforts to harmonize national legislation with CEDAW. It noted the construction of new schools and increased school enrolment. Uruguay made recommendations.
75. Venezuela (Bolivarian Republic of) welcomed constitutional reform and the development of a national human rights policy. It noted increased school enrolment and the Interim Education Plan for 2013–2015 and that health-related strategies had led to free emergency care, nutrition programmes and malaria campaigns. It made a recommendation.
76. Yemen welcomed the clear description in the national report of the human rights situation and the challenges faced. It welcomed the ratification or signing of the following treaties: CRC, OP-CRC-SC, OP-CRC-AC, ICESCR, ICCPR, ICERD, CRPD, CAT and UNCAC. Yemen made a recommendation.
77. Afghanistan welcomed the comprehensive national report. It noted adoption of a national human rights policy and efforts towards effective judicial administration. It

commended steps taken to reduce unemployment, provide free emergency health care, combat child labour and increase school enrolment. Afghanistan made a recommendation.

78. Algeria noted that several international legal instruments had been incorporated into national legislation in the areas of health, work, transparency and the public sector. It welcomed policies to promote human rights and measures to improve the situation of vulnerable people, children, women and persons with disabilities. Algeria made recommendations.

79. Angola commended the adoption of a national human rights policy and an accelerated growth and sustainable development strategy 2015-2019, with a view to implementing the accepted recommendations of the first cycle. It further commended the accession to ICERD, ICESCR and ICCPR. Angola made a recommendation.

80. Argentina welcomed the implementation of public policies and the adoption of a national human rights policy. It urged Comoros to step up efforts to fulfil its international commitments. It welcomed ratification of OP-CRC-SC. Argentina made recommendations.

81. Australia welcomed the establishment of the National Commission for Human Rights and Freedoms and efforts to promote gender equality, address trafficking of women and children, prohibit child labour, combat corruption and abolish the death penalty. It was concerned about reports of irregular arrest procedures, the length of detention and prison conditions. Australia made recommendations.

82. Azerbaijan congratulated the accession to the core international human rights instruments. It underlined the reform of the Criminal Code and Code of Criminal Procedure and the process undertaken to incorporate international human rights instruments into national legislation. Azerbaijan noted educational reforms. Azerbaijan made recommendations.

83. Bahrain commended action to promote gender equality, particularly the involvement of women in decision-making bodies, the creation of platforms for women in business and politics and enhancement of women's role in sustainable development. It commended the holding of meetings on sexual and other forms of violence. Bahrain made a recommendation.

84. Botswana welcomed the democratic national and local elections and the establishment of the Supreme Court. It encouraged continued strengthening of the legal and institutional framework. It asked what measures would be taken to combat human trafficking and for information on the status of the new Criminal Code. Botswana made recommendations.

85. Brazil praised enhanced organizational structures in human rights. It appreciated the successful national elections held in 2010, which marked an important step towards consolidating democracy and institutional strengthening. It believed that Comoros could take further steps with respect to sexual orientation and women's rights. Brazil made recommendations.

86. Cabo Verde noted that insufficient resources and entrenched social traditions posed a challenge to change. However, it welcomed the adoption of a national human rights policy, the new Criminal Code and Code of Criminal Procedure, a strategy and plan to tackle corruption and national education plan. It made recommendations.

87. Canada asked whether a procedure to receive and handle complaints of employment discrimination had been established. It welcomed the adoption of a national human rights policy and the establishment of the National Commission for Human Rights and Freedoms. It noted steps to ensure women's active participation in the economy. Canada made recommendations.

88. Chad noted that constitutional amendments had led to the strengthening of institutions, ensuring incorporation of the universal values of human dignity, tolerance and freedom into domestic legislation. It welcomed measures taken to implement previous recommendations and that Comoros was a party to the core international human rights instruments. Chad made recommendations.

89. China congratulated Comoros on strengthening the rights of women, children and persons with disabilities and on its commitment to enhancing rights in health care, education and other social and cultural rights. China made a recommendation.

