

# MOZAMBIQUE 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Mozambique is a multiparty parliamentary democracy with a freely elected republican form of government. The most recent national elections for president, parliament, and provincial assemblies took place in 2014. Voters elected as president Filipe Nyusi of the ruling Front for the Liberation of Mozambique (Frelimo). Multiple national and international observers considered voting generally orderly but lacking transparency during vote tabulation. Some domestic and foreign observers and local civil society organizations expressed concern regarding election irregularities such as delays in observer credentialing, excessive numbers of invalid votes, and inordinately high voter turnout in some districts, which they stated indicated ballot box stuffing.

Civilian authorities at times did not maintain effective control over security forces.

The most significant human rights issues included: arbitrary or unlawful deprivation of life by security forces; harsh and life-threatening prison and detention center conditions; official corruption; violence against women and albino persons and inadequate government efforts to investigate, prosecute, or otherwise hold perpetrators accountable; trafficking in persons; and child labor.

The government took steps to investigate, prosecute, and punish some officials who committed abuses; however, impunity remained a problem at all levels. For example, no significant progress was made in investigating the 2016 killings of several opposition officials including a member of Renamo's peace negotiating team.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. Most reports named security forces, particularly the National Police (PRM), as the perpetrators. The pattern of unidentified PRM officers killing unarmed civilians for minor infractions of law (or sometimes no violation) continued throughout the country.

There were numerous reported abuses similar to the following example. In June alleged kidnappers Jose Coutinho and Alfredo Muchanga were found dead in Moamba district, Maputo Province. Both men were freed from police custody under unexplained circumstances just prior to their deaths.

The high-profile 2016 killing of a senior member of Renamo's negotiation team with the government, Jeremias Pondeca, remained unsolved. Pondeca's death was widely considered politically motivated.

### **b. Disappearance**

Unlike in prior years, there were no credible reports of disappearances by or on behalf of civilian or military authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices and unlike in prior years there were no reports that government officials employed them.

### **Prison and Detention Center Conditions**

Prison conditions remained harsh and potentially life-threatening in most areas due to gross overcrowding, inadequate sanitary conditions, and limited medical care.

Physical Conditions: Government officials and civil society organizations continued to highlight overcrowding, juvenile prisoners in adult facilities, and convicted and untried prisoners sharing cells as serious problems. In a March 2016 speech given at the opening of the judicial year, President of the Supreme Court Adelino Muchanga acknowledged that, "excessive and abusive application of preventive detention rule, imposition of prison sentences for minor offenses that would otherwise be punished with fines and other nonprison sentences and backlog of cases were contributing to increased prison overcrowding."

The Inhambane prison held 400 prisoners, five times its actual capacity. As of August the Maputo Provincial Penitentiary (EPPM) was at approximately three times its capacity. While the prisoners were allowed to stay outside their cells from 6:00 a.m. to 4:00 p.m., overcrowding and security considerations required them to eat lunch and dinner in their cells. Prison officials reported that juvenile inmates only spent their preventive detention period with adult prisoners at EPPM

and were subsequently transferred, upon conviction, to the Marconi prison for juvenile inmates. There were inmates with disabilities, and although prison officials did not specify their number, they confirmed that inmates with disabilities shared cells with other prisoners.

The 2017 annual report to parliament of the Attorney General's Office (PGR) noted an acute shortage of prison facilities at the district level, resulting in human rights violations of those detained.

The National Prisons Directorate (SERNAP) reported there were 27 deaths in all prisons during the first six months of the year. The report indicated that malaria, HIV/AIDS, and diarrhea were the primary causes of death. In 2016 SERNAP stated that its statistics showed an estimated 20 percent of the approximately 15,000-prisoner population was HIV-positive, compared with an estimated 13 percent of the total sexually active population.

The Ndlavela Women's Prison facility, located on the outskirts of Maputo, held 150 inmates in a prison with a capacity of 300.

Few prisons had health-care facilities or the ability to transport prisoners to outside facilities. Almost all prisons dated from the colonial era before 1975, leaving many in an advanced state of dilapidation. In October 2016 Ombudsman Jose Abudo conducted prison visits and noted the poor hygiene conditions in many prisons, including insufficient ventilation, water leaks, poor hygiene, and inadequate medical treatment.

Administration: There were no credible allegations of mistreatment. Although no formal system specific to prisons existed for receiving or tracking complaints, prisoners were free to contact the PGR, national ombudsman, or nongovernmental organizations (NGOs) with complaints.

Independent Monitoring: International and domestic human rights groups had access to prisoners at the discretion of the Ministry of Justice, Constitutional, and Religious Affairs and the Ministry of the Interior, and permission to visit prisoners was generally granted. The Mozambican Human Rights League and the National Commission on Human Rights (CNDH) had a high degree of access to prisons run by the Ministry of Justice, Constitutional, and Religious Affairs. NGOs continued to have difficulty but were generally successful in gaining access to detention facilities run by the Ministry of the Interior, particularly its detention facilities in police stations.

