

Institute on Religion and Public Policy: Religious Freedom in Comoros

Executive Summary

(1) The Union of the Comoros has several legal restrictions in place which hinder the ability of religious minorities in the country to practice their religion freely. These restrictions violate both their international human rights commitments and their own Fundamental Law. In addition, there were societal prejudices and discriminations which limited the ability of minorities to practice and express their faith.

Institute on Religion and Public Policy

(2) Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world

Introduction to the Legal Situation

(3) The Fundamental Law of the Union of the Comoros provides at least nominal protection for religious freedom. The Preamble of the Fundamental Law declares 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 People’s Rights, as well as international conventions, notably those relating to the rights of children and women.” 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.”

(4) The Fundamental Law establishes the primacy of Islam within the Union of the Comoros. The Preamble declares that “The people of the Comoros solemnly affirm their will...”To draw on Islam for continuous inspiration for the principles and rules governing the Union. “

(5) While the Fundamental Law provides protections for religious freedom, the Penal Code includes provisions which limit the rights of religious minorities to freely practice their faith. Perhaps the most egregious restriction found within the Penal Code is the prohibition on Muslims for converting to faiths other than Islam.

(6) In addition the Penal Code prohibit prohibits proselytizing of Muslims by non-Muslims. Non-Muslim Foreigners who are caught proselytizing face the possibility of deportation. For citizens

of the Non-Muslim citizens of the Comoros the punishment for proselytizing includes fines and possible imprisonment. According the 2008 United States International Freedom Report for the Comoros, a law still enforce from the 1980s states that “whoever divulges, promotes, or teaches Muslims a religion other than Islam will be punished with a 3-month prison sentence and a fine of 50,000 to 500,000 Comoran Francs.”

(7) 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.

(8) The government also appoints a Grand Mufti, who plays an important role in issues pertaining to religion and religious administration. The Grand Mufti is officially part of the Ministry of Islamic Affairs and advises the government on matters of Islamic Law. The Grand Mufti also routinely meets with elders to ensure that the principles of Islam are being respected throughout the country.

Conclusion

(9) The Comoros must repeal the discriminatory laws relating to issues of proselytizing and conversion to be truly in line with both the protections found with the Fundamental Law and in the myriad of International Treaties and Conventions which the Comoros wishes uphold. Comorans must be allowed to choose what religion they wish to adhere too. The oppressive threat of fines and imprisonment for proselytizing is literally driving non-Muslim Comorans to practice their religion underground.