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2009 Human Rights Report: Mozambique

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2009 Country Reports on Human Rights Practices](#)

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Mozambique has a democratic constitution and an estimated population of 21.5 million. President Armando Guebuza was reelected in October in a contest criticized by several national and international observers, including the EU and the Commonwealth, as lacking a "level playing field" and faulted for lacking transparency, integrity, impartiality, and independence. Although election day itself was largely peaceful, donor nations, domestic and foreign observer groups, and local civil society expressed concern over the ruling party's use of government vehicles to campaign and the electoral procedures which preceded the balloting, particularly the exclusion of six of nine presidential candidates and the disqualification of one opposition party's parliamentary candidates from seven of 11 provinces. Freedom House has since removed Mozambique from its list of electoral democracies.

The Front for the Liberation of Mozambique (FRELIMO) has been the ruling political party since independence from Portugal in 1975. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently.

Incidents of serious human rights abuses, including vigilante killings, occurred during the year. Security forces continued to commit unlawful killings although the government took steps to prosecute perpetrators. Prison conditions remained harsh and life-threatening, resulting in several deaths. Arbitrary arrest and detention, as well as lengthy pretrial detention, were problems. An understaffed and inadequately trained judiciary was inefficient and influenced by the ruling party. Political and judicial decisions involving independent media outlets constrained press freedom. Societal problems including domestic violence, discrimination against women, abuse, exploitation, forced labor of children, trafficking in women and children, and discrimination against persons with HIV/AIDS remained widespread.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces killed several individuals.

According to a 2009 report by Amnesty International (AI), unlawful killings were carried out with near impunity and perpetrators impeded families from pursuing justice. Despite claims that action was taken against police officers for such acts, few of these crimes were prosecuted, and there was a general lack of transparency in police accountability mechanisms.

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Violence as a first resort, excessive use of force, and abuse by police remained problems. Between January 2006 and June, AI documented 26 incidents of police shooting resulting in at least 46 deaths. Many of these cases were not adequately investigated, and in most of the cases, no police officer was brought to justice for the killings. However, the local nongovernmental organization (NGO) Human Rights League (LDH) reported that authorities terminated and, in a few cases, brought criminal charges against some officers for disciplinary offenses during the year.

Police use of excessive force against striking laborers resulted in one death (see section 7.a.).

On September 11, the newspaper *O Pais* reported that the police shot and killed a 30-year-old for attempting to steal a side-view mirror. There were no further developments by year's end.

High levels of crime in and around Maputo City and continued violence against police by criminal gangs were likely factors in the number of unlawful killings committed by security forces. An overly anxious police force responded with a strong show of force and often resorted to violence.

There was no further information available in the following 2008 cases: the February killing of five persons in Maputo and at least one other person in Chokwe who were protesting increases in the cost of living, and the August shooting death of a person in Maputo by a police officer during a personal dispute.

In September 2008 a Maputo public prosecutor indicted Criminal Investigation Police (PIC) agent Alexandre Francisco Balate of the 2007 killing of Abranches Afonso Pencelo. Balate was sentenced to 30 months' imprisonment.

There were a few reports of death resulting from police abuse. Unlike in the previous years, there were no reported killings as a result of torture and other abuses by members of the Community Policing Councils (CPC), nonstatutory bodies set up by the Mozambican National Police (PRM) in many districts to prevent crime.

Landmine accidents resulted in deaths and injuries. The government continued to cooperate with donors and international organizations as well as commercial firms to clear suspected landmine areas. Despite significant progress, landmines placed during the Rhodesian conflicts of the 1970s, the war for independence in the 1980s, and the civil war in the 1990s remained in many provinces. During the year hundreds of landmines were removed from the base of power transmission stanchions along a main transit corridor from the capital to the South African border.

Killings by vigilante groups continued to be a problem. The LDH and other civil society groups claimed these killings were related to the increased cost of living, high unemployment rates, sustained high levels of crime, lack of police presence in outlying metropolitan neighborhoods, and an ineffective justice system. Most targets of such killings were suspected muggers, thieves, sexual abusers, and drug dealers. While nationwide statistics were not available, the press and civil society reported killings by vigilantes, most of which occurred in and around major urban areas, including the capital city.

For example, on May 12, the press reported that a mob attacked and briefly occupied the police station in the southern town of Magude, in an attempt to seize and lynch a suspected murderer.

On October 25, health workers and Mozambican Red Cross (CVM) volunteers were accused of spreading cholera and attacked by irate mobs in the coastal city of Quinga. Three CVM volunteers were killed. The CVM volunteers were using chlorine to disinfect wells. Press reports speculated that part of the violence might have been due to a linguistic

misunderstanding, given that Portuguese is not the first language for many residents. (The Portuguese word for "chlorine" sounds like the word for "cholera," and neither word was commonly used.)

On December 17, a 13-year-old boy was beaten and burned to death by a mob in Beira for allegedly stealing four ducks.

