



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
Fifty-third session**

Summary record of the 1084th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 10 October 2012, at 3 p.m.

Chairperson: Ms. Pimentel

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Combined initial and second to fourth periodic reports of the Comoros (continued)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

*Combined initial and second to fourth periodic reports of the Comoros (continued)
(CEDAW/C/COM/1-4; CEDAW/C/COM/Q/1-4; CEDAW/C/COM/Q/4 and Add.1)*

1. *At the invitation of the Chairperson, the representative of the Comoros took a place at the Committee table.*

Article 12 (continued)

2. **Mr. Chouzour** (Comoros) said that the prevalence of HIV/AIDS in the Comoros was low compared with other countries in the region, because the Government had understood the danger posed by the disease early on and had begun taking steps to fight it in 1981. Currently the main challenge was to change people's attitudes toward the disease. Pregnant women systematically received free HIV tests during prenatal check-ups. Those who tested positive received treatment to prevent transmission to the unborn child. Centres for free and anonymous testing had been established on all the islands in the country, and condoms were also distributed free of charge. In Moroni an NGO ran an HIV/AIDS awareness and prevention programme specifically targeting sex workers.

3. As a result of the bitter legacy of the decolonization period, when the French Government had maintained control over Mayotte while the rest of the country had gained its independence, many pregnant Comorian women made the dangerous clandestine journey to Mayotte to give birth so that they could receive high-quality care for themselves and their children.

4. **Ms. Ameline** said that the population of Mayotte had voted against independence by a wide margin in a referendum on self-determination. Problems with the administration of the civil register in the Comoros had made it difficult to manage the migration and population flows between the Comoros and Mayotte. She hoped that, in the future, and as a result of economic development, the people of the Comoros would no longer need to leave the country to receive proper care.

5. **Ms. Rasekh** said that, while she appreciated the difficulties and political issues the Government was facing, it was nevertheless the State's responsibility to provide women with adequate access to health care in the areas where they lived. She hoped that, with technical support and funding, the data-collection system could be strengthened in order to provide statistics on health issues affecting women, such as the prevalence of various diseases, maternal mortality rates and causes, and access to contraception. According to information she had received, because of social taboos women were hesitant to use contraception or medication to treat sexually transmitted diseases. That situation required Government efforts to change attitudes and raise awareness. Lastly, she wished to know if the bill on the protection of persons living with HIV/AIDS had been adopted by the National Assembly.

6. **Mr. Chouzour** (Comoros) said that there were indeed major shortcomings in the data on health-care issues, in part because doctors were not in the habit of maintaining daily registers. Nevertheless, the United Nations Population Fund was working on programmes to improve the situation. While in the past primary health care had been free of charge, the State had been forced to require payment for medical services and medication as part of the structural adjustments that came with monetary policy. As many people in the country survived on subsistence farming and had no way of earning money, it had been very difficult for them to pay such fees. Fortunately the situation had recently changed, and primary health care was once again free of charge. He did not know whether or not the bill

on the protection of persons living with HIV/AIDS had been adopted, but he would inform the Committee at a later date. Free health care was, however, provided to persons living with HIV/AIDS. Unfortunately a number of those persons had left the country, so the Government had no way of monitoring them.

Article 13

7. **Ms. Hayashi** asked how the system of health insurance associations was funded, whether insured individuals were required to pay premiums and what medical expenses they bore. She wished to know how the small loans programme for women was designed to meet women's special needs, and what results the programme had achieved thus far. She requested more specific information on how a gender perspective was included in the national strategy on natural disaster prevention currently being prepared and how women were encouraged to fully participate in drafting the strategy.

8. **Mr. Chouzour** (Comoros) said that, in the case of salaried workers, the employee, employer and the State all contributed to an insurance fund that provided medical treatment for injuries resulting from accidents, as well as a small retirement pension. However, since most of the population was not salaried, a few years ago the Government had begun to establish health insurance associations that were funded by contributions either from individuals or collectives and provided coverage of medical expenses up to a certain limit. There was also a State fund to cover the costs of sending patients abroad for treatment of serious injuries or illnesses. Access to that fund was not an automatic right, however, and it was often those who had connections with politicians or doctors who benefited.

