

# MOZAMBIQUE 2018 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 foreign observers and domestic 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.

Increased Islamic extremist violence in Cabo Delgado Province changed the country's political landscape during the year. The violent attacks against government forces and civilian populations that began in October 2017 continued, threatening to fragment the country's tradition of religious tolerance and social cohesion. The government's security force responses to these attacks were at times heavy-handed and included arbitrary arrest and detention, harassment of civilians, and closure of mosques.

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 inadequate government efforts to investigate, prosecute, or otherwise hold perpetrators accountable; 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.

### **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) occurred throughout the country.

There were numerous reported abuses similar to the following examples. On July 30, a contingent of the Rapid Intervention Unit (FIR) killed one person and wounded another seven protesting forced relocation from the Olinda area of the Inhassunge District in Zambezia Province to another area of the district. The forced removal was to allow for implementation of a Chinese heavy-sand mining project at the site. The October 2017 killing of the president of Nampula City Council, Mahamudo Amurane, by unidentified assailants followed a pattern of unresolved cases of high-profile killings of political figures. These included the 2016 killing of Jeremias Pondeca, a senior member of the team representing the Mozambique National Resistance Party (Renamo) in negotiations with the government, and the 2015 killing of constitutional lawyer, Gilles Cistac.

#### **b. Disappearance**

There were no 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, but there were reliable reports of cases of harsh interrogation measures by defense and security forces in Cabo Delgado Province related to extremist violence.

#### **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 cited overcrowding, poor nutrition, poor hygiene and medical care, the inclusion of juvenile prisoners in adult facilities, and convicted and untried prisoners sharing cells as serious problems. In March the attorney general's annual report to parliament cited overcrowding--a prison population too large for the resources provided--as the primary cause of inadequate hygiene, food, and medical care. In addition, the report cited overcrowding as a major factor for noncompliance with

rules on the separation of pretrial and convicted inmates, juvenile and adult prisoners, and those with contagious diseases from the general population.

The Inhambane prison held 400 prisoners, five times its designated capacity. As of August 2017, the number of inmates at the Maputo Provincial Penitentiary (EPPM) was approximately three times 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 detainees spent their preventive detention period with adult prisoners at EPPM. Those convicted were transferred 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 often shared cells with other prisoners.

The Attorney General's Office (PGR) acknowledged an acute shortage of prison facilities at the district level, resulting in human rights abuses of those detained. According to the PGR, prisons were at 222 percent capacity with 18,185 prisoners and space for only 8,188.

In 2017 the National Prisons Directorate (SERNAP) reported there were 27 deaths in all prisons during the first six months of the year. The report indicated malaria, HIV/AIDS, and diarrhea were the primary causes of death. In 2016 SERNAP estimated that 20 percent of an approximately 15,000-prisoner population was HIV-positive, compared with an estimated 13 percent of the country's sexually active population.

Few prisons had health-care facilities or the ability to transport prisoners to outside facilities. Almost all prisons dated from the pre-1975 colonial era, and many were in an advanced state of dilapidation.

Administration: International and domestic human rights groups reported mistreatment of detainees, specifically those detained in Cabo Delgado Province as a result of counterextremist operations. 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. Although NGOs had difficulty gaining access to detention facilities run by the Ministry of the Interior, they were generally successful in gaining access, particularly to its police station detention facilities.

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

The constitution and law prohibit arbitrary arrest and detention, and the government, with some exceptions, generally observed these prohibitions. According to civil society groups, security forces repeatedly arrested and detained persons suspected of conservative Islamic religious beliefs in northern Cabo Delgado. The intervention of Islamic religious groups with the attorney general resulted in the eventual release of many of those arrested, particularly women and children. Civil society groups asserted that more than 100 persons arrested in connection with counterextremism operations remained in detention without sufficient supporting evidence at year's end.

