

Mozambique - United States Department of State

MOZAMBIQUE: Tier 2

The Government of Mozambique does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Mozambique remained on Tier 2. These efforts included significantly increasing national awareness-raising efforts, specifically addressing vulnerable populations; training more front-line responders across the country; and prosecuting all confirmed cases of trafficking. However, the government did not meet the minimum standards in several key areas. The government did not proactively identify trafficking victims other than those represented by criminal cases. The government did not adopt its national action plan, hindering the implementation of regulations for trafficking victim and witness protection. Additionally, the government did not finalize a draft national referral mechanism for a third consecutive year, which may have limited victims' access to protective services. Mozambican officials remained without effective policies or laws that would regulate foreign recruiters and hold them civilly and criminally liable for fraudulent recruiting.

PRIORITIZED RECOMMENDATIONS:

Finalize and implement the national action plan, and issue regulations necessary to implement the victim protection and trafficking prevention provisions of the 2008 anti-trafficking law. • Amend the anti-trafficking law to bring the definition of trafficking in line with the definition of trafficking under international law. • Develop a formal system to proactively identify trafficking victims among vulnerable populations, including migrant workers and individuals without formal identification. • Finalize and implement the national referral mechanism. • Report on services provided to victims, and expand the availability of protective services for all victims, including long-term shelter and reintegration assistance, and increase services available to male victims. • Screen vulnerable populations for trafficking indicators, including individuals in resettlement camps and foreign nationals, such as migrants from neighboring countries and North Koreans, and refer them to appropriate services. • Build the capacity of the labor inspectorate and the Women and Children's Victim Assistance Units to investigate trafficking cases and refer victims to care. • Vigorously investigate, prosecute, and convict traffickers, including complicit officials. • Report funding or in-kind support to relevant partners in the National Group to Protect Children and Combat Trafficking in Persons. • Hold labor recruiters liable for fraudulent recruitment. • Develop national level data collection on anti-trafficking law enforcement efforts and trafficking victims. • Continue to train officials to investigate and prosecute criminals who facilitate both adult and child sex trafficking.

PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The 2008 Law on Preventing and Combating the Trafficking of People criminalized sex trafficking and labor trafficking and prescribed penalties of 16 to 20 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, the law did not establish the use of force, fraud, or coercion as an essential element of the crime. In December 2019, the government approved updates to the penal code that reportedly penalize sex trafficking offenses, including providing harsher penalties for child sex trafficking offenses; these updates will be implemented in June 2020. Additionally, draft amendments to bring the 2008 anti-trafficking law in line with international standards were awaiting approval by various stakeholders at the end of the reporting period.

The government investigated 13 potential trafficking cases in 2019, determining eight of these cases to be trafficking; this compared with 10 investigations in 2018. These cases involved 22 Mozambican male and female victims who were sexually abused and exploited in forced labor from rural areas in southern Mozambique to Maputo; the government did not report the number of traffickers involved in the eight cases. The government initiated prosecutions in all eight of the confirmed cases of trafficking, compared with prosecuting seven defendants in seven cases during the previous reporting period. The government convicted two traffickers under the 2008 anti-trafficking law, the same number of convictions reported in 2018. Courts sentenced traffickers to imprisonment ranging from three to 13 years. The remaining six prosecutions did not result in conviction. Observers indicated that there may have been other trafficking cases in process at the end of the reporting period that were otherwise not reported by the government. For example, an international organization reported that the government arrested and prosecuted an alleged child trafficker in an IDP resettlement camp during the reporting period; however, the government did not provide information on this case. Similar to previous years, alleged traffickers commonly bribed police and immigration officials to facilitate trafficking crimes both domestically and across international borders; however, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

The government conducted various trainings across the country for front-line responders during the reporting period. In partnership with an international organization, the government trained judges and investigators from the National Criminal Investigation Service on the legal elements of trafficking. The Department of Assistance to Family and Minor Victims of Violence conducted 52 training courses for 887 National Police officers to discuss integrated care for victims of violence, including trafficking. The government, in partnership with an international NGO, also provided training on the legal framework of trafficking to provincial reference groups in Maputo and Gaza Provinces and training on victim identification and assistance to border officers in Maputo Province and at the South African border. The attorney general's office maintained bilateral memoranda of understanding with the Republic of South Africa, Eswatini, and Zambia to address cross-border cooperation on trafficking cases.

PROTECTION

The government maintained modest victim protection efforts. The government identified and referred to care 22 victims, compared with 26 victims identified and referred during the previous reporting period. The government continued to lack

adequate procedures to screen vulnerable populations for trafficking. The government partnered with civil society organizations to identify victims of trafficking and refer them to care, but did not report providing financial or in-kind support to such organizations. Additionally, civil society organizations reported that the actual number of trafficking victims in Mozambique is significantly higher than the number represented by criminal cases. The Ministry of Gender, Children, and Social Action operated three centers, which could provide short-term shelter, medical and psychological care, and legal assistance to trafficking victims; however, the government did not provide details regarding services provided during the reporting period. The government did not have a long-term shelter for victims of trafficking. While the government reported that it occasionally could provide shelter for adult male victims, it did not report implementing this service during the reporting period. The government did not finalize a draft national referral mechanism for a third consecutive year, but used it informally to identify and refer victims. The government continued drafting implementing regulations for trafficking victims and witness protection; however, those regulations remained incomplete for the fifth consecutive reporting period. The government, in partnership with an international organization, trained 50 government workers to identify victims of trafficking and screen for trafficking indicators in up to 71 resettlement camps and communities.