90. The Congo noted institutional reforms, notably the adoption of a national human rights policy and the creation of a national human rights commission and a transparent public finance management system. Further efforts should be focused on the administration of justice, equality and non-discrimination and the right to education. It made a recommendation.

91. Cuba welcomed measures taken to guarantee the right to education and efforts to stamp out illiteracy nationwide. It commended initiatives to improve access to health services, especially emergency health care, reduce surgery costs, including for caesareans, and improve health system infrastructure. Cuba made recommendations.

92. Djibouti encouraged Comoros to continue collaborating with its international partners, especially to provide adequate training for staff in the newly-created human rights institutions. It welcomed initiatives to ensure better access to maternal and child health care. It requested more information on the status of amendments to criminal legislation. Djibouti made recommendations.

93. Tunisia commended amendments to the Constitution and the enactment of numerous laws aimed at promoting human rights. It welcomed the establishment of the National Commission for Human Rights and Freedoms and the General Office for Solidarity and Gender Advocacy. Tunisia made recommendations.

94. Ethiopia commended Comoros on the adoption of a national human rights policy, which would strengthen efforts to promote and protect human rights. It noted with appreciation the ratification of the CRPD. Ethiopia made recommendations.

95. France welcomed efforts to implement a number of its accepted recommendations from the first UPR cycle. It praised the creation of the National Commission for Human Rights and Freedoms and the establishment of the National Commission for Action against and Prevention of Corruption. France made recommendations.

96. Gabon commended Comoros on acceding to or ratifying the core international and regional human rights instruments and on establishing the National Commission for Human Rights and Freedoms. It welcomed amendments to the Criminal Code and Code of Criminal Procedure with a view to abolishing the death penalty. Gabon made a recommendation.

97. The Netherlands noted the commitment to equality and non-discrimination and particularly measures to address domestic and sexual violence against women. However, it remained concerned about violence against women and the lack of victim protection measures and encouraged continued efforts in those areas. It made recommendations.

98. Ghana commended the establishment of the Supreme Court and various national institutions to promote and protect human rights and to combat corruption. Ghana supported Comoros' appeal to the international community for assistance in strengthening the relevant institutions with the necessary human, financial and technical capacity. Ghana made recommendations.

99. Indonesia appreciated steps taken to strengthen the legal and institutional framework, including the establishment of a national human rights policy and the National Commission for Human Rights and Freedoms. It welcomed endeavours to ensure children's rights, particularly awareness-raising programmes developed to combat child labour. Indonesia made recommendations.

100. Iraq welcomed the adoption of accelerated growth, sustainable development and poverty reduction strategies and of a capacity-building plan. It commended ratification of CAT and ICERD, and the establishment of the Human Rights Delegation, the National Commission for Human Rights and Freedoms, and the National Network of Gender Advocates. Iraq made recommendations.

101. Ireland welcomed the introduction of a national human rights policy and legislation establishing an NHRI and ratification of the Rome Statute. It noted that Comoros was not a party to fundamental international human rights instruments and treaty body concerns at women's illiteracy rates and gender disparity in education. Ireland made recommendations.

102. Kenya noted the establishment of the National Commission for Human Rights and Freedoms and encouraged Comoros to ensure it was adequately resourced. It welcomed the Government's commitment and continuing efforts to ensure the full implementation of the recommendations accepted in the first UPR cycle. Kenya made a recommendation.

103. La délégation renouvela sa reconnaissance au Conseil des Droits de l'Homme, à la Troïka pour le dossier EPU Comores, à la Mission Permanente de la Suisse auprès des Nations Unies à Genève, à l'Organisation Internationale de Francophone, au Haut-Commissariat des Nations Unies aux Droits de l'Homme, au Bureau du Coordonnateur Résident du Système des Nations Unies en Union des Comores et à tous ceux qui l'ont soutenu dans cet exercice.