Improvements: The PGR increased prison capacity during the year, including the opening of prison facilities in Muecate (Nampula Province), Milange and Alto Molocue (Zambezia Province), Cahora Bassa (Tete Province), Gorongosa (Sofala Province), Chibuto (Gaza Province), and Funhaloro (Inhambane Province). The PGR reported some progress in training of prison guards on prevention of violence in prison facilities, inmates' access to information regarding the status of their sentences, and vocational training.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, and the government, with some exceptions, generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

The Criminal Investigative Service (SERNIC), the PRM, and the Rapid Intervention Units (UIR) are responsible for internal security and report to the Ministry of the Interior. The Border Security Force also reports to the Interior Ministry and is responsible for protecting the country's international borders and for carrying out police duties within 24 miles of borders. An additional security body, the State Intelligence and Security Service, reports directly to the president and is responsible for intelligence operations. The Presidential Guard provides security for the president, and the Force for the Protection of High-Level Individuals provides security for other senior level officials at the national and provincial levels. The Mozambique Armed Defense Forces (FADM), consisting of the air force, army, and navy, are responsible for internal and external security and report to the Ministry of National Defense. The General Staff of the FADM plans all military operations. The president is commander in chief of the FADM. All of these forces are jointly referred to as the Defense and Security Forces.

Civilian authorities maintained control over SERNIC, the PRM, UIR, and the Border Security Force with some exceptions; however, government mechanisms to investigate and punish abuse and corruption remained lacking. Multiple cases of arbitrary deprivation of life and arbitrary arrest demonstrated that impunity for perpetrators in the security forces remained widespread. The Police General Command investigated the possible involvement of UIR agents in the torture of artisanal ruby miners, after a video was released on social media showing approximately 20 miners begging persons identified as UIR agents to stop beating them with batons. Another video showed the same miners being humiliated and

ordered to put their heads on the ground and sing. The Mozambican Bar Association initiated an investigation of several UIR agents, but no charges had been filed against them by year's end.

### **Arrest Procedures and Treatment of Detainees**

Authorities generally did not detain individuals without judicial authorization. The law requires a judge or prosecutor to first issue an arrest warrant unless a person is caught in the act of committing a crime. By law the maximum length of investigative detention is 48 hours without a warrant or six months with a warrant, during which time a detainee has the right to judicial review of the case. A detainee may be held another 90 days while SERNIC continues its investigation. A person accused of a crime carrying a potential maximum sentence of more than eight years' imprisonment may be detained up to an additional 84 days without being charged formally. A court may approve two more 84-day periods of detention without charge while police complete their investigation. The detainee must be released if no charges are brought within the prescribed period for investigation. The law provides for citizens' right to access the courts and the right to legal representation, regardless of ability to pay for such services. Indigent defendants, however, frequently received no legal representation due to a shortage of legal professionals. There were no reported delays in a defendants' access to legal representation or of suspects held incommunicado or under house arrest.

The bail system remained poorly defined.

Unlike in prior years, there were no reports from prisoners, their families, and NGOs that prison officials demanded bribes to release prisoners who had already completed their sentences.

Arbitrary Arrest: Renamo accused government security forces of arbitrarily arresting its members numerous times. In May the head of the Frelimo party branch in Charre Administrative Post, Mutarara district, Tete Province, ordered the local Renamo representative, Albino Wisky Lisboa, arrested, after he refused to obey orders not to hoist a Renamo party flag.

Pretrial Detention: Long pretrial detention continued to be a serious problem, due in part to an inadequate number of judges and prosecutors and poor communication among authorities. The PGR reported that 35 percent of prisoners nationwide were pretrial detainees in 2016. There were no reliable estimates of the

average period of pretrial detention; however, some prisoners were held more than a year beyond the maximum investigative detention period.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained are entitled to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release if found to have been unlawfully detained. The law does not make any provisions for compensation in cases of unlawful detention. Many detainees were not able to take advantage of this right due to their inability to hire a lawyer and scarce resources for public defenders.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality in nonpolitical matters. Some civil society groups continued to assert, however, that the executive branch and ruling Frelimo party exerted influence on an understaffed and inadequately trained judiciary.

#### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial without undue delay, and the judiciary generally enforced this right. Courts presume accused persons innocent, and the law provides the right to legal counsel and appeal. Defendants have the right to be informed promptly and in detail of the charges. Defendants have the right to be present at their trial. Defendants enjoy the right to communicate with an attorney of their choice, and the law specifically provides for public defenders for all defendants, although this did not always happen in practice. While defendants have adequate time to prepare a defense, they often did not have adequate facilities to do so.

