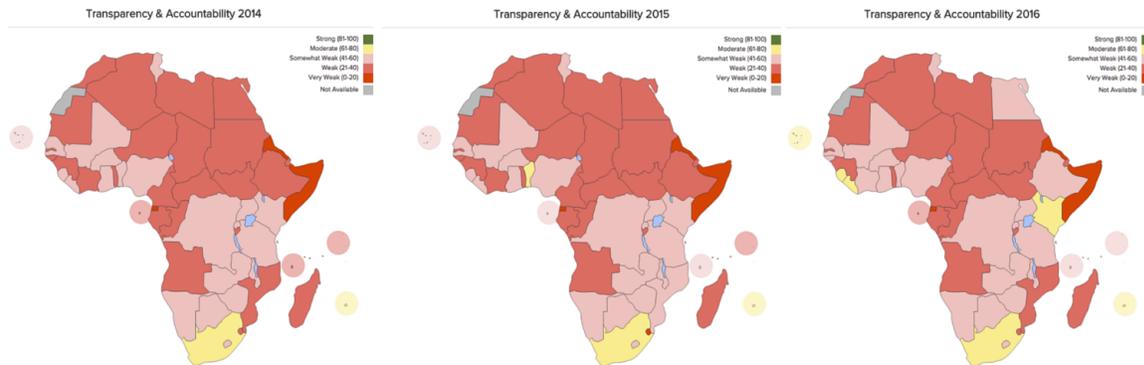


Africa Integrity Indicators – Country Findings



Who is Global Integrity?

Global Integrity supports progress toward open and accountable governance in countries and communities around the world. We focus on generating research and data, supporting the work of country-level reformers, and influencing global conversations on open governance. Our work covers a number of themes, with data, learning and citizen engagement at the core of everything we do. To know more about us, visit our website at www.globalintegrity.org.

What are the Africa Integrity Indicators?

In 2012, Global Integrity embarked on a five-year collaboration with the Mo Ibrahim Foundation to generate the Africa Integrity Indicators (AII), which assesses key social, economic, political and anti-corruption mechanisms at the national level across the continent. Global Integrity staff recruits and manages teams of in-country contributors in 54 countries to generate original governance data on an annual basis.

The questionnaire has 114 indicators and is divided in two main categories: Transparency & Accountability and Social Development. The Transparency & Accountability category consists of 59 indicators examining issues divided in the thematic areas of rule of law, accountability, elections, public management, civil service integrity, and access to information. The Social Development indicators category consists of 51 indicators about gender, rights, welfare, rural sector, business environment, health and education.

The rich data set is designed to be particularly fruitful in identifying both bright spots as well as areas for improvement at the country level. The years of data include [2013](#), [2014](#), [2015](#), [2016](#); the next round of research will begin later in 2016 and be published in April 2017. To access our data, visit our project website at <http://aii.globalintegrity.org>.

Note: Each round of research is named from its year of publication. Thus, the 2016 round of research covers the period from September 2014 to September 2015, with only sources relevant to this period of study being accepted.

Get in touch with us

Global Integrity is dedicated not only to producing high quality data, but ensuring that it is as useful as possible for reformers (both inside and outside of government) around the world. If you're interested in working with this data to identify opportunities to support open governance efforts in your country, contact us at aai@globalintegrity.org.