Police stations throughout the country had specialists, trained by the Office of Assistance to Women and Children Victims of Domestic Violence, equipped and available to respond to suspected trafficking cases. The government continued to operate facilities in more than 215 police stations and 22 “Victims of Violence” centers throughout the country offering temporary shelter, food, limited counseling, and monitoring following reintegration for victims of crime. The government did not, however, provide specific numbers of trafficking victims who benefited from these services in 2019. The anti-trafficking law required police protection for victims who participated as witnesses in criminal proceedings against traffickers, but the government did not report any victims utilizing these services. Mozambican law provided for temporary residency status or legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution; however, the government did not identify any foreign victims during the reporting period, so it did not implement these provisions. The government did not provide information regarding its efforts to assist Mozambican victims of trafficking abroad.

PREVENTION

The government maintained overall efforts to prevent trafficking, while increasing efforts to raise awareness of trafficking among vulnerable populations. The National Reference Group convened an annual meeting of all members to coordinate anti-trafficking efforts and members at the national, provincial, and district levels met regularly as working groups to address specific trafficking cases and concerns. While the attorney general and the Ministry of Justice, Constitutional, and Religious Affairs reportedly finalized the draft national action plan, the government did not adopt the national action plan for the third consecutive year. The government increased awareness-raising efforts during the reporting period. The government, in partnership with an international organization, conducted various awareness campaigns to address vulnerabilities to trafficking as a result of increasing violent extremism and in the post-disaster context, including school programs focused on preventing online recruitment and monthly awareness raising sessions in 25

resettlement camps. The government also conducted national public awareness campaigns in all provinces, which included 5,000 speeches and presentations and 233 radio and television programs. Provincial-level reference groups consisting of local officials, police, border guards, social workers, NGOs, and faith-based organizations carried out awareness campaigns to educate the public in urban and rural areas and coordinated regional efforts to address trafficking and other crimes. In July 2019, officials conducted awareness-raising activities associated with the World Day Against Trafficking in Persons in all provinces, including seminars on governmental actions to prevent trafficking.

The government enhanced its participation in the Southern African Development Community regional data collection tool by providing increased information on trafficking cases, victim and trafficker profiles, and improved sharing of information with countries in the region. The government did not report operating or providing support to a hotline exclusively available for adult victims of trafficking; however, the government continued providing logistical and technical support for an NGO-run hotline that is available to report crimes against children, including potential trafficking. In 2019, the hotline identified less than one percent of approximately 2,500 calls as potential trafficking cases; however, this could be due to a lack of training on the identification of potential trafficking victims. Previously, the government reported training labor inspectors to screen workers for trafficking indicators; however, the government did not report conducting such trainings during the reporting period. Mozambican officials remained without effective policies or laws regulating foreign recruiters and holding them civilly and criminally liable for fraudulent recruiting. The government did not provide anti-trafficking training to diplomats. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mozambique, and traffickers exploit victims from Mozambique abroad. Forced child labor occurs in agriculture, mining, and market vending in rural areas, often with the complicity of family members. Traffickers lure voluntary migrants, especially women and girls from rural areas, from neighboring countries to cities in Mozambique or South Africa with promises of employment or education, and then exploit those victims in domestic servitude and sex trafficking. Traffickers exploit Mozambican girls in bars, roadside clubs, overnight stopping points, and restaurants along the southern transport corridor that links Maputo with Eswatini and South Africa. Child sex trafficking is of growing concern in the cities of Maputo, Beira, Chimoio, Tete, and Nacala, which have highly mobile populations and large numbers of truck drivers. As workers and economic migrants seek employment in the growing extractive industries in Tete and Cabo Delgado, their arrival could increase the demand for sexual services, potentially including child sex trafficking. As of December 2019, an international organization reported there were over 100,000 IDPs in Mozambique as a result of two tropical cyclones; individuals in resettlement camps or otherwise affected by the cyclones are increasingly vulnerable to trafficking.

Traffickers exploit Mozambican men and boys in forced labor on South African farms and mines, where victims often work for months without pay under coercive conditions before being turned over to police for deportation as illegal migrants. Mozambican boys migrate to Eswatini to wash cars, herd livestock, and sell goods;

some subsequently become victims of forced labor. Traffickers exploit Mozambican adults and girls in forced labor and sex trafficking abroad, including in Angola, Italy, and Portugal. North Koreans working in Mozambique may have been forced to work by the North Korean government. Informal networks typically comprise Mozambican or South African traffickers. South Asian smugglers who move undocumented South Asian migrants throughout Africa also reportedly transport trafficking victims through Mozambique. Previous reports alleged traffickers bribe officials to move victims within the country and across national borders to South Africa and Eswatini.