9. Persons without formal employment had recently gained access to credit with the establishment of mutually financed funds that allowed individuals to open accounts with small contributions and receive small loans. The amount of the loan could be increased by providing collateral such as jewellery. Individuals could use the loans to start small businesses or increase revenues from their existing businesses. The system had worked so well that the funds held by Mutuelles d'Epargne et Crédit ya Komor (Comoros Mutual Savings and Credit (MECK)) had surpassed those held by the large commercial banks in the country. Women benefited the most from the small loans and from remittances sent from abroad.

10. Turning to natural disaster prevention, he said that the Comoros was prone to hurricanes, cyclones and volcanic eruptions, although to a lesser extent than its neighbouring countries. It was difficult to convince people to avoid building in risk areas but, with the assistance of international agencies, some provision for disaster planning had been put in place in the last five years, including building shelters. A national strategy on natural disaster prevention would have particular significance for women who, as the main property owners, were more likely to be affected by such events.

Article 14

11. **Ms. Zou Xiaoqiao** asked what steps had been taken to improve the situation of women living in rural areas, not least increasing access to basic services and safe drinking water, improving literacy rates and helping them to rise out of poverty. What measures had been adopted to ensure women's full participation in poverty reduction programmes and decision-making processes? Were any mechanisms in place to monitor the implementation of poverty reduction strategies?

12. She requested information on the legal protection of women's land rights. What measures did the State party intend to adopt to ensure that women's rights were recognized and protected in any future land registration process? What action had been taken to protect

women's rights in situations where customary religions or traditional practices might discriminate against women wishing to access land?

13. Referring to the Committee's general recommendation No. 27 on older women and protection of their human rights, she asked for more specific data on such matters to be included in the State party's next periodic report.

14. **Mr. Chouzour** (Comoros) said that access to land was a delicate issue and discussions about possible land redistribution had not resulted in a solution that was acceptable to all. The situation with regard to the legal protection of women's land rights varied between the islands. There were no problems concerning land on the larger islands, but some smaller islands still suffered from the effects of colonialism, where people had lost land entitlement completely.

15. Poverty remained a serious problem on some islands, which distorted the statistics because they did not reflect the different situation found on other islands. There was increasing awareness, however, of the need to provide a minimum income level for survival. Poverty reduction strategies were underpinned by a number of successful programmes currently being implemented, such as a reforestation project on Anjouan Island, which had notably provided employment for many women.

16. Older women, like older men, were valued in Comorian society. Caring for older persons was considered important and it would be unthinkable to abandon an older person, regardless of a family's financial situation.

Articles 15 and 16

17. **Ms. Hayashi** said she was concerned that the Family Code had not been effectively implemented and asked whether the Government was liaising on the matter with the main actors responsible for its implementation. Given the high level of illiteracy among women, she wondered how the Government ensured the widespread dissemination of the Family Code through means of communication other than the written word. She expressed concern that the Family Code contained a number of discriminatory provisions against women, in particular relating to polygamy, the traditional practice of women not being present at the marriage ceremony, women having to pay compensation to men in the case of divorce and restrictions on women being able to choose a spouse. Were women over 18 years of age still required to obtain their guardian's consent? She asked whether and when the State party intended to reform the Family Code and whether it had engaged in dialogue with religious leaders and women's groups regarding such reform.

18. **Ms. Acar** said the fact that the husband was responsible for the spiritual and material welfare of the household (Family Code, art. 54) was at the root of many of the discriminatory provisions leading to inequality between spouses in a marriage. She was concerned about the inequality between the sexes with regard to guardianship, parental authority, inheritance and divorce, and the selective use of different legal traditions to the disadvantage of women. Why, for example, did responsibility for the children fall solely to the mother after divorce? Endogamy was the traditional marriage system in the Comoros, which seriously limited a woman's free choice of spouse. She asked whether there was any awareness-raising to change that traditional custom, pointing out that in many Muslim countries other forms of marriage were allowed. Would the State party consider allowing civil marriage in the future? Were there any plans to reform the existing legal framework to harmonize Muslim laws and ensure greater equality between spouses in marriage and divorce?