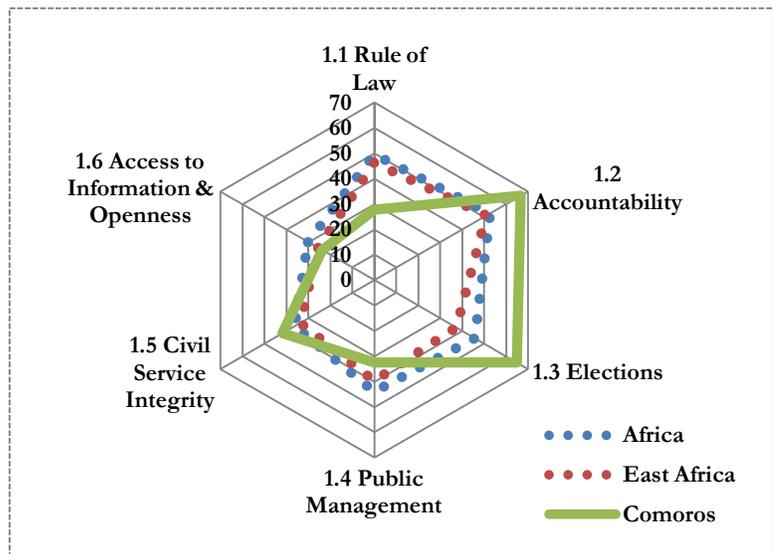
Comoros – Country Findings Summary

1. Transparency & Accountability

The Transparency & Accountability category consists of 59 indicators examining issues divided in the thematic areas of rule of law, accountability, elections, public management, civil service integrity, and access to information & openness. The indicators look into transparency of the public procurement process, media freedom, asset disclosure requirements, independence of the judiciary, and conflict of interest laws, among others.

The overall category score did not show any substantial change, decreasing by only one point from 44 in 2015 to 43 in 2016 (“somewhat weak” on the Global Integrity scale).¹

Of all [six subcategories](#), the average scores for Accountability and Elections were significantly higher than the average scores of the East African region and the continent. Accountability was the highest performing subcategory, but whereas its score of 67 did not change from 2015, the Elections subcategory increased by five points from 60 in 2015 to 65 in 2016. Scores for the subcategories Civil Service Integrity and Access to Information & Openness remained the same, respectively at 42 and 24. The score for the Rule of Law subcategory decreased from 36 in 2015 to 28 in 2015, and there was a slight improvement for the Public Management subcategory. The lowest performing subcategories was Access to Information & Openness.



< Figure 1 > Comoros' subcategory scores in comparison to the region and the continent. The radar chart depicts the country's aggregate scores of each of the six subcategories under Transparency & Accountability, in comparison to average scores of the continent (blue dotted lines) and the country's region (red dotted lines).

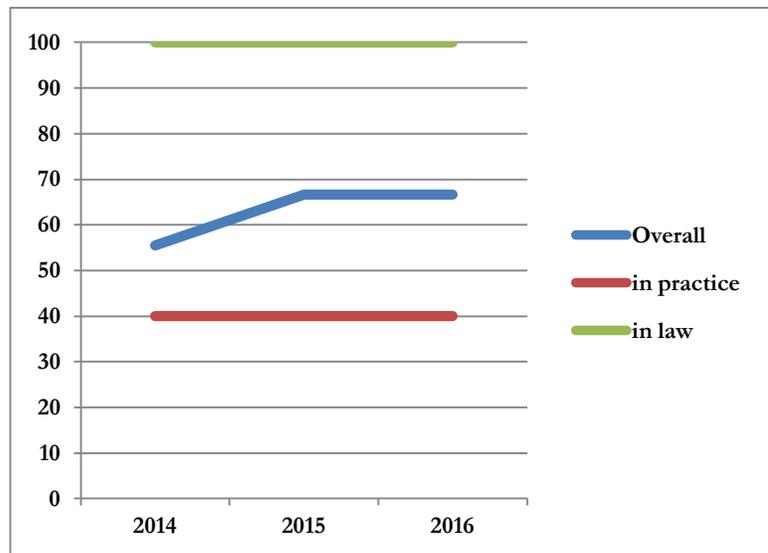
Selected highlights

- **Judges were routinely subject to negative incentives and cronyism was rampant in judicial appointments.** In Comoros, the legal framework does not guarantee the independence of the judiciary from the executive branch, as both Comoros' Constitution of 2001 and the Judges' Status Act of 2005 provide that the Conseil Supérieur de la Magistrature (CSM), the organ charged with the appointment, transfer and dismissal of judges, be chaired by the President of the Republic ([indicator 1](#)). In law, the

¹ The Global Integrity scale on the Africa Integrity Indicators website is as follows: 81-100 (Strong), 61-80 (Moderate), 41-60 (Somewhat weak), 21-40 (Weak), 0-20 (Very Weak)

Minister of Justice also assumes the role of vice president of the CSM. In practice, the recently created CSM was not fully operational during the study period and therefore, not able to vet judicial officers prior to appointments to higher courts. As a result, judges were directly appointment by the President of the Republic upon recommendation by the Minister of Justice ([indicator 3](#)), and many appointees do not meet the requirements. Moreover, [indicator 2](#) reports that judges are routinely subject to negative incentives, as members of the executive and politicians interfere in judicial decisions whenever their interests are at stake. Judges were also reported to be involved in corrupt practices, and routinely dismissed allegations of corruption within public agencies and companies such as Comoros Télécom, the Postal Bank, the Mamwe water and electricity company, the Customs Service, etc. [Indicator 4](#) notes that for lack of training and relevant skills, many judges failed to give reasons for their judgments and rulings. For instance, at the time of the research, about 1,000 judgments were archived without judges being able to provide reasoning for their rulings.

