

# Oral Statement UPR Pre-Sessions on Comoros

Geneva, 15 February 2024



**STATEMENT by Mrs. Rahamatou GOULAM BADORO, Co-founder and Honorary President**

## **UPR PRE-SESSIONS ON GENDER-BASED VIOLENCE, GENEVA**

I represent the NGO HIFADHWI, which means protection and whose objective is to contribute to the fight against forms of violence against women and children, in the Union of the Comoros.

Our organization has been usually involved in the UPR development process since 2013.

A national consultation, which brought together 4 civil society organizations including HIFADHWI, took place in the capital, Moroni, in the Union of the Comoros, in September 2023.

### **My presentation will focus on violence against women and children:**

1-Violence against children: abuse and violence against children: sexual abuse and exploitation; Bullying in schools

2- Violence against women: violence and discrimination against women (domestic violence; Harassment at work

3- Presentation I- Sexual violence and abuse against women and children.

### **A- Follow-up to the last UPR during the first transition to the UPR, in February 2019, It was recommended that the Union of the Comoros to:**

- - Recommendations 118.15, 16, 17, 18, 118.131 and 118.142 made to the Union of the Comoros by Denmark, BOTSWANA, Uruguay, Gabon, Germany and Ukraine concerning the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; adherence to international legal instruments to which the country is not yet a party, the amendment of national laws in order to effectively combat violence
- - Recommendations 118.135, 136, 137, 138, 139, 140, and 141 made by Italy, Madagascar, Namibia, Philippines, Senegal, Togo, Tunisia, relating to the taking and strengthening of measures to protect and promote the rights of women and children in order to combat all forms of violence and discrimination, and to strengthen and promote income-generating activities for women.

In terms of international law, the Union of the Comoros has been a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) since 31 October 1994. However, it is not a party to its Optional Protocol. In terms of regional women's rights law, the Union of the Comoros ratified the Maputo Protocol on 18 March 2004.

At the domestic level, the preamble of the 2001 Constitution enshrines the principle of equality between women and men. In addition, the constitutional revision of July 2018 brought important innovations. Article 30 guarantees the rights of women to be protected by the public authorities from all forms of neglect, exploitation and violence.

A National Policy on Equity and Gender Equality was also adopted, amended and validated in (PNEEG), as well as a National Strategy to Combat Violence against Women and Minors. An evaluation of these public and sectoral policies would be welcome.

Despite this legal framework, at the political level, gender equality at all levels of political representation is far from being achieved. There are gender stereotypes, fueled by cultural, societal and legal barriers that hinder this achievement.

The new Penal Code introduces new offences (including the punishment of international crimes) but is silent on domestic violence.

The Law on the Prevention and Punishment of Violence against Women in the Union of the Comoros (known as the "Fatahou Law") adopted by the National Assembly on 22 December 2014 and promulgated on 2 May 2015, aims to combat all forms of violence against women and girls in the Union of the Comoros was promulgated in 2015. The law provides, inter alia, for the training of judicial and parajudicial personnel on violence against women and sets the age of sexual consent

In 2022, the various listening and protection services for children and women victims of violence recorded 514 cases (207 cases) of violence against women, all types combined (physical, sexual, psychological and economic). These numbers may seem smaller, but they are still significant in reality, due to the size of the population, and traditional, cultural and religious values.

Article 14 of the Family Code of the Comoros of 3 June 2005 stipulates that a man and a woman under the age of 18 may not enter into marriage. However, article 15 gives the judge the power to grant age exemptions on serious and legitimate grounds, provided that there is the reciprocal consent of the future spouses.

Islam does not set a fixed age for marriage: eligibility for the validity of marriage depends on the first menstruation of young girls. Thus, according to available statistics, there is a prevalence rate of 10% of child marriage before the age of 15 and 32% of child marriage before the age of 18. Comoros should accompany the prohibition in article 14 with stricter conditions so that derogations are fewer and more protective of young girls.

The efforts of civil society, in particular the NGO HIFADHWI, in partnership with the General Commission in charge of solidarity and the promotion of gender, made it possible to set up the first hotline in 2013 to denounce violence against women and to request a protection scenario from a dedicated structure. A second green line was set up in 2016 by the Human Rights Delegation with the support of UNICEF.

In addition to these measures, from 2004 to 2012, a reception center was set up within the Comorian Association for the Welfare of the Family (ASCOBEF), before benefiting from government housing from 2012 to the present day.

These centres are widespread throughout the islands and provide psychological support and medical care to women and children who are victims of violence.

Last January, the General Commission for Solidarity and the Promotion of Gender launched a call for applications for the elaboration of terms of reference with a view to setting up centres or houses for the temporary accommodation of women and children victims of violence.

However, we note that despite this mobilization, the scourge is growing and, as everywhere in the world, Comorian women are victims of sexual and economic violence. We also note that despite the legal arsenal available to the country, many victims do not trust the justice system and prefer to remain silent or take the law into their own hands. Few of them file a complaint because of the taboo surrounding this fundamental violence.

The causes of the rise in this violence are therefore numerous and surround this fundamental violation or their pecuniary situation, which often favours amicable settlements, including the vulnerability of women, the non-effective application of the laws in force, corruption, and juvenile delinquency.

**We therefore suggest the following recommendations:**

- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;**
- Strengthen the mechanism for the prevention of violence against women and children;**
- Amend the Comorian Penal Code to make marital rape an autonomous criminal offence;**
- Regulate the application of Article 15 of the 2015 Family Code, which allows judges to derogate from the ban on marriage of minors under the age of 18, in order to resolve the issue of marriage in order to resolve the issue of marriage in the country.**
- Intensify awareness-raising and training efforts on gender-based violence for actors in the criminal justice chain (judicial police officers, magistrates, prison officers) throughout the islands;**
- Intensify efforts in terms of awareness-raising on access to justice for women and girls victims of violence in the Union of the Comoros**
- Implement the project to create a platform against violence involving law enforcement, social security and social media.**

**Thank you for your attention**

