



General Assembly

Distr.
GENERAL

A/HRC/WG.6/5/COM/3
24 February 2009

Original: ENGLISH/FRENCH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Fifth session
Geneva, 4-15 May 2009

**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF THE
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1***

Comoros

The present report is a summary of four stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to the United Nations translation services.

I. BACKGROUND AND FRAMEWORK

Constitutional and legislative framework

1. According to the European Centre for Law and Justice (ECLJ), the Union of the Comoros is a federal republic with a presidential system of government. Its population of more than two and a half million are almost all Sunni Muslims, but there are also a few hundred non-Muslims, who are mostly of the Christian faith. ECLJ noted that the legislation of the Union of the Comoros prohibits all forms of religious discrimination, but that the Union bases its legislation and government practice on Islamic principles.²

2. The Institute on Religion and Public Policy (IRPP) stated that the Constitution of the Union of the Comoros provides at least nominal protection for religious freedom, declaring that: “The people of the Comoros solemnly affirm their will (...) to mark their attachment to the principles and fundamental rights defined by the Charter of the United Nations, the Charter for the Organization of African Unity, the Charter of the Arab League of Nations, the Universal Declaration of Human Rights of the United Nations, and the African Charter on Human and Peoples’ Rights, as well as international conventions, notably those relating to the rights of children and women”. IRPP mentioned that the Preamble to the Fundamental Law goes on to “Proclaim (...) the Equality of rights and duties for all without distinction of sex, origin, race, religion or belief”, as well as the “Freedoms of expression, meeting, association and trade unionism with due respect for morals and public order.”³ Similar information was provided by ECLJ.⁴

3. According to IRPP, while the Constitution provides protections for religious freedom, the Penal Code includes provisions which limit the rights of religious minorities to freely practice their faith, including the prohibition on Muslims from converting to faiths other than Islam.⁵ IRPP indicated that the Penal Code prohibits the proselytizing of Muslims by non-Muslims, those non-Muslim foreigners who are caught proselytizing face the possibility of deportation and that for non-Muslim citizens of the Comoros, the punishment for proselytizing includes fines and possible imprisonment.⁶

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

Implementation of international human rights obligations

1. Right to life, liberty and security of the person

4. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) indicated that corporal punishment of children is lawful in the home and that Articles 297 and 298 of the Penal Code permit the use of “light” punishment by parents and those with authority over children. It added that Article 95 of the Family Code provides that those with parental authority must protect children from violence, with the exception of “light” violence exercised under the “right of correction” of parents.⁷

5. GIEACPC stated that corporal punishment is lawful in schools under articles 297 and 298 of the Penal Code.⁸ GIEACPC added that the Penal Code contains no provision for judicial corporal punishment, but that it has been unable to establish whether or not it is available as a sentence for crimes under Shari’a law. It also noted that corporal punishment is not prohibited as a disciplinary measure in penal institutions⁹ and that it is lawful in alternative care settings.¹⁰

2. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

6. IRPP noted that the Comoros has several legal restrictions in place which hinder the ability of religious minorities to practice their religion freely and that these restrictions violate both their international human rights commitments and their own Fundamental Law. IRPP added that there were societal prejudices and discrimination which limited the ability of minorities to practice and express their faith.¹¹

7. IRPP reported that despite the fact that the government allows organized religious groups “to establish places of worship, train clergy to serve believers, and assemble for peaceful religious activities,” many non-Muslims do not practice their faith openly both in fear of societal pressure and the legal repercussions that groups face if they are convicted of proselytizing.¹² IRPP stated that the Comoros must repeal the discriminatory laws relating to issues of proselytizing and conversion to be truly in line with both the protections found within the Fundamental Law and in the international Treaties and Conventions which the Comoros wishes to uphold. It said that Comorians must be allowed to choose what religion they wish to adhere to.¹³

8. ECLJ identified articles 6, 7 and 16 of the Family Code and articles 229-1 and 229-8 of the Criminal Code as some of the main legal provisions that raise a serious issue of compliance with international religious freedom requirements.¹⁴ ECLJ reported that on 30 May 2006 four men were sentenced to a three-month term of imprisonment pursuant to article 229-8 of the Criminal Code for delivering a course on the Bible. The four persons were granted a presidential pardon on 6 July 2006 after the election of the new Comorian President, Ahmed Abdallah Mohamed Sambi.¹⁵