There were no developments in the 2008 deaths of several persons at the hands of vigilante groups in Chimoio, Maputo, Matola, and Chokwe districts.

b. Disappearance

There were no reports of politically motivated disappearances.

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

While the constitution and law prohibit such practices, police continued to commit abuses. During the year human rights advocates and the media reported occurrences of torture and other cruel treatment, including several cases involving sexual abuse of women, beatings, and prolonged detention.

Following reports of torture and high rates of death among prison inmates in Tete, an observer group from the EU visited the prison. The group reported that torture of prisoners by guards had occurred and that the prisoners suffered from overcrowding, poor nutrition, lack of medical care, and overall unhealthy living conditions.

On March 17, 13 prisoners suffocated to death in an overcrowded jail cell in the northern district of Mogincual. On March 24, the General Command of the police set up a commission of inquiry to investigate the circumstances that resulted in their deaths. At year's end the results of the investigation were pending.

Police use of excessive force against strikers resulted in death and injuries (see section 7.a.).

Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening.

The Administration for Prison Services, under the Ministry of Justice, operated 184 prisons in 10 provinces. The Ministry of Interior and the police are responsible for jails at police stations. During the year there were 14,309 prisoners, 66 percent of whom had been convicted and the rest detained awaiting trial.

Overcrowding remained the most serious problem. In 2008 the LDH noted that many prisons held more than three times the number of prisoners for which they were built and that often prisoners slept in bathrooms, standing up, or in shifts. For example, the most recent statistics available showed that Maputo Central Prison held 2,538 prisoners in a facility designed to hold 800, and the Inhambane Provincial Prison held 339 prisoners in a facility for 75.

During the year the LDH made 253 visits to prisons and detention facilities. Based on those visits, LDH noted the following characteristics of conditions in the prisons: harsh detention, inadequate food, poor hygiene, overcrowding, adults and juveniles held together, and prisoners kept beyond their sentences. The LDH described 35 facilities as "physically inadequate."

Reports continued that most prisoners received only one meal a day. In many cases prison officials were not able to provide even basic food to the prison population. In the prisons visited, the LDH characterized the provision of food as "poor," consisting mainly of corn meal (xima) and beans. It was customary for families to bring food to prisoners; however, there continued to be occasional reports that guards demanded bribes in exchange for delivering food to prisoners. In several prisons inmates engaged in prostitution in exchange for food, according to the LDH. In May the UN Interregional

Crime and Justice Research Institute (UNICRI) announced plans to reorganize the juvenile justice system with the creation of pre- and post-judgment centers for juvenile offenders to support the juvenile justice courts. According to UNICRI, 10 percent of juvenile offenders were women, and some juveniles had been held with adult populations in pretrial detention for as long as nine months. Juveniles were also intermixed with adults in the general prison population. The UNICRI program includes training for 500 members of the justice and legal sectors, including police and judges.

The LDH found malaria, tuberculosis, and HIV/AIDS to be commonplace among prisoners in nearly all prisons. The LDH also found other illnesses caused by malnutrition, including paralysis and blindness. Both healthy and sick prisoners regularly were kept in the same cells.

According to the LDH and confirmed by a report issued by the UNICRI, pretrial detainees were held with convicted prisoners, and, contrary to law, juvenile offenders were held with adults.

There continued to be many reported deaths in prison, the vast majority due to illness and disease, at rates much higher than the general population. Following their visit to Tete's prison, the EU noted that in the first three months of the year, 28 prisoners had died, most from "unknown" causes. Also, in September *O País* newspaper reported that two Zimbabwean prisoners died in March while in prison in Manica.

International and domestic human rights groups had access to prisoners, although at the discretion of Ministries of Justice and Interior. The LDH reported no problems obtaining credentials to visit prisons. Moreover, LDH president and founder Maria Alice Mabota announced that the LDH had entered into a memorandum of understanding with the Ministry of Justice allowing it to visit prisons unannounced. The LDH agreed to provide to the ministry any reports it planned to issue but would be free to publish its own independent findings.

d. Arbitrary Arrest or Detention

While the constitution and law prohibit arbitrary arrest and detention, both practices continued to occur.

Role of the Police and Security Apparatus

Forces under the Ministry of Interior, including the PIC, the PRM, and the Rapid Intervention Force, are responsible for internal security. An additional security body, the State Information and Security Service, reports directly to the president. The Casa Militar (Presidential Guard), provides security for the president. The armed forces are responsible for external security.

The police continued to be poorly paid, despite an increase in pay during the year. Trainee-level officers reportedly received approximately 3,100 meticaís (\$105) a month, while those at higher rank received approximately 4,500 meticaís (\$153) a month. Corruption and extortion by police were widespread, and impunity remained a serious problem. Police routinely removed their identification at checkpoints after dark and refused to identify themselves or their police precincts.

Police regularly detained persons for arbitrary reasons and demanded identification documents solely to extort payments. Many crime victims reportedly declined to seek police assistance because of expected demands for bribes and a lack of confidence that the police would help.