- **Legal frameworks that ensure accountability of public servants were strong, but a gap existed between *in law* and *in practice* indicators.** Comoros’ score of 67 on the Accountability subcategory was significantly higher than the East African average of 51 and the continental average of 53. However, the comparatively high aggregate score stems more from the existence of laws rather than the practice. Comoros scored ‘Yes’ on each of the four *in law* indicators,



< Figure 2 > *De jure* and *de facto* gap of Comoros’ indicators on accountability (10-18): This graph provides an overview of the aggregate gap between *in law* indicators (green) and *in practice* indicators (red) of a particular set of indicators, and how they affect the change of the overall aggregate score (blue) between the three rounds of research 2014, 2015 and 2016.

receive and investigate cases of alleged public sector corruption ([indicator 11](#)), the absence of blanket immunity from prosecution for the head of state ([indicator 15](#)), and the existence of an entity mandated to receive and investigate cases of police misconduct or abuse of force ([indicator 17](#)). In contrast to the high scoring of the *in law* indicators, the average score for the five *in practice* indicators was 40. [Indicator 12](#) notes that while the National Commission for the Prevention and Fight against Corruption (CNPLC), investigated and forwarded more than 40 corruption cases to courts over the study period, not all allegations against senior level politicians and/or civil servants were investigated. For instance, allegations of embezzlement within the state-owned Comoros Télécom and the Postal Bank were not investigated by the CNPLC. In terms of responsiveness, [indicator 13](#) notes that the CNPLC has a functioning system in place to receive citizens’ allegations of public sector corruption, and that it can start investigations out of its own initiative when needed. However, because the CNPLC fails to communicate on the outcomes of

its investigations, it is not clear how long these investigations take from the time allegations are reported by citizens. According to an official, any disclosure of information about investigations would be a violation of the presumption of innocence. [Indicator 14](#), which assesses the CNPLC's independence, received a high score of 75 as the seven members of the CNPLC enjoyed security of tenure throughout their five-year term and were appointed following a merit-based system taking into consideration criteria such as knowledge and experience on legal, financial, economic matters. The CNPLC is comprised of four members appointed by the executive branch, one member by the legislature and two members selected by the private sector and the Judiciary. [Indicator 18](#) notes that although the National Human Rights Commission (CNDH) can receive allegations of police misconduct, its responsiveness is very limited because outcomes of its investigations are not binding, and it is not known how long such investigations take to be completed.

- **Major public procurements continued to rarely involve competitive bidding, and citizens had no access to relevant information.** [Indicator 24](#) notes that both the Law n°11-027/Au of December 29, 2011 on public procurement and its implementation decree N°12-131/PR of May 31, 2012 require all major procurements to follow competitive bidding. But [indicator 25](#) reports that this happens rarely in practice as contracts are directly awarded without publication of the scope, specifications, and terms of the proposed contract. The criteria by which the bids are evaluated are also rarely available for scrutiny. Over the study period, both the Roads Maintenance Fund (FER) and Comores Télécom awarded contracts without publishing bids. Citizens have limited access to information regarding the results and documents associated with procurement contracts such as the full contract, proposals, execution reports and financial audits ([indicator 26](#)). The only available information from the procurement service archives pertains to the publication date, name of the newspaper where the bid was published, the procuring entity, the bid number, the bid type, and the contract award date. Also, although the Law n°11-027/Au of December 29, 2011 requires that companies found guilty of violating procurement regulations should be prohibited from participating in future bids ([indicator 27](#)), this doesn't happen in practice. As noted in [indicator 28](#), no record is kept about companies that have violated procurement regulations, and such companies are not prohibited from bidding again.