19. **Ms. Halperin-Kaddari** said that she wished to associate herself with the previous speaker's comments. She asked whether women had access to a no-fault divorce only when they paid for it, as well as for information on the equivalent legislation for men. Moreover,

since Comorian legislation provided for a separate property regime only, as indicated in paragraph 37 of the replies (CEDAW/C/COM/Q/4/Add.1), which was discriminatory against women, she asked whether there were any plans to amend such legislation in order to include community property. The legislation governing marital property and the fact that women had sole responsibility of the children in the event of divorce, receiving inadequate alimony and child benefits, resulted in the feminization of poverty. She would also be grateful for clarification concerning inheritance legislation as there seemed to be a contradiction between Islamic law, where men inherited more than women, and the matrilineal Comorian tradition where women inherited everything. In addition, she asked whether widows and widowers enjoyed equal rights.

20. **Mr. Chouzour** (Comoros) said that there was a discrepancy between the laws and their application in the Comoros, since rural areas and small islands rarely had the necessary infrastructure to ensure their enforcement. If more discussion had taken place prior to the establishment of many of the laws, they would probably have been more strictly enforced and would be more advantageous to women.

21. There were contradictions between Western law, Islamic law and ancient traditions, which had legal status. National legislation made little provision for what were considered personal matters, such as marriage and children, which came under Islamic law only. Comorian people did not associate marriage with the law, and did not heed the legal obligation to register marriages, which were thus often not recorded in the civil registry.

22. As long as Islamic law permitted polygamy, the implementation of any other law proscribing it in the Comoros remained highly improbable. Even if in some urban areas polygamy was no longer practised, only an attitudinal shift, rather than the establishment of legislation, would generate real change; moreover, it had been found that polygamy was less prevalent among the more educated sectors of society. Women were valorized through marriage and such a conception dominated the approach to marriage in Comorian society. However, men often wished to marry women precisely because they were rich and/or educated.

23. While it was true that Islamic law required girls to have a guardian during their marriage ceremonies, it was the girls themselves who gave their consent or refusal to marry the man presented to them, and the guardian was required to transfer the message. There was often a conflict of interests between parents and daughters, but no party could be said to be more culpable than the other. On the one hand, tradition dictated that, after having invested in their daughter's upbringing, parents chose a suitable husband who provided security for their daughter; on the other hand, girls wished for freedom of choice. While girls could not always choose their husbands, nowadays they at least had the freedom to refuse a potential spouse. In the future, Comorian society might question that notion of marriage, and divorce might also become more acceptable.

24. Current legislation specified the conditions under which a woman could apply for divorce, and women were not required to pay anything to their husbands in the event of divorce. However, while divorce was an option for both men and women, they were not afforded equal treatment during and subsequent to divorce proceedings. Additionally, the Comorian community often intervened to prevent a divorce since, although it might be legitimate, it was not always accepted in society. Greater efforts needed to be made in areas such as education and employment to create the conditions that would ensure women's independence in society, thereby allowing them to exercise their right to choose whom and if they wished to marry.

25. No Comorian woman would entrust her children to her husband after divorce but would opt to care for them herself, at least while those children were still minors. The supervision of children by their mothers was taken into account in property law, which

ensured in particular that women were not dispossessed of their homes. The separate property regime in place was not detrimental to women. In fact, as women, unlike men, often had land and jewellery, they were often wealthier than men. It was women only who inherited property, namely houses or land on which they could build, and all other property was distributed according to Islamic law. It should be emphasized that problems arose in the Comoros owing to a lack of law enforcement, not to the absence of relevant laws.

26. He welcomed the support of the international community to work towards the fulfilment of women's rights in the Comoros. He apologized for the absence of other State party representatives and for not being able to answer the Committee's questions more fully. He thanked the Committee for its work and gave his assurances that women in the Comoros were not submissive but played an important role.

27. **The Chairperson** thanked the representative of the Comoros for his efforts and recognized the difficulty he had faced in being the sole member of the delegation.

28. **Ms. Gabr** said that issues concerning women's rights were complex and that the Comorian authorities needed to be involved in the development of mechanisms and bodies in areas including legislation, education and health in order to achieve progress. Furthermore, all parties concerned must be convinced of the need and capacity for change in order to make such progress.

The meeting rose at 4.30 p.m.