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

The Criminal Investigative Service (SERVIC), the PRM, and FIR are responsible for internal security. In transition from oversight by the Ministry of the Interior to that of the Office of the Prime Minister, SERVIC reported to both entities during the year. The PRM and FIR reported 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 referred to collectively as the Defense and Security Forces.

Civilian authorities maintained control over SERVIC, the PRM, FIR, the Border Security Force, FADM, and the State Security and Intelligence Service. 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 (see sections 1.a. and 1.d.).

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

With the exception of counterextremist operations in northern Cabo Delgado Province, authorities generally did not detain suspects without judicial authorization. By law judges or prosecutors must 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 if convicted of more than eight years' imprisonment may be detained up to an additional 84 days without being charged formally. A court may approve two additional 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 reports of suspects held incommunicado or under house arrest.

The bail system remained poorly defined.

Pretrial Detention: Lengthy pretrial detention was 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 in 2016 were pretrial detainees. 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. The attorney general's *Annual Report to Parliament* noted improvement in reducing pretrial detention as well as the number of prisoners held in excess of their sentences. According to the report, the number of pretrial detainees declined by 10 percent, from 2016 to 2017.

### **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 asserted, 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. While defendants have adequate time to prepare a defense, they often do 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 may not 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 foregoing 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 are tried publicly in civilian courts according to 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 may file lawsuits through the Office of the Ombudsman, the CNDH, and the Mozambican Bar Association seeking cessation of human rights abuses, damages for abuses, or both. 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. 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.

The Office of the Ombudsman is constitutionally designated as guarantor of citizens' legal rights in dealings with the government. Citizens may file complaints with the Ombudsman's Office. Each complaint is reviewed and an investigation initiated if the Ombudsman's Office judges it legitimate.

#### **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 authorities entered homes without judicial or other appropriate authorization. Some civil society activists stated government intelligence services and ruling party activists monitored telephone calls and emails without warrants, conducted surveillance of their offices, followed opposition members, used informants, and disrupted opposition party activities in certain areas.

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

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

The constitution and law provide for freedom of expression, including for the press; however, the government did not always effectively protect or respect these freedoms. Academics, journalists, opposition party officials, and civil society reported an atmosphere of intimidation and fear that restricted freedom of speech and press. Journalists expressed concern regarding government intimidation by security forces.

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 following the March 27 kidnapping and beating of journalist Enricino de Salema (see below). In addition, Renamo accused the government of using the military and police to prevent its municipal election candidates from undertaking political activities.

Press and Media Freedom: Media outlets and individual journalists regularly reported on a broad range of topics and criticized the government, the ruling party, and prominent political figures. The vast majority of critical articles did not result in retaliation from the government or the ruling party. Civil society organizations and journalists, however, asserted the government and ruling party exerted substantial pressure on all forms of media and took retaliatory action when unspecified limits were crossed. The NGO Sekhelekani reported media outlets and journalists frequently self-censored to avoid crossing limits that would result in government retaliation.

Violence and Harassment: Journalists were subjected to violence, harassment, or intimidation due to their reporting. On March 27, prominent journalist and human rights lawyer Ericino de Salema was abducted and severely beaten in broad daylight by unidentified gunmen outside the National Journalist Union building.

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 stated 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.

## **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.

According to the International Telecommunication Union, 20.8 percent of persons in the country used the internet in 2017.

### **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 the freedoms of peaceful assembly and association; however, the government did not always respect these rights.

#### **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. Unlike in prior years, there were no reports the government disapproved organizers’ requests to hold protest demonstrations by alleging errors in notification documents.

#### **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 has 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. In October 2017 the Constitutional Court ruled LAMBDA and other groups could not be precluded from registration based on “morality” but did not direct the government to grant official recognition to LAMBDA. LAMBDA continued to pursue a previously filed case with the Administrative Tribunal--the highest jurisdiction for administrative matters--specifically seeking to compel the government to respond to its registration request.