104. Elle a pris bonne note des interventions des uns et des autres et s'engage à tirer les enseignements pour l'avenir.

105. Elle exprima la volonté de gouvernement de poursuivre l'effort de promotion, de protection et d'accomplissement des droits de l'homme parce qu'il s'agit d'un processus continu.

106. Elle invita les rapporteurs spéciaux et les experts des conventions et des organes de traité à visiter les Comores.

107. Elle sollicita l'appui des pays et des organisations pour la mise en œuvre des recommandations issues du deuxième cycle de l'EPU.

108. Elle remercia les Etats qui avaient exprimé leur disponibilité à accompagner l'Union des Comores.

109. La délégation estima qu'il ne faudrait pas laisser la précarité, la fragilité économique et la demande sociale pressante annihiler les efforts accomplis et ceux à accomplir en matière des droits de l'homme en Union des Comores.

## II. Conclusions and/or recommendations

110. **The recommendations listed below have been examined by Comoros and enjoy the support of Comoros:**

110.1. **Proceed with the formal abolition of the death penalty and sign and ratify the 2<sup>nd</sup> Optional Protocol to the International Covenant on Civil and Political Rights (Germany);**

- 110.2. **Ratify the Optional Protocol to the ICCPR abolishing the death penalty and proceed with abolishing the death penalty for all crimes (Slovenia);**
- 110.3. **Sign the Second Optional Protocol to the International Convention on Civil and Political Rights aiming at the abolition of the death penalty, as a step towards accelerating the approval of the new draft Penal Code and the draft Criminal Procedure Code that would include the abolition of the death penalty (Uruguay);**
- 110.4. **Adopt a de jure moratorium and ratify the Second Optional Protocol to the ICCPR, with a view to abolition of the death penalty (Portugal);**
- 110.5. **Ratify the Second Protocol to the ICCPR (Australia);**
- 110.6. **Abolish the death penalty and ratify the 2nd Optional Protocol to the ICCPR (France);**
- 110.7. **Speed up the process of adopting the new Penal Code that foresees the abolition of the death penalty (Togo);**
- 110.8. **Adopt the abolition of the death penalty, or at least a moratorium on its application, as it has already done twice in 1977 and 1998 (Spain);**
- 110.9. **Abolish de jure the death penalty (Montenegro);**
- 110.10. **Continue to strengthen the legal framework for the promotion and protection of human rights, including through the ratification of the ICCPR and ICESCR, which are key instruments for the promotion and protection of a number of other fundamental rights, as well as the ICRMW (Indonesia);**
- 110.11. **Ratify the Optional Protocol to the ICESCR and the Optional Protocol to the Convention on the Rights of the Child on a communication procedure (Portugal);**
- 110.12. **Continue its efforts to ratify the International Convention on the Protection of All Persons from Enforced Disappearances, as well as other principal international human rights instruments to which the country has not yet been party (Argentina);**
- 110.13. **Proceed with the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (France);**
- 110.14. **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and strengthen institutional capacity at the national and island levels to implement gender equality policies and programs (Australia);**
- 101.15. **Ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which Comoros signed in 2000 (Ghana);**
- 110.16. **Continue the procedures of ratifying the Convention on the Rights of Persons with Disabilities (Iraq);**
- 110.17. **Consider ratifying the African Charter on Democracy, Elections and Governance (Ethiopia);**