By law only judges or lawyers may confront or question witnesses. A defendant may present witnesses and evidence on their own behalf. The government upheld such rights during the year. Defendants cannot be compelled to testify or confess guilt. Defendants also have the right to free interpretation as necessary from the moment charged through all appeals. The law extends the above rights to all defendants; the government did not deny any persons these rights.

Persons accused of crimes against the government, including treason or threatening national security, go to trial publicly in regular civilian courts under standard

criminal judicial procedures. Members of media and the general public attended trials throughout the year. A judge may order a trial closed to media in the interest of national security, to protect the privacy of the plaintiff in a sexual assault case, or to prevent interested parties outside the court from destroying evidence.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

While the law provides for an independent and impartial judiciary in civil matters, some citizens believed the judiciary was subject to political interference. Individuals or organizations may seek civil remedies for human rights violations through domestic courts. By law citizens have access to courts, the Office of the Ombudsperson, the CNDH, and the Mozambican Bar Association to file lawsuits seeking damages for, or cessation of, human rights violations. The country is a signatory to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights. In theory individuals and organizations may appeal adverse domestic decisions to the court; however, the government has not recognized the court's competency to accept cases from NGOs and individuals.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions; however, there were reports the government at times failed to respect the privacy of personal communications. There were reports that authorities entered homes without judicial or other appropriate authorization. Some civil society activists stated government intelligence services and ruling party activists continued to monitor telephone calls and emails without warrants, conduct surveillance of their offices, follow opposition members, use informants, and disrupt opposition party activities in certain areas.

The Assembly of the Republic (parliament) passed legislation in March 2016 explicitly stipulating that a criminal investigation judge is the only legal authority who may authorize a wiretap.

### **g. Abuses in Internal Conflict**

Unlike in 2016 the country did not experience significant internal conflict abuses during the year.

The government and the main opposition party, the Mozambique National Resistance (Renamo), made significant progress toward reaching a settlement to end armed confrontations that began in 2015. The settlement included a series of temporary truces beginning in December 2016 and an indefinite cessation of hostilities announced in May. The government claimed it investigated some claims of human rights abuses during the confrontations but did not provide formal findings. By year's end none of the alleged abuses by security force members or Renamo militants were prosecuted or penalized administratively. Direct negotiations on decentralization of political power and Renamo demilitarization continued at year's end.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of speech and press, and the government generally respected this right; however, the government did not always effectively protect nor respect these freedoms. Academics, journalists, opposition party officials, and civil society reported an atmosphere of intimidation and fear that continued to restrict freedom of speech and press. Allegations included the use of threatening messages via text and Facebook, physical confrontations, and widely circulated "WhatsApp" messages targeting anyone critical of the government.

Freedom of Expression: There were no official restrictions on the ability of individuals to criticize the government or on the discussion of matters of general public interest; however, police imposed de facto restrictions on free speech and expression throughout the year. Opposition and civil society members complained they could not freely criticize the government without fear of reprisal, particularly since the 2015 killing of prominent jurist Gilles Cistac remained unsolved. In July a group of civil society organizations created to monitor the government's handling of a debt crisis, the Budget Monitoring Group, reported that government security agents infiltrated one of their events and attempted to disrupt it. Prior to the incident, a residential guard working for a member of this group was stabbed, which group members stated was intended to threaten and intimidate them.



Press and Media Freedom: The government exerted substantial pressure on all forms of media. The NGO Sekhelekani reported that media outlets and journalists frequently self-censored to avoid government retaliation.

Violence and Harassment: Unlike in 2016, there were no reports of journalists being subjected to violence, harassment, or intimidation. The unsolved abduction and shooting of independent journalist Jose Jaime Macuane in 2016, however, continued to cause concern.

Censorship or Content Restrictions: There were no official government guidelines for media. Journalists in the state-controlled and private media reported pressure to self-censor. Some journalists stated critical reporting could result in cancellation of government and ruling party advertising contracts. The largest advertising revenue streams for local media came from ministries and state-controlled businesses. Sekhelekani noted the government asserted its control over state-owned media by giving media outlets their annual budgets in small increments, with the amounts determined by how faithfully articles hewed to official positions. Some state media journalists reported that government restraints on editorial and journalistic independence decreased during the year.

### **Internet Freedom**

The government did not restrict access to the internet or censor online content. Members of civil society reported government intelligence agents monitored email and used false names to infiltrate social network discussion groups. Local internet freedom advocates believed the intelligence service monitored online content critical of the government. Government officials continued to express interest in discovering the identity of “Unay Cambuma,” a pro-Renamo person or group that posted criticism of the government on Facebook that appeared to reflect intimate knowledge of government operations.

According to the International Telecommunication Union, 17.5 percent of persons in the country used the internet in 2016.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events; however, certain academics reported self-censorship. Although the law provides for separation of party and state, primary school teachers in Gaza Province

included Frelimo party propaganda in their curriculum, reportedly on their own initiative.