The most common reasons for disciplinary action, according to Maputo's police chief, were collaboration with criminals, extortion of goods and money, excessive alcohol consumption, and abandonment of post. During a May visit, AI was told by police officials that since 2005 a total of 356 police officers had been disciplined for breaching disciplinary regulations. Of these 108 were expelled from the police force, and 37 were convicted of criminal offenses. In AI's view, however, police discipline was inadequate and prosecution rare.

Implementation of the 2003-12 strategic plan of action and modernization for the PRM continued; seven of its nine "guiding principles" reflected respect for human rights. While the plan acknowledged the problem of abuse of police powers, it made no specific provision for ensuring greater accountability for such abuses.

Arrest Procedures and Treatment While in Detention

Although the law provides that persons be arrested openly with warrants issued by a judge or prosecutor (except persons caught in the act of committing a crime), police continued to arrest and detain citizens arbitrarily. By law the maximum length of investigative detention without a warrant is 48 hours, during which time a detainee has the right to judicial review of the case. The individual may be detained another 90 days while the PIC continues its investigation. When a person is accused of a crime carrying a sentence of more than eight years, the individual may be detained up to an additional 84 days without being charged formally. With court approval, such detainees may be held for two more periods of 84 days each without charge while the police complete their investigation. The law provides that when the prescribed period for investigation has been completed and no charges have been brought, the detainee must be released. In many cases the authorities either were unaware of these regulations or ignored them, often also ignoring a detainee's constitutional right to counsel and to contact relatives or friends. The law provides that citizens have access to the courts as well as the right to representation, regardless of ability to pay for such services. However, due to a shortage of legal professionals, indigent defendants frequently had no legal representation.

The bail system remained poorly defined. Prisoners, their families, and NGOs continued to complain that police and prison officials demanded bribes for releasing prisoners.

On October 26, musician Felix da Silva Manguane was detained for singing a song about corrupt traffic police who extort motorists. Manguane was held for several days and, according to his family, was threatened by police during his detention.

Although the government made some progress in alleviating judicial backlog, 34 percent of inmates were in pretrial detention.

There continued to be reports that detainees, subjected to often lengthy incarceration prior to the determination of their guilt or innocence, spent more time in pretrial detention than the length of the sentence they eventually received.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, according to civil society groups, the executive branch and the ruling FRELIMO party heavily influenced an understaffed and inadequately trained judiciary, particularly in the lower tiers. The judicial system continued to suffer from a lack of transparency and often did not comply with the principles of promotion and protection of human rights.

Intermediate appeals court and district court judges may rule on criminal cases with penalties ranging between eight and 12 years' imprisonment. Alternative measures such as work brigades, conditional release for prisoners who have completed half of their sentence, and traveling tribunals continued to be employed.

A shortage of judges and prosecutors hampered the effective administration of justice.

There were 271 judges (or approximately one per 80,000 inhabitants), 202 of whom held law degrees as required by law for all judges appointed after 2000. Most court employees had secondary school or university educations. Continuing problems included chronic absenteeism, unequal treatment, low salaries, corruption, deliberate delays, and omissions in handling cases.

The president appoints both the Supreme Court president and vice president. The Higher Judicial Magistrates' Council prepares Supreme Court nominations and submits a list of qualified potential nominees to the president. The president also makes all other judicial appointments.

Under the Supreme Court there are province and district-level courts, and each province has a court of appeal. There also are courts that exercise limited, specialized jurisdiction, such as the Administrative Court, the Customs Court, and the Maritime Court. The Constitutional Council is charged with determining the constitutionality of laws and decrees, supervising the electoral process, declaring and validating electoral results, and ruling on electoral disputes. A separate court system exists for minors 16 years of age and younger. The government may send minors to correctional, educational, or other institutions.

Trial Procedures

Persons accused of crimes against the government are tried publicly in regular civilian courts under standard criminal judicial procedures. Members of the media may attend trials, although space limitations excluded the general public. A judge may order a trial closed to the media in the interest of national security or to protect the privacy of the plaintiff in a sexual assault case. Article 12 of the judicial organization law "prohibits the production and public transmission of images and sounds at trials." There is no trial by jury.

In regular courts accused persons are presumed innocent and have the right to legal counsel and appeal; however, authorities did not always respect these rights. Although the law specifically provides for public defenders for the accused, such assistance generally was not available in practice, particularly in rural areas. In some instances prisoners were required to pay their legal aid attorneys to persuade them to provide "free" legal assistance.

The Mozambican Legal Aid Institute, an organization under the Ministry of Justice, worked to ensure that accused persons were provided with court-appointed legal counsel if requested. However, due to a lack of trained lawyers, this was rarely possible. The LDH reported that most citizens remained unaware of this right, and many had no access to legal counsel. Some NGOs offered limited legal counsel at little or no cost to both defendants and prisoners. Only judges or lawyers may confront or question witnesses, although all citizens have a right to self-defense. As such, they are allowed to present witnesses and evidence on their own behalf and have access to government-held evidence.

Outside the formal court system, local customary courts and traditional authority figures often adjudicated matters such as estate and divorce cases. Local arbiters with no formal training presided at customary courts.