- 110.18. **Ensure the independence of the National Commission for Human Rights and Freedoms, and provide it with adequate human and financial resources in the fulfilment of its mandate (Thailand);**
- 110.19. **Continue its efforts to adopt good governance and strengthen the role of the National Commission for Human Rights (Yemen);**
- 110.20. **Ensure compliance of the National Commission of Human Rights and Freedoms with the Paris Principles (France);**
- 110.21. **Implement successfully the national human rights policy and continue the process of incorporation of international human rights instruments into the national legislation (Azerbaijan);**
- 110.22. **Enhance efforts in requesting technical assistance to strengthen the function of the existing institutions to promote rights and freedoms (Qatar);**
- 110.23. **Take further steps to increase the independence of the Anti-Corruption Agency so that it may thoroughly investigate credible allegations of corruption, and increase the number of prosecutions of these cases within the judicial system (United States of America);**
- 110.24. **Guarantee the independence of various human rights and anti-corruption institutions (Ghana);**
- 110.25. **Intensify its efforts to fight corruption, including by raising public awareness (Australia);**
- 110.26. **Continue the successful and important practice of accession to the core international human rights instruments (Azerbaijan);**
- 110.27. **Engage in a dissemination and popularization campaign of major international human rights instruments in the whole national territory (Congo);**
- 110.28. **Continue its cooperation with UN human rights instruments (Azerbaijan);**
- 110.29. **Continue its efforts aimed at improving the coordination among national human rights institutions and the treaty bodies (Angola);**
- 110.30. **Enhance the functions of the national institutions to accelerate the process of submitting periodic reports to Treaty Bodies (Iraq);**
- 110.31. **Extend a standing invitation to all thematic Special Procedures (Montenegro);**
- 110.32. **Ensure the independence of the National Institution for Human Rights and grant it the necessary means to function in accordance with Paris Principles, and issue a standing invitation to Mandate Holders of the Human Rights Council (Tunisia);**
- 110.33. **Expand the space for independent activities of civil society groups and issue a standing invitation to the special procedures to visit Comoros (Ghana);**
- 110.34. **Develop a national strategic action plan for the prevention of all forms of violence against women as noted by CEDAW (Maldives);**
- 110.35. **Adopt law on violence against women and ensure its implementation (Slovenia);**

- 110.36. **Adopt a comprehensive law on violence against women, with a particular emphasis on the protection of victims, accountability of perpetrators as well as on awareness-raising to encourage reporting of domestic and sexual violence (Portugal);**
- 110.37. **Establish specialized support centers for victims of sexual violence or victims of sexual aggression against women and children (Bahrain);**
- 110.38. **Establish shelters and other facilities for victims of violence, including domestic and sexual violence, and ensure their adequate medical, psychological, legal and financial support, and combat domestic and sexual violence through, inter alia, public awareness campaigns, education, and the promotion of equal and non-discriminatory access to employment opportunities, health infrastructure, water and sanitation facilities, and justice (Germany);**
- 110.39. **Increase its efforts to combat sexual and domestic violence against women (Netherlands);**
- 110.40. **Strengthen the protection of women from violence, fight against impunity for perpetrators of violence against women and take specific measures for victims (France);**
- 110.41. **Continue its efforts to eliminate all forms of violence and discrimination against women (Tunisia);**
- 110.42. **Intensify the implementation of measures that allow the elimination of all forms of discrimination against women (Uruguay);**
- 110.43. **Continue more efforts to combat discrimination against women (South Sudan);**
- 110.44. **Raise awareness and disseminate in the civil society the norms contained in the CEDAW, in a language accessible and clear for the local people, through partnership collaboration with the civil society (Uruguay);**
- 110.45. **Strengthen necessary policies to respect and promote women's rights and their role in various fields, given that women are key partners in the development process (Egypt);**
- 110.46. **Continue the reforms in the area of women's rights, including regarding patrimonial status and particularly regarding forced and underage marriages (Cabo Verde);**
- 110.47. **Continue awareness-raising of the population, in particular women on human rights and new national institutions, as well as put in place sensitization regarding stereotypes associated to human rights (Djibouti);**
- 110.48. **Continue to intensify its efforts to further promote and protect women's rights by allocating the necessary resources and to implement awareness-raising activities on the importance of women's participation in the decision-making process, and to take measures to increase their participation in political and public life (Malaysia);**
- 110.49. **That substantial advances be sought on the realization of the rights of women, particularly towards increasing their share in decision-making positions and in politics in general (Brazil);**