## **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for freedom of peaceful assembly and association; however, the government did not always respect this right. The constitution and law provide for freedom of association, and the government generally respected this right.

### **Freedom of Peaceful Assembly**

By law protest organizers do not require government “authorization” to protest peacefully; however, they must notify local authorities of their intent in writing at least four business days beforehand. The government used alleged errors in protest organizers’ notification documents to disallow protests. For example, on May 1, police tried to prevent a group from opposition party Democratic Movement of Mozambique (MDM) from participating in a peaceful march organized by the trade union Organization of Mozambican Workers (OTM), claiming only trade union members could participate. Authorities later allowed MDM members to participate in the march after OTM representatives confirmed they had been invited to join in the march.

### **Freedom of Association**

The Ministry of Justice, Constitutional, and Religious Affairs did not act on the request for registration of The Mozambican Association for the Defense of Sexual Minorities (LAMBDA)--the country’s only lesbian, gay, bisexual, transgender, and intersex (LGBTI) advocacy NGO--by year’s end. Although the registration process usually takes less than two months, LAMBDA’s request had been pending since 2008 despite resubmissions of its application. Civil society leaders and some diplomatic missions continued to urge the ministry to act on LAMBDA’s application and to treat all registration applications fairly. Ministry and other government officials cited the country’s culture and religious sentiments as reasons for government inaction.

## **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

#### **Internally Displaced Persons (IDPs)**

In January, IDPs who fled the 2016 military confrontations in the central region began returning home. Unlike in 2016, there were no credible reports additional of displacements during the year.

#### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Durable Solutions: The government continued to work closely with UNHCR to implement a local integration program for refugees at the Maratane Camp in Nampula Province. UNHCR referred a limited number of refugees for third country resettlement.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: Domestic and international observers noted voting-day procedures during the most recent presidential and national legislative elections in 2014 were generally orderly but lacked transparency during vote tabulation. Some domestic and foreign observers and local civil society organizations criticized irregularities, including delays in observer credentialing, excessive numbers of invalid votes, and inordinately high voter turnout in some districts. Renamo did not recognize the election results as legitimate, and Renamo officials initially refused to take their seats in parliament and the provincial assemblies but ended their boycott in 2015. Frelimo and the MDM accepted the results.

During the campaign period, representatives of opposition parties and civil society complained of increased acts of bias and intimidation by the government and Frelimo. For example, in 2014 election officials in Cabo Delgado Province held local meetings excluding the newly designated Renamo members, which they stated was due to a lack of meeting space. Independent reporting corroborated opposition parties' accusations that Frelimo used state funds and resources for campaign purposes in violation of electoral law. Renamo sought to justify its use of violence by alleging fraud in the 2014 elections.

Political Parties and Political Participation: Frelimo continued to dominate the political process as it did throughout the 42 years since the country's independence. Opposition political parties could operate, yet there continued to be occasional restrictions on meetings, unlawful arrests, and other forms of interference and harassment by the government. MDM, the second largest opposition party, won four key mayoral seats in the 2013 municipal elections and seven seats in the 2014 parliamentary elections, but it won only 7 percent of the popular vote in the 2014 presidential contest. Media bias in state-owned outlets in favor of Frelimo continued. The EU election observation mission criticized state-owned or affiliated media bias in its 2014 election report.

Security forces and private citizens continued to harass opposition party members. For example, on May 3, Renamo political delegate Albino Wisky Lisboa was arrested for trying to hoist the Renamo flag in Muandua in violation of the order of Ramin Bandaze, Frelimo's first secretary at the Charre Administrative Post. According to Renamo, Frelimo militants also destroyed flag posts at Renamo headquarters in the villages of Sossono, Nhumbo, and Jardim in early May. Renamo also accused Bandaze of fomenting hostility in anti-Renamo speeches and accused police in Tete of anti-Renamo bias.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Women and members of many ethnic groups held key political positions. Frelimo implemented quotas to ensure female representation on its central committee during the year.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for conviction of corrupt acts by officials; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Corruption continued to be a problem in all branches of government and at all levels. In October the president stated that corruption was among the greatest challenges facing the country and stressed that the fight against corruption was a top priority.

Corruption: Corruption, including extortion by police, remained widespread, and impunity remained a serious problem. Police regularly demanded identification documents or alleged vehicular infractions solely to extort bribes. High-level corruption continued to affect the country. According to the Central Office for the Fight Against Corruption, the amount lost to the state through embezzlement in 2016 was over 459 million meticaís (\$7.5 million).