Political Prisoners and Detainees

Although there were no reports of political prisoners or detainees, there were many reports of questionable detentions and harassment of opposition political party members during the elections season.

Civil Judicial Procedures and Remedies

While the law provides for an independent and impartial judiciary in civil matters, in practice the judiciary was subject to political interference. Although in theory citizens have access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations, in practice this did not occur.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice. However, opposition party members alleged that government intelligence services and ruling party activists continued

without warrants to monitor telephone calls and e-mails, conduct surveillance of their offices, follow opposition members, use informants, and disrupt party activities in certain areas, including in Gaza and Zambezia provinces.

By law police are required to be in possession of a warrant to enter homes and businesses, but this practice was not always followed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and statutes provide for freedom of speech and of the press. Individuals can generally criticize the government publicly or privately without reprisal; however, some persons expressed fear that the government monitored their private telephone and e-mail communications.

On April 5, *O Pais* reported that in Tete Province, the governor threatened a journalist for writing an article critical of the provincial leader's governance.

In May during a high-profile murder case involving a police officer, plainclothes policemen issued death threats against journalists and attempted to prevent cameramen from taking photographs during the trial. The law governing trials states that the accused may not be photographed while giving evidence inside the courtroom, but there is no legal barrier to photographing accused persons on the public pavement as they enter or leave court.

In August the PIC in the northern province of Cabo Delgado demanded that a journalist reveal the identity of his sources for an article written in April that had agitated local military officers. The 1991 press law explicitly defends the right of journalists not to reveal their sources. According to the Media Institute of Southern Africa's annual report, although the independent media continued to rapidly expand and diversify, in general the media faced increasing harassment from the courts, prosecutors, and district administrators, particularly outside Maputo Province. In addition court rulings on libel cases involving several independent media outlets during the year constrained press freedom.

In September Alfane Momade Antonio, from Nacala Community Radio, was attacked on Mozambican National Resistance (RENAMO) premises while en route to an interview with the head of the RENAMO campaign in Nacala. The attack was reportedly carried out by party members due to Antonio's criticism of RENAMO. There were no further developments by year's end.

By some estimates newspapers reached only an estimated one million of the country's 21.5 million citizens. The government maintained majority ownership of *Noticias*, the main newspaper and one of three daily with nationwide distribution. *Noticias*, *Diario de Mocambique*, and the weekly *Domingo* largely mirrored the views of the ruling party. *O Pais* and *Savana*, among others, occasionally reported news items critical of government policies.

International media were allowed to operate freely.

Numerous private community and regional radio stations operated throughout the country. Radio Mocambique, which received 60 percent of its operating budget from the government, was the most influential media service with the largest audience. Although it broadcast debates on important issues, Radio Mocambique tended to invite participants who were less critical of the government.

The government supplied more than half of the operating budget for Televisao de Mocambique (TVM), the television station with the largest viewership. TVM's news coverage demonstrated a bias favoring the incumbent government and ruling party FRELIMO.

Defamation of the president is prohibited. In August three *Zambeze* newspaper journalists were tried on charges of defamation and threatening state security over an article questioning the prime minister's nationality. They were convicted and sentenced to six months' imprisonment and fined 30 meticaís (\$1).

Internet Freedom

Internet access was modest, and online communications did not play a significant role in the country. Although there were no government restrictions on access to the Internet, opposition party members reported that government intelligence agents monitored e-mail. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail and through political blogs. While public access to the Internet continued to expand, particularly in the larger cities, lack of infrastructure in rural areas and installation costs limited overall use. Cell phone use, including text messaging, was widely available and frequently used. According to International Telecommunication Union statistics for 2008, approximately 1.5 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly. Although the government generally respected this right in practice, in September police stopped a demonstration called by war veterans demanding better living conditions. According to a report by AI, 19 persons were arrested and held for a few days before being released. At year's end their trial was pending.

Unlike in the previous year, security force use of excessive force did not result in demonstrator deaths (see section 1.a.).

Freedom of Association

The constitution and law generally provide for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice.

The constitution and the law governing political parties specifically forbid political parties from directly affiliating with a religion or church and from sponsoring religious propaganda as threats to national unity.

Societal Abuses and Discrimination

Relations among various religious groups were generally amicable.

There was a very small Jewish population, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

While the law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, the government sometimes infringed upon these rights in practice.

Traffic checkpoints are legal and under the jurisdiction of traffic police. Checkpoints occasionally affected freedom of movement, and according to press reports, authorities sometimes abused and demanded bribes from citizens at checkpoints. Police sometimes stopped foreigners and ordered them to present original passports or resident papers, refused to accept notarized copies, and fined or detained those who failed to show proper documents. Police, including members of the CPCs, also routinely harassed, detained, and extorted bribes from local citizens for failure to carry identity papers.

The government respected the law forbidding forced exile.

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice 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. The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting some 7,600 recognized refugees and asylum seekers.