- 110.50. Strengthen its efforts for the promotion of equality between men and women, and take measures to increase the active participation of women in political and public life (Canada);
- 110.51. Strengthen the promotion of activities generating income for women (Madagascar);
- 110.52. Improve the access of women in rural areas to justice and activities that allow them and their families to improve their living standards (Algeria);
- 110.53. Take adequate measures to combat human trafficking (South Sudan);
- 110.54. Intensify its fight against all forms of discrimination and the exploitation of children of poor families (Gabon);
- 110.55. Take steps to improve detention conditions of prisoners and strengthen independent control mechanisms. Special emphasis should be on the identification of alternative approaches to imprisonment as well as on the societal reintegration of prisoners (Germany);
- 110.56. Take measures to improve prison conditions, in particular in the areas of food and sanitation, and ensure that the rights of prisoners are respected in accordance with international law standards (Mexico);
- 110.57. Improve detention conditions so that they are favorable to the respect of dignity of prisoners (Madagascar);
- 110.58. Continue the judicial reform with a view to improving the access to justice by promoting a better territorial coverage and upgrading the penitentiary administration (Morocco);
- 110.59. Improve conditions of detention consistent with international obligations and afford greater flexibility in granting human rights and humanitarian organizations access to detention centers (United States of America);
- 110.60. Review the rights of detainees and conditions in local prisons and detention facilities so that they meet international standards, in particular where juvenile offenders are concerned (Australia);
- 110.61. Extend measures to improve the living conditions of juveniles in detention in place in Anjouan and in facilities of Moroni and Fomboni, as well as put in place child-care facilities for victims of child abuse (Djibouti);
- 110.62. Uphold the educational concept for minors sentenced to youth custody and maintain separate detention facilities for minors (Germany);
- 110.63. Decriminalize defamation, and continue national measures to promote the independence of the media (Ghana);
- 110.64. Continue its efforts to combat unemployment, and to work on the laying the ground for suitable economic environment that creates more job opportunities for youth (Kuwait);
- 110.65. Initiate and implement in place programs focusing on employability, entrepreneurship and micro-credit with a view to allowing young unemployed people a better insertion into the employment market (Morocco);



- 110.66. **Work on future efforts for the advancement of economic affairs in order to promote the rights related to employment, education, health care and housing (Saudi Arabia);**
- 110.67. **Further strengthen its social programs and policies in favor of its people, with a special emphasis on economic, social and cultural rights, for which the international solidarity is indispensable (Venezuela (Bolivarian Republic of));**
- 110.68. **Generate adequate infrastructure so that all citizens have access to safe drinking water for human consumption (Spain);**
- 110.69. **Step up its efforts in ensuring free universal healthcare services for all (Thailand);**
- 110.70. **Improve the conditions of the access of vulnerable people to healthcare (Madagascar);**
- 110.71. **Enhance cooperation with the relevant United Nation organizations to continue the efforts to reduce maternal and child mortality and improve the access of children to health care (Qatar);**
- 110.72. **Continue to promote programs and intensify the initiatives aiming at providing health care for motherhood and childhood (Oman);**
- 110.73. **In cooperation with relevant international organizations, continue to improve its people's access to quality and affordable health care (Singapore);**
- 110.74. **Improve access to health care for vulnerable groups, including pregnant women as well as take measures to reduce child mortality (Slovenia);**
- 110.75. **Continue taking measures to improve its population's access to health services (Cuba);**
- 110.76. **Improve the quality of health services and education for the population, and particularly for children (Algeria);**
- 110.77. **Continue efforts to further improve the standards of living of its population with emphasis on improving access to education and eliminate illiteracy definitely (Cuba);**
- 110.78. **Strengthen measures taken to ensure access to education and healthcare within the available means (Ethiopia);**
- 110.79. **Facilitate the access of children to primary education (Madagascar);**
- 110.80. **With support from the relevant international organizations, continue to implement its education program to ensure access to quality education for all (Singapore);**
- 110.81. **Continue efforts to promote the education of children and to develop training and higher institutions (Somalia);**
- 110.82. **Identify the causes and adopt measures to ensure the permanence of minors in general and of girls in particular, in the education system (Uruguay);**
- 110.83. **Further focus on children's access to primary education and speed up the process of implementing "The Interim Education Plan" and**