In June the Attorney General's Office released the executive summary of an independent audit conducted by international forensic accounting firm Kroll Associates into 128 billion meticaís (\$2 billion) in state-guaranteed loans provided to three state-owned companies in 2013 and 2014. The government did not disclose the existence of 77 billion meticaís (\$1.2 billion) in state-guaranteed loans to two of these companies until 2015. The executive summary reported significant irregularities and illegalities both in contracting the loans and state loan guarantees and in the manner in which funds were disbursed. It estimated that the difference between the fair market value of goods and services acquired and the funds expended could be as great as 77 billion meticaís (\$1.2 billion). The executive summary noted a lack of transparency and accountability in the operations of these state-owned enterprises, inadequate government oversight, and that certain government and state-owned enterprise officials failed to provide requested documents and information during the audit process. A criminal investigation into the audit findings was underway at year's end.

Financial Disclosure: The law requires annual income and assets disclosure by appointed and elected members of the government and high-ranking civil servants

to the Ministry of State Administration. The law provides for fines for those who do not file declarations; however, the declarations are not made public. In January 2016 the Center for Public Integrity suggested incomplete compliance by stating that the process of requiring public servants to file financial disclosures was “still not effective.”

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The government had yet to act on the registration request pending since 2008 of a local LGBTI organization. The government frequently denied or delayed NGOs’ access to areas where abuses by security forces allegedly occurred.

Government Human Rights Bodies: The CNDH is mandated to promote and defend human rights by ensuring that the human rights provisions of the constitution are followed. Its stated priorities are cases of law enforcement violence, judicial corruption, and violations of prisoner rights. The commission lacks authority to prosecute violations and must refer cases to the judiciary. Commission members are chosen by political parties, civil society, the prime minister, and the Mozambican Bar Association. Foreign donors and the United Nations Development Program ceased funding of the commission during the year due to allegations that CNDH president, Custodio Duma, engaged in corrupt practices. International donors suspended budgetary support to the because of the loan scandal. Donors made negotiation of a new structural adjustment agreement with the International Monetary Fund a prerequisite for consideration of resumption of budgetary support.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

#### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and domestic violence. Penalties for conviction range from two to eight years’ imprisonment if the victim is 12 years of age or older and 20 to 24 years’ imprisonment if the victim is under 12. The penal code does not allow victims to drop charges for rape if they marry the perpetrator.

According to NGO and media reports, many families preferred to settle rape allegations through informal community courts or privately through financial remuneration rather than through the formal judicial system.

Conviction of abuse of a spouse or unmarried partner may be punishable by one to two years' imprisonment or longer if another crime is also applicable. The government did not effectively enforce domestic abuse law. NGOs reported that domestic violence against women remained widespread. For example, in February Rofino Licuco was convicted of assault for savagely beating former girlfriend Josina Machel, daughter of former president Samora Machel.

Government agencies and NGOs implemented public outreach campaigns to combat violence against women nationwide. Police and NGOs worked together to combat domestic violence. The PRM operated special women and children's units within police precincts that received high numbers of cases of domestic violence, sexual assault, and violence against children.

Female Genital Mutilation/Cutting (FGM/C): FGM/C existed in the country, but NGOs and the government concurred that the incidence was low for girls and women. Reliable estimates were lacking on the number of women subjected to FGM/C in recent years. For more information, see [data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/](http://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/).

Other Harmful Traditional Practices: The practice of "purification," whereby a widow is obligated to have unprotected sex with a member of her deceased husband's family, continued, particularly in rural areas, despite campaigns against it.

Sexual Harassment: Sexual harassment remained pervasive in business, government, schools, and broadly in society. There is no legislation on sexual harassment in public places outside of schools. By law a teacher who abuses or sexually harasses a student through orders, threats, or coercion may be fined up to twenty times the teacher's salary.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: The law provides the same legal status and rights for women as men; however, it does not specifically require equal pay for equal work, nor does it prohibit discrimination based on gender in hiring. The law also contains provisions that limit excessive physical work or night shift requirements during pregnancy. The law contains special provisions to protect women against abuse; however, these provisions were rarely enforced because many women remained uninformed of the law.

Women continued to experience economic discrimination. Gaps in education and income between men and women remained high. In some regions, particularly the northern provinces, women had limited access to the formal judicial system for enforcement of rights provided under the civil code and instead relied on customary law to settle disputes. Enforcement of laws that protect women's rights to land ownership in the formal economy remained poor. Women typically could not inherit land under customary law.

The parliament had a women's caucus, composed of members from the three parties with parliamentary seats, which sought to address issues of gender balance, women's representation in decision-making bodies, and advocacy of women's rights.

## **Children**

Birth Registration: Citizenship is obtained by birth within the country or birth to at least one Mozambican citizen parent outside the country. Failure to register a child's birth may result in the inability to attend school and may prevent one from obtaining public documents, such as identity cards, passports, or "poverty certificates," which enable access to free health care and free secondary education. Birth registration was often delayed in rural areas. Cultural practice continued to prevent a woman, especially in rural areas, from exercising her legal right to register her child without the presence of the child's father. In July the government, supported by UNICEF, launched a nationwide online birth registration program to overcome this practice.