The government continued to work closely with the UNHCR to implement a local integration program for longer-term refugees, primarily from the Great Lakes region, at the Marratane Camp located in Nampula Province.

The government provided modest assistance to Zimbabwean citizens crossing the border into the country. However, it considered Zimbabweans as economic migrants and supported a role for the UNHCR in providing assistance and protection to this group.

The government continued to limit refugee movement within the country. Refugees must request authorization to move outside the geographic region in which they have been registered. In addition refugees residing within the Marratane camp in Nampula Province must request authorization to leave its boundaries.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation

On November 11, the National Elections Commission (CNE) announced that Armando Guebuza of the ruling FRELIMO party had been elected president in the October 28 multiparty general elections. While domestic and international observers noted that voting day procedures generally followed international norms, they also documented irregularities during voter registration, the campaign, and in the vote count. FRELIMO used significant state funds and resources for campaign purposes, in violation of electoral law.

In a statement released October 30, the Electoral Institute for Southern Africa questioned the transparency, integrity, impartiality, and independence of the CNE. It noted that improvements were required to "level the playing field, afford equal opportunity to all, and improve the transparency of the electoral process."

The opposition parties RENAMO and Democratic Movement of Mozambique (MDM) complained of election fraud and noted that FRELIMO agitators and provocateurs routinely disrupted campaign stops, drowning out speakers and candidates by revving motors, playing instruments, shouting, and occasionally throwing stones. They alleged that local authorities failed to respond to such provocative acts and that FRELIMO candidates suffered no such impediments during their campaigns. Opposition parties also accused FRELIMO of using state funds and resources for campaign purposes, in violation of electoral law.

In August the Constitutional Council (CC) disqualified six of nine presidential candidates for application signature irregularities. The decision was not subject to appeal. In contravention of law and its own past practice, the CC did not provide the rejected candidates with notice or an opportunity to respond.

In September the CNE disqualified several political parties and candidates from participating in legislative elections. The MDM, for example, was stricken from nine of 13 legislative districts. The CNE's action, which included backdating documents and questionable decisions, provoked protests from the diplomatic community, objections by civil society, and extensive commentary in the media.

In response to decisions by the CC and the CNE, the Center for Public Integrity called for an independent audit of electoral processes and highlighted several significant flaws in the electoral process. No such action was taken.

In the run-up to the elections, the coverage of the campaign by Radio Mocambique, *Noticias*, and *Domingo* was regarded by many political observers as balanced and neutral. However, the volume of coverage heavily favored incumbent President Guebuza over his opponents. Following the elections, the media reported observers' praise for polling day but failed to note their harsh criticism of the CNE or the view that the playing field was not level.

The political process was dominated by FRELIMO and by the executive branch of government, and such influence continued to grow. In the October elections, FRELIMO secured approximately 75 percent of the presidential vote and more than 75 percent of the seats in parliament. In 1999 FRELIMO won 133 of 250 seats in the parliament. In 2004 it raised its plurality to 160 seats. In 2003 it controlled 28 of 33 municipalities. By 2008 FRELIMO mayors had been elected in 42 of 43 municipalities, and it had become the largest party in all municipal assemblies, controlling 79.8 percent of all seats.

Opposition political parties were permitted to operate but were subject to some restriction and interference by the ruling party, including unlawful arrest, unlawful disqualification of candidates, and other interference by the ruling party and the government.

Women, including the prime minister, and members of many ethnic groups held key positions in both the legislative and executive branches. There was no evidence that women or specific ethnic groups were excluded from participation in the political process. A total of 10 of 51 ministers and deputy ministers were women.

Section 4 Official Corruption and Government Transparency

While the law provides criminal penalties for official corruption, the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. There are no laws against conflict of interest for government officials. No corruption cases involving high-profile individuals were concluded during the Guebuza administration; however, during the year several senior current and former government officials, including the former ministers of interior and transportation, were arrested on charges of corruption. Their cases remained pending, more than a year after their arrests.

Despite the government's strong anticorruption rhetoric, corruption in the executive and legislative branches was widely perceived to be endemic. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious

problem. Petty corruption by low-level government officials to supplement low incomes and high-level corruption by a small group of politically and economically connected elites continued to be the norm. In some cases high-level bribery was related to narcotics trafficking.

Corruption largely resulted from a lack of checks and balances, minimal accountability, and a culture of impunity. Local NGOs, such as the Center for Public Integrity, and media groups continued to be the main civic forces fighting corruption, reporting and investigating numerous corruption cases. The law requires that all members of the government declare and report their assets with the Constitutional Council, but it does not require that such information be made available to the general public. Aside from the minister of finance, no senior governmental official declared and reported his assets as required by law.

In January three senior executives of the national data processing center, including the director, were charged with theft of more than seven million meticaís (\$240,000). By year's end no judgment had been announced.