**further promote the return to school of children who are dropped out (Afghanistan);**

**110.84. Continue the reforms undertaken in the field of education (Azerbaijan);**

**110.85. Continue efforts to enhance enrolment of girls in school and minimize the dropout rate, and enhance literacy levels especially among women (Ghana);**

**110.86. Take further measures to reduce the gender disparity in primary and secondary school and address the causes of the high dropout rates of adolescent girls, notably those outlined by the CEDAW Committee in its concluding observations on the periodic reports of Comoros (Portugal);**

**110.87. Take steps to increase the participation of girls in the education system (Ireland);**

**110.88. Continue its efforts in advancing the right to education, including in ensuring access and permanence of education, especially for girls, women and children with disabilities (Indonesia);**

**110.89. Consider including human rights education in the 2015-2020 overall education plan (Mauritius);**

**110.90. Incorporate the education of human rights in its school curricula in order to raise human rights awareness among the people (Libya);**

**110.91. Ensure adequate access for people with disabilities to all buildings, information, communication, education and all means of transportation (Spain);**

**110.92. Improve the condition of access of vulnerable persons, particularly those with disabilities, pregnant women, children and the elderly, to healthcare (Togo);**

**110.93. Enhance efforts aimed to achieve additional progress in the process of promoting economic, social and cultural rights, especially the rights of women, children and people with disabilities (Egypt);**

**110.94. Ensure that the implementation of programs supported by loans from the International Monetary Fund and the World Bank should not be carried out at the expense of basic social sectors such as education and health, nor should it exclude the marginalized vulnerable groups such as children, women and people with disabilities. (United Arab Emirates);**

**110.95. Continue to take measures to eradicate poverty and ensure a better access to education and health services (Morocco);**

**110.96. Continue pursuing its anti-poverty strategy, strengthen the rights of vulnerable groups, and make efforts to realize sustainable economic and social development (China);**

**110.97. Step up the actions for the fight against poverty, in particular in rural areas (Senegal);**

**110.98. Continue its efforts to promote international cooperation in the fight against severe consequences of climate change in order to reduce the environmental vulnerability that is crucial for the enjoyment of vital human rights and call upon the international community to provide material and financial assistance to Comoros (Somalia);**

- 110.99. Strengthen its cooperation with its development partners and various UN entities as a way to facilitate the implementation of its socio-economic programs and implement the recommendations that it will accept in its UPR cycle (Philippines);
- 110.100. Conduct appropriate programs towards increasing participation and enhance participation of civil society in decision-making and development process (Maldives);
- 110.101. Continue to pursue and redouble efforts to put in place the country's development plans and strategies with a focus on improving the situation of economic and social rights of its citizens (Somalia);
- 110.102. Call upon the Comoros to mobilize all its efforts and energies to ensure the full and effective implementation of the strategy for rapid growth and sustainable development adopted by the government for the period 2015-2019 (United Arab Emirates).
111. The following recommendations enjoy the support of Comoros which considers that they are already implemented or in the process of implementation”:
- 111.1. Ratify the ICCPR and CAT (Botswana);
- 111.2. Accelerate the ratification both Covenants the Civil and Political Rights (ICCPR) and the Covenant of Economic, Social and Cultural Rights (ICESCR), the Convention against Torture (CAT) and its Optional Protocol (OP-CAT) ( Tunisia);
- 111.3. Consider ratifying the International Covenant on Civil and Political Rights (Ethiopia);
- 111.4. Accelerate the processes of ratification of different instruments for human rights protection with a special emphasis on the International Covenant of Economic, Social and Cultural Rights and the International Covenant of Civil and Political Rights (Uruguay);
- 111.5. Envisage to ratify international instruments already signed, in particular the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Convention against Torture and other Cruel, Inhuman or Degrading Treatments (Cabo Verde);
- 111.6. Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both signed in 2008, as well as the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signed in 2000 (Ireland);
- 111.7. Consider completing the ratification processes relating to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture (Kenya);
- 111.8. Consider legal reform to improve access to justice for the poorest plaintiffs, including measures to address high lawyer fees and the centralization of courts (United Kingdom of Great Britain and Northern Ireland);
- 111.9. Implement national texts related to the rights of children and women (Madagascar);