### **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)**

On June 20, Human Rights Watch stated that more than 1,000 individuals were displaced from October 2017 to June due to extremist violence in six northern districts of Cabo Delgado Province. In-person interviews by diplomatic and international organization representatives revealed that most of those displaced returned to their villages of origin by July following the stationing of military forces in or close to their villages. Civil society groups reported, however, that because the security situation in the six northern districts remained tenuous, at the same time that IDPs were returning to their villages new IDPs were fleeing their villages.

#### **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 worked 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.

In August the government and the main opposition party, Renamo, reached a formal peace agreement. The agreement extended the cessation of hostilities that began in 2016. As part of the negotiated peace agreement, the National Assembly unanimously adopted a series of constitutional amendments and revised electoral laws to create indirectly elected provincial executives in 2019, indirectly elected district executives in 2024, and increase decentralization of power to the provincial, district, and municipal levels. In addition, the government and Renamo agreed to the integration of several hundred Renamo combatants into government security forces and the full demilitarization and disarmament of remaining Renamo forces. An international contact group consisting of resident diplomatic representative from seven countries was providing assistance in implementation of the peace agreement. Additionally, military representatives of eight countries were assisting in the development of monitoring and verification processes for Renamo combatant disarmament, demobilization, and reintegration commitments.

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

Recent Elections: Domestic and international observers noted voting day procedures during the 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 Democratic Movement of Mozambique 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 claimed 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 has dominated the political process throughout the 43 years since the country's independence. Opposition political parties could operate, yet there were occasional restrictions on meetings, unlawful arrests, and other forms of interference and harassment by the government. For example, in October some opposition candidates were prevented from competing in municipal elections by inconsistent application of eligibility rules. In addition, inconsistent application of the law that prohibits campaign activity outside of a designated time periods favored Frelimo candidates.

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 used quotas to provide for female representation on its central committee.

#### **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 was a problem in all branches of government and at all levels. The president stated 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. On August 14, the commander in chief of the PRM, Bernardino Rafael, stated that police found to be involved in corruption in the performance of their duties would face severe and exemplary measures.

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. The Center for Public Integrity reported incomplete compliance because the process of requiring public servants to file financial disclosures was 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 the local LGBTI organization. The government frequently denied or delayed NGOs' access to areas where abuses by security forces occurred.

Government Human Rights Bodies: The CNDH is mandated to promote and defend the human rights provisions of the constitution. 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.

## **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 age 12 or older and 20 to 24 years' imprisonment if the victim is under age 12.

Conviction of abuse of a spouse or unmarried partner is 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 domestic violence against women remained widespread. For example, more than 20,000 cases of domestic violence were reported during the year; however, civil society members believed the number of victims to be much higher.

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.

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. Reliable estimates were lacking on the number of girls and women subjected to FGM/C in recent years. For additional information, see Appendix C.

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, occurred, 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 20 times the teacher's monthly salary.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides the same legal status and rights for women as for men; however, the government did not enforce the law effectively. The law does not specifically require equal pay for equal work, nor does it prohibit discrimination based on gender in hiring. The law 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.

Women experienced 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 by 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 that 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" that enable access to free health care and free secondary education. Birth registration was often delayed in rural areas. Cultural practice prevented a woman, especially in rural areas, from exercising her legal right to register her child without the presence of the child's father.

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 was a problem. NGOs remained concerned that certain male teachers used their authority to coerce female students into sex. Orphans and other vulnerable children remained at high risk of abuse.

While the government stressed 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 have wide discretion with regard to sentencing, but the law requires a minimum of 16-20 years' imprisonment for conviction of trafficking in persons.

Early and Forced Marriage: By law the minimum age of marriage 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 Eswatini, 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, conducted 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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.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 private-sector and government employment, education, access to health care, and the provision of other 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. Children with disabilities attended school through secondary education at a significantly lower rate than other children. 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, was a challenge due to lengthy and complicated bureaucratic procedures.

### **Acts of Violence, Discrimination, and Other Abuses 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 request to register legally.