Education: Tuition-free education is compulsory through primary school (grades one to seven). School costs for supplies and uniforms remained beyond the means of many families, especially in rural areas. According to the *Millennium Development Goals Report*, only 52 percent of children complete primary school education.



Child Abuse: Most child-abuse cases involved sexual or physical abuse. Sexual abuse in schools and in homes continued to be a problem. NGOs remained concerned that certain male teachers used their authority to coerce female students into sex. For example, in July police arrested six teachers and coaches for allegedly entering a dormitory and having sex with students at the Gaza School Games. The teachers were arrested several days after the incident, but they had yet to be charged by year's end.

While the government continued to stress the importance of children's rights and welfare, significant problems remained; the government had yet to implement any programs to combat child abuse. The child protection law provides for protection against physical and sexual abuse; removal from parents who are unable to protect, assist, and educate them; and juvenile courts to deal with matters of adoption, maintenance, and regulating parental power. Juvenile courts resolved many cases regarding support for children after divorce or the end of a relationship.

Orphans and other vulnerable children remained at high risk of abuse.

Early and Forced Marriage: By law the minimum age to marry for both genders is 18. Legal permission to marry at age 16 may be granted with parental consent. For additional information, see Appendix C.

Sexual Exploitation of Children: The minimum age for consensual sex is 16 for boys and girls. The law prohibits the commercial sexual exploitation of children and child pornography. Authorities partially enforced the law, but exploitation of children and child prostitution remained a problem. Girls were exploited in prostitution in bars, roadside clubs, and restaurants. Child prostitution appeared to be most prevalent in Maputo, Nampula, Beira, border towns, and at overnight stopping points along key transportation routes. Some NGOs provided health care, counseling, and vocational training to children, primarily girls, engaged in prostitution.

Displaced Children: Children from Zimbabwe, Malawi, and Swaziland, many of whom entered the country alone, remained vulnerable to labor exploitation and discrimination. They lacked protection and had limited access to schools and other social welfare institutions, largely due to lack of resources. Coercion, both physical and economic, of girls into the sex industry was common, particularly in Manica Province.

Several government agencies, including the Ministry of Health and the Ministry of Gender, Children, and Social Action, continued programs to provide health-care assistance and vocational education for HIV/AIDS orphans and other vulnerable children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

The country has a very small Jewish community. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution and law prohibit discrimination against citizens with disabilities; however, the law does not differentiate among physical, sensory, intellectual, and mental disabilities in employment, education, transportation, access to health care, the judicial system, or the provision of other state services.

The Ministry of Gender, Children, and Social Action is responsible for protecting the rights of persons with disabilities. The *2012-19 National Action Plan in the Area of Disabilities* provides for funding, monitoring, and assessment of implementation by various organizations that support persons with disabilities. Electoral law provides for access and assistance to voters with disabilities in the polling booths, including the right for them to vote first.

The city of Maputo offered free bus passes to persons with disabilities. Buses in Maputo did not have specific accessibility features.

The government did not effectively implement laws and programs to provide access to buildings, information, and communications. Discrimination in employment, education, access to health care, and the provision of other state

services was common. Observers often cited unequal access to employment as one of the biggest problems. The government did not effectively implement programs to provide access to information and communication for persons with disabilities. Educational opportunities for children with disabilities were generally poor, especially for those with developmental disabilities. The government sometimes referred parents of children with disabilities to private schools with more resources to provide for their children. The Mozambican Association for the Disabled (ADEMO) reported teacher-training programs did not address the needs of students with disabilities. ADEMO also stated school buildings fell short of international standards for accessibility, and public tenders did not include provisions for the accessibility of persons with disabilities.

Doctors reported many families abandoned family members with disabilities at the country's only psychiatric hospital. ADEMO reported access to equipment, such as wheelchairs, continued to be a challenge due to lengthy and complicated bureaucratic procedures.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

There were reports of societal discrimination based on sexual orientation and gender identity. Antidiscrimination laws protected LGBTI persons only from employment discrimination. No hate-crime laws or other criminal justice mechanisms exist to aid in the prosecution of bias-motivated crimes against LGBTI persons. Since 2008 the government has failed to take action on LAMBDA's (the only LGBTI association) request to register legally.

There were no media or other reports of LGBTI bias-based attacks; however, discrimination in public medical facilities was reported. Medical staff sometimes chastised LGBTI individuals for their sexual orientation upon seeking treatment. Intimidation was not a factor in preventing incidents of abuse from being reported.

### **HIV and AIDS Social Stigma**

Reports continued of many women expelled from their homes and abandoned by their husbands and relatives because they were HIV-positive. Family or community members accused some women widowed by HIV/AIDS of being witches who purposely killed their husbands to acquire belongings; as retribution, they deprived the women of all possessions. (For information on incidence of HIV

or AIDS, see the Joint United Nations Program on HIV/AIDS website and the *People Living with HIV Stigma Index*.)