112. The following recommendations will be examined by Comoros which will provide responses in due time, but no later than the 26<sup>th</sup> session of the Human Rights Council in June 2014:

112.1. Ratify or accede to international human rights instruments, to which Comoros is not yet party (Togo);

112.2. Continue adopting a positive perspective towards the accession to international human rights treaties that Comoros have not yet accessed to (Egypt);

112.3 Carry out a revision of the various legal systems in use, Islamic, civil and customary, to ensure that its treatment of women is uniform and in line with provisions of the Convention on the Elimination of All Forms of Discrimination against Women (Mexico);

112.4. Adopt the legislation explicitly prohibiting the corporal punishment of children in all settings, including home (Slovenia);

112.5. Prohibit, by law, all forms of violence against children, including corporal punishment, as well as the establishment of a minimum legal age for marriage (Portugal);

112.6. Continue with measures aimed at ensuring that all births of children are registered, particularly by reviewing the legislation to ensure that all children born in the territory can acquire the nationality, and avoid cases of statelessness (Argentina);

112.7. Undertake a thorough assessment of the issue of trafficking in persons and take adequate measures, including enactment of adequate legislation to combat the practice as recommended by the UNHCR (Botswana);

112.8 Strengthen the institutional framework for the protection of children's rights by setting up welcome centers and socio-professional training (Senegal);

112.9 Take the necessary measures to prohibit the use of corporal punishment against children (France);

112.10. Ratify the international human rights treaties, to which it is not yet party, and cooperate with the OHCHR, treaty bodies and Special Procedures (Chad);

112.11. Review the judicial system in order to ensure that the provisions of civil law, Islamic law and customary law conform to the provisions of CEDAW (Canada);

112.12. Take measures to ensure the respect of freedom of religion and to end all types of reprisals against those who converted from Islam (Mexico);

112.13. Continue its efforts to promote religious freedom, and continue to broaden the space for inter-faith dialogue (Ghana);

113. The recommendations below did not enjoy the support of Comoros:

113.1. Endeavour to implement the remaining recommendations of the previous UPR review (Mozambique);

113.2. Initiate a debate on the decriminalization of homosexuality (Spain);

113.3. **Review the report of the High Commissioner on sexual orientation and gender identity and give consideration to implementing its recommendations (Netherlands);**

113.4. **Repeal all provisions giving rise to discrimination based on sexual orientation or gender identity and ensure respect for fundamental freedoms for all citizens (France);**

113.5. **Take steps to avoid discrimination and violation of the human rights of the LGBT population (Brazil);**

113.6. **Decriminalize religious proselytism and religious freedom (Spain);**

113.7. **Put measures in place to better protect religious freedom, including through bringing the older Penal Code which prohibits conversion from Islam in line with the Constitution, and enabling people of all religions, to practice religion openly without risking discrimination (United Kingdom of Great Britain and Northern Ireland);**

113.8. **Guarantee and protect freedom of religion or conscience for all its citizens (France);**

114. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

## Annex

### Composition of the delegation

The delegation of Comoros was headed by Dr Abdou Ousseini, Ministre de la Justice en charge des Droits de l'Homme and composed of the following members:

- Mr. Mohamed Ahmed Allaoui, Président de la Commission Nationale;
  - Mr. Saëndou Djazila, Délégué aux Droits de l'Homme et Président du comité d'élaboration;
  - Mr. l'Ambassadeur Ahamada Hamadi, Représentant le Ministère des Relations Extérieures et de la Coopération;
  - Mr. Ambassadeur Sultan Chouzour, Représentant Permanent de l'union des Comores auprès de l'ONUG et des autres organisations internationales.
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