In September the Maputo Judicial Court charged several defendants, including the chairperson of the publicly owned Mozambican Airports Company (MAC), its former financial director, and a former transport and communications minister with diversion of state funds, demanding payment of 42 million meticaís (\$1.4 million). Two of the defendants had been in detention since October 2008. A trial continued at year's end and attracted prominent coverage by local media. The trial revealed that significant MAC funds were diverted to build a FRELIMO training center and to underwrite its 45th anniversary celebration, as well as to purchase real estate for MAC principals.

On September 27, in a case brought by Britain's Serious Fraud Office (SFO), the construction firm of Mabey and Johnson (M&J) was found guilty of systematically bribing government officials around the world, including in Mozambique. Carlos Fragoso, then national director of roads and bridges in the Ministry of Public Works, received payments of approximately \$460,000 into a Swiss account. Americo Fortuna of the Ministry of Foreign Affairs was paid approximately \$42,000. M&J records noted that he was "involved to some extent in the selection of eligible recipients." An engineer identified as "Mr. Notece" in the National Roads and Bridges Directorate was found by the SFO to have been paid 25,000 pounds sterling. There was no further information available at year's end.

The provinces also suffered from increased corruption. In March over one million meticaís (\$34,000) were missing from the Tete office of the National Institute of Social Security Tete office. In July Manica Governor Mauricio Vieira reported that a similar amount had disappeared from the Provincial Directorate of Education and Culture. In August four high-ranking officials from Tete's Provincial Directorate of Planning and Finance were accused of embezzling more than 144 million meticaís (\$4.9 million). On September 30, five employees of the Manica Provincial Department of Finance were detained for allegedly having obtained state funds intended to pay salaries. There were no further developments at year's end.

In March the investigating magistrate, Octavio Chumba, threw out 48 of the 49 charges against former interior minister Almerino Manhenje, reducing the damages sought from 322 million meticaís (\$12.3 million) to 500,000 meticaís (\$19,000). Manhenje had been charged in September 2008 with embezzlement of 211 million meticaís (\$8.3 million) of state money. Former president Chissano had publicly urged leniency, noting that others had committed worse offenses and remained at liberty.

There were no further developments in the 2007 and 2008 investigations into alleged corruption by Deputy Director of the Maputo Central Prison Arminda Parruque and six health services administrators in Cabo Delgado Province.

The Central Office for the Combat of Corruption (GCCC) functions as an autonomous unit under the Attorney General's Office with its own state budget. In a report released on December 9 to mark International Anti-Corruption Day, Director Ana Maria Gemo stated the GCCC's central office and its 11 provincial branches investigated 403 corruption cases during

the year. A total of 19 were brought to trial. She reported that the GCCC had reviewed 534 cases of theft of state funds and property, 27 of which had been brought to trial.

There were no laws providing for public access to government information, and in practice the government restricted citizens' and noncitizens' access to government information.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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. Although at times slow, government officials were often cooperative and responsive to their views. The registration and activities of foreign NGOs are subject to governmental regulation. Some foreign NGOs and religious groups reported that such registration regularly required several months.

UN agencies, the International Committee of the Red Cross, and international NGOs were resident in the country and had access to investigate human rights abuses. In August the Ministry of Justice agreed to work with the UN to draft and issue in 2011 its own human rights report.

Despite a 2005 constitutional amendment creating an independent ombudsman position to investigate allegations of abuses, including human rights violations, no person had been named to the position by year's end.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, but in practice discrimination persisted against women and persons with HIV/AIDS.

Women

The law prohibits rape, including spousal rape, but it was not effectively enforced. Penalties range from two to eight years' imprisonment if the victim is 12 years of age or older and eight to 12 years' imprisonment if the victim is under the age of 12. While there were no official estimates as to the extent of spousal rape, it was regarded as a common problem. According to NGO reports, many families preferred to settle such matters privately through financial remuneration rather than through the formal judicial system. There were no reports of rape cases prosecuted during the year.

In July parliament passed a domestic violence law, which prohibits violence against women and nonconsensual sex, including between married individuals. The law also provides penalties of up to 12 years' imprisonment for engaging in sexual activity while knowingly infected with a contagious disease. No cases were brought to trial during the year.

Domestic violence against women, particularly spousal rape and beatings, remained widespread, and despite the new domestic violence law, NGOs reported that many women believed it was acceptable for their husbands to beat them. Cultural pressures discouraged women from taking legal action against abusive spouses. A survey indicated that 54 percent of female respondents admitted suffering an act of physical or sexual violence perpetrated by a man at some point in their lives, 37 percent in the last five years, and 21 percent during the past year.

The government and NGOs often worked together to combat domestic violence. The PRM operated special women and children's units in police squadrons that received cases of domestic violence, sexual assault, and violence against children; the units provided assistance to victims and their families. All 30 police squadrons in Maputo had women's and children's centers. In addition all police squadrons in the country installed a "green line" (a free telephone line) to receive complaints of violence against women and children; however, the lines were not fully operational by year's end.

Prostitution is not illegal, although it is governed by several laws against indecency and immoral behavior and restricted to certain areas. The practice was particularly prevalent along major transportation corridors and in border towns where long-distance truckers stop overnight. Young women without means of support were at the greatest risk for being drawn into prostitution.