### **Other Societal Violence or Discrimination**

The government continued to denounce violence against persons with albinism. Courts tended to sentence those convicted of the murder and kidnapping of persons with albinism more harshly than those convicted of similar crimes that did not involve persons with albinism.

Albimoz and Amor a Vida, local NGOs that advocated for persons with albinism, continued to document cases in which assailants kidnapped, maimed, or killed persons with albinism. Criminals attacked them, often with the assistance of a family member, because certain witch doctors, purportedly from outside the country, according to government officials, paid for their body parts due to their allegedly “magical” properties. For example, in July criminals killed a six-year-old child who suffered from albinism and a father sold his albino son to an organ-trafficking ring in Zambezia Province.

Based on traditional beliefs the heads of baldheaded persons contain gold, the government and media reported more than five baldheaded persons were killed during the first half of the year.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution and law provide that workers, with limited exceptions, may form and join independent trade unions, conduct legal strikes, and bargain collectively. The law requires government approval to establish a union. The government has 45 days to register an employers’ or workers’ organization, a delay the International Labor Organization (ILO) deemed excessive. Although the law provides for the right of workers to organize and engage in collective bargaining, such contracts covered less than 5 percent of the workforce. Workers in defense and security services, tax administration, prison workers, the fire brigade, judges and prosecutors, and the President’s Office staff members are prohibited from unionizing. Other public sector workers may form and join unions, but they are prohibited from striking.

The law does not allow strike action until complex conciliation, mediation, and arbitration procedures are exhausted, which typically takes two to three weeks. Sectors deemed essential must provide a “minimum level” of service during a strike. Workers’ ability to conduct union activities in workplaces was strictly limited. The law provides for voluntary arbitration for “essential services” personnel monitoring the weather and fuel supply, postal service workers, export processing zone (EPZ) workers, and those loading and unloading animals and perishable foodstuffs. Strikes must be announced at least five days in advance, and the announcement must include the expected duration of the strike, although the government interprets this to allow indefinite strikes. Mediation and arbitration bodies may end strikes in addition to the unions and workers themselves. The law prohibits all types of antiunion discrimination; however, it does not explicitly provide for reinstatement of workers terminated for union activities.

Authorities and employers generally respected freedom of association and the right to collective bargaining, although workers exercised few of these rights. There are strict legal constraints on workers’ meetings in the workplace. Unions regularly negotiated wage increases and organized strikes. The government also respected the legal prohibition of antiunion discrimination. There were no reports of violations related to freedom of association and collective bargaining rights or antiunion discrimination during the year.

A lack of resources continued to hamper the government’s efforts to enforce many of its labor laws. Government efforts included fining companies that violated labor laws and the expulsion of foreign supervisors who allegedly did not follow the law. In May, however, the Constitutional Council ruled that it was unconstitutional for the government, through the Labor Ministry, to expel foreign workers and that such cases should be dealt with by courts. Fines were not sufficient to deter violators.

The International Trade Union Confederation criticized the government’s prohibition of strikes by EPZ workers and claimed that deeming them essential did not meet the ILO’s definition of “essential services” workers. The ILO had previously criticized the government’s definition of “essential services” workers as being too broad.

The largest trade union organization, OTM, was perceived as biased in favor of the government and ruling party Frelimo.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The law against trafficking in persons, which includes forced labor, prescribes penalties of 16 to 20 years' imprisonment for conviction of human trafficking, but no cases of forced labor were prosecuted during the year. There was an increase in trafficking prosecutions, however.

The government continued to have difficulties enforcing these laws effectively. There was limited evidence of forced labor and forced child labor in the domestic and agricultural sectors. Women and girls from rural areas, as well as migrant workers from bordering countries, were lured to cities with false promises of employment or education and then were exploited in domestic servitude and sex trafficking.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum working age without restrictions is 18. The law permits children between ages 15 and 17 to work with a Ministry of Labor permit. The employer is required to provide for their education and training and provide conditions of work that are not damaging to their physical and moral development. Children between ages 12 and 14 may work under special conditions authorized by the Ministries of Labor, Health, and Education. Children under age 18 may work up to seven hours a day for a total of 38 hours a week. They are not permitted to work in occupations that are unhealthy, dangerous, or require significant physical effort; however, the government has no official list of prohibited job activities or occupations. By law children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher. Labor inspectors may obtain court orders and use police to enforce compliance with child labor provisions.