There were no media or other reports of bias-motivated attacks on LGBTI persons; however, discrimination in public medical facilities was reported. Medical staff sometimes chastised LGBTI individuals for their LGBTI status when the latter sought treatment. Intimidation was not a factor in preventing incidents of abuse from being reported.

There were reports of societal discrimination based on sexual orientation and gender identity.

### **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.

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

The government denounced 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, documented cases in which assailants kidnapped, maimed, or killed persons with albinism. Criminals attacked them, often with the assistance of a family member, because certain traditional healers, purportedly from outside the country, according to government officials, paid for their body parts due to their allegedly "magical" properties.

## **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 employers' and workers' organizations, 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 collective bargaining 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. The law requires that strikes 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 antiunion discrimination; however, it does not explicitly provide for reinstatement of workers terminated for union activities. The government respected the legal prohibition of antiunion discrimination.

Authorities and employers generally respected freedom of association and the right to collective bargaining, although workers were only able to exercise a few of these rights. There are strict legal constraints on workers' meetings in the workplace. Unions regularly negotiated wage increases and organized strikes.

Lack of resources hampered 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. Fines were not sufficient to deter violators.

The International Trade Union Confederation criticized the government's prohibition of strikes by EPZ workers and the government's designation of EPZ

workers as “essential.” The ILO had previously criticized the government’s definition of “essential services” workers as being too broad.

The largest trade union organization, the Organization of Mozambican Workers (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. If convicted of trafficking in persons, which includes forced labor, the penalty is 16 to 20 years’ imprisonment.

The government did not enforce these laws effectively. There was limited evidence of forced labor and forced child labor in the domestic and agricultural sectors. Girls and women from rural areas, as well as migrant workers from bordering countries, were lured to cities with false promises of employment or education and then exploited in domestic servitude and sex trafficking. In addition, there was a significant rise in Ethiopians trafficked through Mozambique for the purpose of labor exploitation in South Africa. In December 2017 alone, security forces apprehended 41 Ethiopian citizens in Tete Province being smuggled into South Africa for labor exploitation and discovered the bodies of 19 other Ethiopians in Sofala Province who were believed to be victims of 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 government has established laws and regulations related to child labor; however, gaps exist in the legal framework to protect adequately children from the worst forms of child labor. Children 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. 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. By law children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher.

The Ministry of Labor regulates child labor in the formal sector, but the government did not effectively enforce the law. Labor inspectors may obtain court orders and have police enforce compliance with child labor provisions. There were no mechanisms in place for submitting complaints regarding hazardous and forced child labor. Violations of child labor provisions are punishable by 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. In August 2017 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. In October 2017 parliament approved the plan.

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. The government provided training on child prostitution and abuse prevention to police officers and additional training to labor inspectors on trafficking identification and prevention.

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.

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

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.

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. In May 2017, however, the Constitutional Council ruled it was unconstitutional for the government to expel foreign workers without judicial approval.

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

The lowest government-mandated industry-based minimum wage was 3,183 meticaís (\$53) a month and may be adjusted as needed. The poverty line was 540 meticaís (nine dollars) a month per household member. 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 (\$133). 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. These legal protections apply to foreign workers holding work permits.

The government sets occupational health and safety (OSH) standards that were up to date and appropriate for the main industries. Health and environmental laws protect workers in the formal sector; however, they do not apply to the informal economy, which comprised an estimated 95 percent of the workforce. 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 instruction 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.

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.

During the year there was a significant increase in the number of work accidents in the areas of construction, public works, and manufacturing, some of which resulted in the death or permanent disability of workers. According to the General Labor Inspectorate, in the fourth quarter of 2017 there was a 1.4 percent increase in accidents. Out-of-court settlements of disputes between workers and employers included 1,656 mediated conflicts, of which 1,385 ended in agreement and 271 in deadlock. The reduction in the number of cases was a direct consequence of the intensification of prevention actions, through lectures and advisory services to workers and employers on labor legislation.