

COMOROS (TIER 3)

The Government of Comoros does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Comoros remained on Tier 3. Despite the lack of significant efforts, the newly elected government took some steps to address trafficking, including adopting a National Policy for the Protection of Children in Comoros to combat child sex and labor trafficking. However, the government did not investigate, prosecute, or obtain convictions for any sex trafficking or forced labor crimes, including of complicit officials. It did not identify and protect any victims and lacked formal procedures to do so. It did not provide adequate resources to law enforcement officials, including the Morals and Minors Brigade, the office charged with investigating child abuse and exploitation. The extensive use of financial settlements in lieu of investigation and prosecution of crimes, and the use of mediation, resulting in the return of children to their alleged exploiters, continued to be serious concerns.

RECOMMENDATIONS FOR COMOROS

Revise and enact draft amendments to the penal code related to trafficking and address potential contradictions of those provisions with the child labor law and other relevant laws; in cooperation with NGOs and international organizations, increase the availability of protection services, including counseling and psychological care, for adult and child trafficking victims; develop procedures to identify and refer trafficking victims to care; investigate, prosecute, and convict traffickers, including allegedly complicit officials; end the practice of returning children to their exploiters through arbitration; increase work with international partners to implement recommendations from the forthcoming study on the forms and extent of the trafficking problem in Comoros; undertake efforts to engage Mayotte officials to prevent the trafficking of unaccompanied Comorian youth in Mayotte; expand anti-trafficking public awareness campaigns; and accede to the 2000 UN TIP Protocol.

PROSECUTION

The government did not make anti-trafficking law enforcement efforts. Comorian law does not prohibit all forms of human trafficking. Article 310 of the penal code prohibits aiding or assisting in the prostitution of others, prescribing penalties of six months to three years imprisonment and fines. Article 311 prescribes increased penalties, ranging from two to 10 years imprisonment, for aggravating factors related to article 310. Article 323 prohibits the facilitation of child prostitution and prescribes sufficiently stringent punishments of two to five years imprisonment and fines; however, these penalties are not commensurate with those for other serious crimes, such as rape. Existing laws do not criminalize the forced prostitution of adults. Article 2 of the labor code prohibits forced and bonded labor, prescribing insufficiently stringent penalties of three months to three years imprisonment or fines. The Law Countering Child Labor and Trafficking in Children (child labor law), which went into effect in January 2015, criminalizes slavery or similar practices, such as the sale and trafficking of children, bonded labor, and debt bondage—as well as forced or compulsory labor—including the forced or compulsory

recruitment of children for use in armed conflicts in article 6 and prescribes an insufficiently stringent penalty of five months to 10 years imprisonment. There appears to be an overlap between provisions of the child labor law, the labor code and the penal code that could add to the challenge of prosecuting traffickers in Comoros. Despite parliamentary approval in 2014, the president did not sign into law the penal code amendments that would specifically prohibit trafficking in persons.

The government did not systematically collect data on law enforcement efforts, including human trafficking. It did not report investigating, prosecuting, or convicting traffickers during the reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government did not provide further information on the previously reported investigation of a magistrate allegedly responsible for the domestic servitude of a 14-year-old girl. Corruption at all levels of government, law enforcement, and the judiciary remained a significant concern in Comoros and hindered law enforcement efforts, including efforts to address trafficking. Judges were known to have negotiated agreements between a child's parents and his or her trafficker, often returning the child to trafficking situations. Families or village elders settled many allegations of sexual violence, including sex trafficking, informally through traditional means, without recourse to the formal court system.

The Morals and Minors Brigade investigated an unknown number of cases of child abuse and exploitation nationwide through July 2016, which may have included child trafficking; its investigative efforts were hampered by a lack of government funds during the reporting period. Some police reportedly returned sexually abused children to their exploiters. NGO-run listening centers, supported by an international organization to provide assistance to abused and neglected children, reported 24 cases of sexual abuse on Anjouan, and 18 arrests from 27 cases of sexual violence against minors on Moheli, some of which may have involved trafficking crimes.

The police lacked basic resources, including vehicles, fuel, and equipment, and often relied on victims to provide funds for transport or communication. The government did not provide training for law enforcement officials on how to recognize, investigate, and prosecute trafficking and related crimes. The Ministry of Labor's four labor inspectors—responsible for implementing the 2015 child labor law prohibiting child trafficking—did not receive training on the law and did not receive operational resources to conduct labor inspections of informal work sites, where children are especially vulnerable to forced labor. Inspectors did not remove or assist any children as a result of labor inspections during the reporting period.

PROTECTION

The government maintained minimal protection efforts. The government did not provide direct assistance or services for victims and provided minimal support to NGOs doing so. There were no government shelters for adults or child victims of abuse or human trafficking, and the quality

of care in NGO-operated shelters remained poor. In the absence of adequate funding, NGO staff sometimes provided temporary shelter in their private homes; however, government officials often returned children to their parents or guardians. In 2016, the government continued to provide the salaries of two employees and donated office space for the NGO-run and international-organization-supported listening centers for abused and neglected children. The morals and minors brigade lacked facilities to shelter child victims, even temporarily, and few of its staff had training in interviewing child victims of crime. The government did not develop or employ systematic procedures to identify trafficking victims or refer them to the limited care available. There were no reports of the government penalizing victims for crimes committed as a direct result of being subjected to trafficking; however, victims may have remained unidentified in the law enforcement and immigration systems.

PREVENTION

The government made minimal efforts to prevent trafficking. The government's interagency monitoring group—comprised of representatives of relevant government agencies, NGOs, and international organizations—began drafting an updated national action plan. Government efforts to work with an international partner to conduct a study on the forms and extent of the trafficking problem in Comoros stalled. While the labor ministry signed an agreement with some labor recruitment agencies to facilitate review of transnational recruitment processes and to monitor advertisements in an effort to identify recruitment activities that might endanger Comorians seeking overseas employment, the effort lacked tangible results. The Ministry of Health adopted a National Policy for the Protection of Children in Comoros in partnership with other government institutions in November 2016; this policy included actions to combat child labor and child trafficking. The government continued to fund a toll-free emergency line for reporting crimes to assist in the identification of victims of child abuse and exploitation. The government did not make efforts to reduce demand for commercial sex acts or forced labor. Comoros is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, Comoros is a source country for children subjected to forced labor and sex trafficking within the country; Comorian women and children are subjected to forced labor in Mayotte. Comorian women and Malagasy women who transit Comoros may be subjected to forced labor in the Middle East. Children on Anjouan, some of whom were abandoned by parents who left to seek economic opportunities in other countries, are subjected to forced labor, mostly in domestic service, roadside and market vending, baking, fishing, and agriculture. On Anjouan and Moheli, poor rural families frequently place children with wealthier relatives or acquaintances in urban areas or on Grande Comore for access to schooling and other benefits; some of these children are subjected to domestic servitude and physical and sexual abuse. Most Comorian children aged 3 to 7 (and some up to age 14) study at informal neighborhood Koranic schools headed by private instructors, where some are exploited as field

hands or domestic servants as payment for instruction and subjected to physical and sexual abuse. Women and girls are reportedly subjected to sex trafficking in Comoros. Comorians may be particularly vulnerable to transnational trafficking due to a lack of adequate border controls, corruption within the administration, and the existence of international criminal networks involved in human smuggling. The estimated 3,000-4,000 unaccompanied Comorian children on Mayotte are especially vulnerable to domestic servitude and sex trafficking.