Economic and political disturbances in Zimbabwe led to increased frequency of prostitution and sexual exploitation of Zimbabwean women who crossed the border into the country in search of better living conditions.

Sexual harassment is illegal; however, it was pervasive in business, government, and education. Although no formal data existed, the media reported numerous instances of harassment during the year. The law is based on the Portuguese penal code from the 1920s; sexual harassment charges are usually regarded as acts of "indecency" with a maximum penalty of two years' imprisonment.

The government recognized the right of couples and individuals to decide the number and timing of their children. Health clinics and local NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Women and Social Action. There were no restrictions on the right to access contraceptives, but the continued high rate of HIV/AIDS suggested that they were not sufficiently used. Because there were few doctors and nurses in the country, most women gave birth at home and received little or no prenatal and postnatal care, unless the mother or child suffered more serious health complications. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV/AIDS.

"Purification," whereby a widow is obligated to have unprotected sex with a member of her husband's family, continued to be practiced, particularly in rural areas. A Save the Children report on inheritance practices noted that 60 percent of women cited discrimination in the inheritance process and highlighted cases in which women lost inheritance rights for not being "purified" following the death of their husbands.

With the exception of some ethnic and religious groups, the groom's family provided a dowry to the bride's family, usually in the form of money, livestock, or other goods. Among Muslims, the bride's family usually paid for the wedding and provided gifts. Some believed that these exchanges contributed to violence against women and other inequalities, due to the perception that the women subsequently were "owned" by their husbands.

The Family Law, which took effect in 2005, sets the minimum age of marriage for both genders at 18 for those with parental consent, and 21 for those without parental consent. The law also eliminates husbands' de facto status as heads of family, and legalizes civil, religious, and common-law unions. While the law does not recognize new cases of polygamy, it grants women already in polygamous marriages full marital and inheritance rights. The law more precisely defines women's legal rights with regard to property, child custody, and other issues. However, nearly four years after taking effect, a survey conducted by the NGO MULEIDE found that approximately 63 percent of women remained uninformed about the law.

Customary law was practiced in many areas. 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. Under customary law women have no rights to inherit an interest in land.

Women continued to experience economic discrimination, and they were three times less likely than men to be represented in the public and formal private employment sectors. They often received lower pay than men for the same work and were less likely to have access to credit.

Children

Citizenship can be obtained by birth either in the country or of a Mozambican parent. Particularly in rural areas, births often were not registered immediately. Children who wish to start school at age six must be registered. Failure to register can also prevent one from obtaining health care and public documents, such as identity cards or passports.

Education is compulsory through age 12, but enforcement was inconsistent. Public education is free, but most families paid enrollment fees for each child and purchased books, uniforms, and other school supplies. Children who have a certificate that testifies that their parents' incomes are below a certain poverty level are exempt from fees, but for most families, fees and associated costs remained a significant financial burden. Despite joint government/NGO initiatives in certain localities and districts to improve girls' school attendance, completion rates for primary school students were approximately 41 percent for boys and 29 percent for girls.

The UN Children's Fund noted that child abuse was a growing concern. Most child abuse cases involved sexual abuse, physical abuse, or negligence. Several cases of fathers sexually abusing their daughters were reported. Sexual abuse in schools was a growing problem. There were numerous press reports during the year focusing on the large numbers of high school-age girls becoming pregnant as a result of being coerced into having sex by their teachers.

Local custom, primarily in the northern provinces and in Muslim and South Asian communities, allowed underage marriage. The law prohibits pornography, child prostitution, and sexual abuse of children under 16 and prescribes prison sentences and fines for perpetrators; however, exploitation of children below the age of 15 continued, child prostitution remained a problem, and no instances of prosecution were reported. Child prostitution appeared to be most prevalent in Maputo, in Nampula, in Beira, at border towns, and at overnight stopping points along key transportation routes. Child prostitution reportedly was growing in the Maputo, Beira, Chimoio, and Nacala areas, which had highly mobile populations and a large number of transport workers. Child prostitution also was reported in Sofala and Zambezia provinces. Some NGOs provided health care, counseling, and training in other vocations to children engaged in prostitution.

Children begging who appeared to be living on the streets were visible in major urban areas, but no nationwide figures were available.

Zimbabwean children, many of whom entered the country alone, continued to face labor exploitation and discrimination. They lacked protection due to inadequate documentation and had limited access to schools and other social welfare institutions. Coercion, both physical and economic, of Zimbabwean girls into the sex industry was common, particularly in the province of Manica.

Several government agencies, including the Ministry of Health and the Ministry of Women and Social Action, implemented programs to provide health assistance and vocational education for HIV/AIDS orphans, but as parents continued to die, the number of orphans increased.

The Maputo City Office of Women and Social Action continued its program to rescue abandoned orphans and assist single mothers who headed families of three or more persons. It also offered special classes to children of broken homes in local schools. NGOs sponsored food, shelter, and education programs in all major cities.