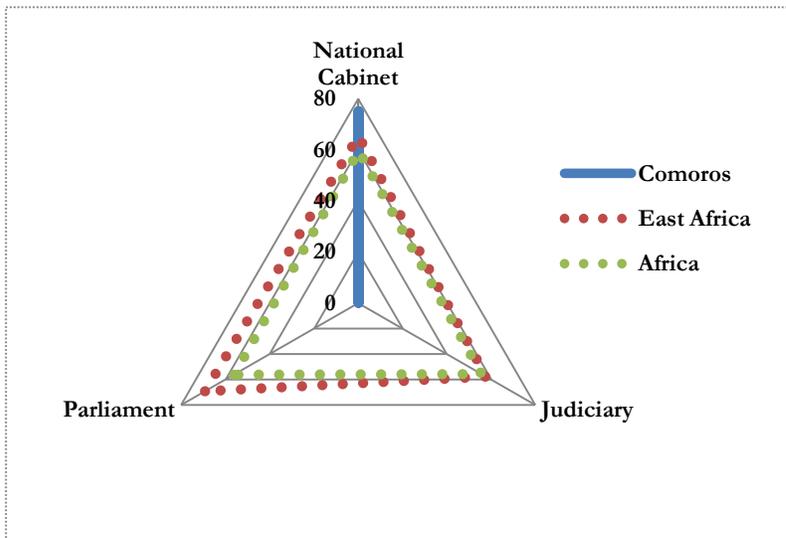
2. Social Development

This category covers seven subcategories, including rights (civil society space and minority rights), gender, business environment and infrastructure, rural sector, welfare, health, education, and civil registration. Because the Social Development portion of the research only includes a small number of questions per each topic area, we only provide the scores for each individual indicator and don't provide aggregated category or subcategory scores. However, the individual indicators themselves contain a wealth of information across a breadth of topics, a select few highlights of which are noted below.

Selected highlights

- NGOs did not face any obstacles in their operations, but citizens' right to assemble was curtailed.** Comoros scored 100 on all three indicators assessing the environment in which NGOs operate and function. Over the study period, there was no case of NGOs facing unwarranted administrative burdens, investigations and sanctions as a retribution for their work ([indicator 70](#)). Neither were there cases of NGO employees being killed, imprisoned, interrogated, threatened or physically harmed ([indicator 69](#)). [Indicator 68](#) reports that it is fairly easy to register an NGO in Comoros, and this does not entail filing more paperwork than other legal persons. In fact, the government did not create any obstacles to their operations, considering NGOs as vital partners for national development. On the other hand, citizens faced increasing restrictions to their right to assemble with their peers in public and the score for [indicator 67](#) continued to decrease from 100 in 2014 to 50 in 2015, and finally to 0 in 2016. Throughout the study period, all public gatherings were banned by a September 2014 ministerial circular. As a result, the consumer protection activist Said Mchangama was arrested in February 2015 after calling for protests against water and electricity services. In October 2014, the police also repressed a demonstration causing fatal injuries to some participants.

- Contrary to the executive branch, women's representation in the highest echelons of the judicial and legislative branches of government is comparatively very low.** [Indicator 85](#) notes that during the study period, two out of ten ministers (20%) composing the federal cabinet were women; Comoros earned a score of 75, which was higher than both the East African regional average of 65, and the continental average of 60. In contrast, [indicator 86](#) which assesses women's representation



< Figure 3 > Comoros' female representation in the three branches of government compared to the country's region and the continent.

in the highest courts, reports that there were no women among judges of the Supreme Court and the Constitutional Court. On this indicator, Comoros earned a score of 0, while the regional average was 58 and the continental average was 56. [Indicator 87](#), which assesses women's representation in the legislature, notes that out of 33 members of the parliament elected in February 2015, there was only one woman (3%). Comoros thus earned a score of 0, which stands in contrast to the East African regional average of 70 and the continental average of 56. Comoros is the only East African country to have scored 0 on indicators 86 and 87.

- **Data collection on youth unemployment, poverty and infrastructure was generally inexistent, although efforts were underway.** The national statistics office, Institut National des Statistiques (INSTAT), does not collect any data on youth unemployment ([indicator 91](#)), poverty ([indicator 92](#)) or infrastructure ([indicator 93](#)). Both indicators 91 and 92 report that at the time of the research, INSTAT was working to produce data on youth unemployment and poverty based on the general survey carried out in 2013. However, nothing was being done to collect data on infrastructure, and previous studies in that regard were made possible through the support of bilateral donors and other international organizations. Aside the INSTAT, the national investment promotion agency does publish data on existing equipment and infrastructure, but these are not updated. All three indicators earned low scores of 0.

The above findings capture selected highlights and are not an exhaustive analysis of the collected data. We encourage interested users to access our website [here](#) for detailed comments and sources for 114 individual indicators.