3. Right to social security and to an adequate standard of living

9. Earth Justice (EJ) mentioned that the Union of the Comoros is one of the world’s poorest countries, ranked twelfth of the Least Developed Countries, and was ranked in a 2008 consulting report as the nation most vulnerable to climate change risks.¹⁶

10. EJ indicated that in the Comoros, climate change will threaten the physical security and public health of coastal communities with rising sea levels and increasingly severe storms and cyclones, resulting in tidal surges, lowland flooding, and beach erosion; endanger Comorian culture by forcing people to seek refuge in more environmentally secure nations, where they will no longer be able to continue traditional customs and practices; threaten Comorians’ access to freshwater by warming air temperatures, decreasing precipitation, and salt-water intrusion into groundwater; and jeopardize food security by impeding the agricultural capacity of the islands and damaging ocean ecosystems such as coral reef fisheries on which Comorians rely for food.¹⁷ EJ added that the environmental changes causing these threats have been increasing in severity over the past several decades and are predicted to increase significantly by the end of the century.¹⁸

11. EJ recommended that the Human Rights Council encourage the government of the Union of the Comoros to increase efforts to provide citizens with information and education regarding the impacts of climate change, and to provide opportunities for public participation in decision-making concerning measures to mitigate and adapt to the harms that will result. EJ added that, recognizing the role of other States in causing climate change, the government of the Union of the Comoros must do everything within its power to increase its mitigation and adaptation efforts to protect the right of the people of Comoros to a clean and ecologically sustainable environment.¹⁹

12. According to EJ, responsibility for human rights violations caused by climate change requires consideration not only of the actions of the Union of the Comoros, but also of other States that are major emitters of greenhouse gasses. The international community - particularly those nations historically and currently responsible for the greatest portion of greenhouse gas emissions - has a responsibility to prevent violation of the human rights of Comorians and, if violations occur, to mitigate the harms and assist the victims.²⁰ In this regard, EJ recommended, inter alia, that the Human Rights Council encourage the international community to assist the Union of the Comoros in its efforts to mitigate and adapt to the effects of climate change, and to collectively provide for, or offset the costs of, resettlement of Comorians displaced by climate change on a basis proportional to their greenhouse gas emissions.²¹

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

13. EJ stated that a serious threat to the human rights of the people of Comoros is the environmental vulnerability of their small islands to the impacts of climate change and that the plight of Comorians illustrates how fundamental the right to an ecologically sustainable environment is to guaranteeing other rights such as the right to life, food, health, water, and culture.²²

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A.

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A.

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council).

Civil society

ECLJ	European Centre for Law and Justice*, Strasbourg, France.
EJ	Earth Justice*, Oakland, United States of America.
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom.
IRPP	Institute on Religion and Public Policy, Washington, DC, United States of America.

² ECLJ, p. 1.

³ IRPP, p. 1, para. 3.

⁴ ECLJ, p. 1.

⁵ IRPP, p. 1, para. 5.

⁶ IRPP, p. 1, 2, para. 6.

⁷ GIEACPC, p. 2, para. 1.1.

⁸ GIEACPC, p. 2, para. 1.2.

⁹ GIEACPC, p. 2, para. 1.3.

¹⁰ GIEACPC, p. 2, para. 1.4.

¹¹ IRPP, p. 1, para. 1.

¹² IRPP, p. 2, para. 7.

¹³ IRPP, p. 2, para. 9.

¹⁴ ECLJ, p. 2-3.

¹⁵ ECLJ, p. 3.

¹⁶ EJ, p. 2, para. 5.

¹⁷ EJ, p. 1, para. 2.

¹⁸ EJ, p. 1-2, para. 3.

¹⁹ EJ, p. 5, para. 19.

²⁰ EJ, p. 5, para. 18.

²¹ EJ, p. 5, para. 20.

²² EJ, p. 4, para. 17.