The Ministry of Labor regulates child labor in the formal sector, but the government did not effectively enforce the law. There were no mechanisms in place for submitting complaints regarding hazardous and forced child labor. Violations of child labor provisions are punishable with fines ranging from one to 40 months of the minimum wage. Such penalties were insufficient to deter violations. Enforcement mechanisms generally were inadequate in the formal sector due to resource constraints and nonexistent in the informal sector. These violations disproportionately affected girls who worked as domestic workers. In

August the Ministry of Labor conducted a seminar with civil society and private sector participants in which a list of hazardous activities and a national plan to fight the worst forms of child labor were completed. The two documents are to be submitted to parliament for approval.

The labor inspectorate and police lacked adequate staff, funds, and training to investigate child labor cases, especially in areas outside the capital, where a majority of the abuses occurred. No labor inspectors specialized in child labor issues; however, they all received child labor training. Inspectors earned low wages (like many government employees) making them vulnerable to, and often inclined to seek, bribes. Inspectors often did not have the means to travel to sites and therefore relied on the company they were investigating to provide transportation to the site of an alleged violation. Although the government provided training on child prostitution and abuse prevention for police officers, there was no specialized child labor training for them.

Child labor remained a problem. NGOs reported some girls who migrated from rural areas to urban centers to work as domestic help for extended family or acquaintances to settle debts were vulnerable to commercial sexual exploitation (see section 6, Children). Mothers who did not complete secondary school were more likely to have children involved in child labor. Due to economic necessity, especially in rural areas, children worked in agriculture, as domestic employees, or in prostitution.

OTM cited the tobacco industry and the cotton, fisheries, and the artisanal mining sectors as those in which child labor was most prevalent. Children, including those under age 15, commonly worked on family farms harvesting rice, cotton, tobacco, or tea. They were often paid on a piecework basis rather than an hourly minimum wage. NGOs indicated that in the northern provinces of Zambezia, Nampula, and Cabo Delgado, children of adults hired to work on tobacco, cotton, and cashew plantations routinely worked with their parents to increase family income. These children worked long hours and did not attend school.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment and occupation.

Discrimination in employment against persons with disabilities was common, and access to employment was one of the biggest problems facing persons with disabilities.

The law explicitly prohibits discrimination against workers because of HIV/AIDS status, and the Ministry of Labor generally intervened in cases of perceived discrimination by employers. With an increased public awareness of this law, there were no public reports of individuals dismissed because of their HIV status.

The government effectively enforced applicable law. Penalties (such as fines) were sufficient to deter violations.

There were multiple reports in local media of the Labor Ministry suspending the contracts of irregular foreign workers. Some foreign workers reported harassment by Labor Ministry inspectors after disputes with Mozambican coworkers and being forced to pay bribes for work permits or leave the country.

#### **e. Acceptable Conditions of Work**

The lowest government-mandated industry-based minimum wage was 3,183 meticaís (\$50) a month and may be adjusted as needed. The poverty line was 540 meticaís (\$8.41) per member of household a month. Workers generally received benefits, such as transportation and food, in addition to wages. The OTM estimated that a minimum livable monthly wage to provide for a family of five was 8,000 meticaís (\$125). The standard legal workweek is 40 hours but may be extended to 48 hours. Overtime must be paid for hours worked in excess of 48 hours at 50 percent above the base hourly salary. The law limits overtime to two hours per day and 100 hours per year. The law provides for one hour of rest per workday. By law foreign workers holding work permits are protected. Health and environmental laws were in place to protect workers in the formal sector; however, the informal economy comprised an estimated 95 percent of the workforce.

The government sets occupational health and safety (OSH) standards that are current and appropriate for the main industries. Workers have the right to clean and safe workplaces including good physical, environmental, and moral conditions. Workers have the right to be informed of safety risks and instructed on how to follow the regulations and improve safety, including the right to protective clothing and equipment, first aid, health exams, and compensation for workplace injuries or sickness. By law workers have the right to remove themselves from situations that endanger their health and safety without jeopardizing their



employment. No sectors or groups of workers, including those in the informal sector, are specifically exempted from these laws.

The Ministry of Labor is responsible for enforcing the minimum wage rates in the private sector, and the Ministry of Finance does so in the public sector. The ministries usually investigated violations of minimum wage rates only after workers submitted a complaint.

The Ministry of Labor did not effectively enforce minimum wage, hours of work, and OSH standards in the informal economy, since the Ministry of Labor only regulates the formal sector. The number of labor inspectors was not sufficient to enforce compliance. Agricultural workers were among the most vulnerable to poor work conditions and wage theft. The lack of frequent and enforced sanctions for violations created little deterrence for violations. Despite the relatively low number of inspectors, some businesses reported frequent visits by labor inspectors citing capricious violations and threats of fines in order to receive bribes.

There were few industrial jobs outside the Maputo area. The country's special economic and industrial areas have the same regulations for wages, workweek, and occupational safety and health as elsewhere. The Inspector General for Economic Activities, which is composed of representatives from a number of ministries, regulated these zones. There were no reports of violations of wage, overtime, or occupational safety and health standards in these special economic zones.