While the government continued to stress the importance of children's rights and welfare, significant problems remained. In 2008 the National Assembly passed a law on child protection. The law contains sections dealing with protection against physical and sexual abuse; removal from parents who are unable to defend, assist, and educate them; and the establishment of minors' courts to deal with matters of adoption, maintenance, and regulating parental power. By year's end no cases had been taken to court.

In May the Minister for Women's Affairs and Social Action, Virgilia Matabele, decried the lack of regulations for the law's implementation. The Southern African Network Against the Trafficking and Abuse of Children Executive Secretary Margarida Guitunga observed that such abuse was taking root in the country and expressed the fear that the massive influx of tourists expected for the World Cup in South Africa in 2010 would provide fresh opportunities for the sexual exploitation of women and children.

The Network against the Abuse of Minors (Rede Came) continued its efforts to put into practice the child protection law's provisions. It maintained a hotline call center and responded to hundreds of calls but lacked the resources to deliver meaningful assistance on a large scale.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, through, and within the country. Most trafficking victims were transported to South Africa on the highway from Maputo to Johannesburg. Some reports of trafficking to Swaziland also were reported. The majority of victims were women and children trafficked for the purpose of sexual exploitation and forced labor. To a lesser extent, boys were trafficked for labor on South African farms and in mines, and girls were trafficked for use in prostitution and domestic servitude. International NGOs noted concerns about a possible increase in trafficking of women and children for sexual exploitation in South Africa during the 2010 soccer World Cup competition.

Traffickers were principally citizens or South Africans. Trafficking groups included small networks of citizens based in Maputo and Nampula, and there were reports that Chinese, Pakistani, and Nigerian organized crime groups were involved. Traffickers often lured victims by promising better jobs or education in South Africa. Once there, they were threatened with exposure of their illegal status and forced to work for little or no pay. Often women were sexually assaulted en route to their destinations or once they arrived in South Africa and Swaziland. There were also reports that international syndicates trafficked victims from Asia, South Asia, and East Africa through the country en route to South Africa. Small numbers of children and adults reportedly were trafficked to Zambia for agricultural labor, and Zimbabwean women and girls were trafficked to Mozambique for sexual exploitation and domestic servitude.

The law provides for penalties of 16 to 20 years' imprisonment for those recruiting or facilitating exploitation of a person for purposes of prostitution, forced labor, slavery, or involuntary debt servitude; however, there were no convictions or arrests under the trafficking law during the year. The government's law enforcement efforts increased, although at year's end regulations that describe implementation of the new trafficking law had not been published by the Ministry of Women and Social Action. Law enforcement authorities were hesitant to charge persons under the trafficking law due to a lack of published regulations. Following passage of the antitrafficking law, the PRM created a special unit to deal specifically with apprehensions, investigations, and reintegration. This unit developed special facilities to support victims of trafficking, including one in the capital city.

The Mozambican woman implicated in the "Diana Case" was on trial at year's end in South Africa. She was alleged to have trafficked Mozambican girls to Pretoria for forced prostitution.

Due to a lack of resources, government officials regularly called on NGOs for the provision of protection and assistance to victims, including shelter, food, counseling, and rehabilitation. The police conducted general training on trafficking and detecting at-risk children.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

Although the constitution and law stipulate that citizens with disabilities shall fully enjoy the same rights as all other citizens, the government provided few resources to implement this provision, and persons with disabilities could frequently be seen begging at traffic intersections, often accompanied by able-bodied persons. Discrimination was common against persons with disabilities in employment, education, access to health care, and the provision of other state services. The law does not mandate access to buildings for persons with disabilities, but the Ministry of Public Works and Habitation worked to ensure that public buildings in Maputo city provided access to persons with disabilities. Electoral law provides for the needs of voters with disabilities in the polling booths.

Concerns of persons with disabilities included lack of access to socioeconomic opportunities and employment, limited access to buildings and transportation, and a lack of wheelchairs. Special access facilities were rare. There were few job opportunities for persons with disabilities in the formal sector.

The country's only psychiatric hospital was overwhelmed with patients and lacked the means to guarantee basic nutrition, medicine, or shelter. Doctors at the hospital also reported that many families abandoned members with disabilities.

Veterans with disabilities continued to complain about not receiving pensions.

The Ministry of Women and Social Action is responsible for protecting the rights of persons with disabilities. The four-year National Action Plan in the Area of Disabilities announced in 2006 had not received any financing for implementation by year's end.

The city of Maputo offered free bus passes to persons with disabilities.

National/Racial/Ethnic Minorities

There were reports of tension between newly arrived Chinese guest workers, often employed in construction, and citizens in the cities of Maputo and Beira.

There were reports of discrimination by police against Zimbabwean immigrants during the year.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were occasional reports of such discrimination, and the LDH reported cases of discrimination against gay men and lesbians in the courts. The Workers Law includes an article that prevents discrimination in the workplace based on a number of factors, including sexual orientation.

The government does not track and report discrimination or crimes against individuals based on sexual orientation or gender identity, nor were such abuses reported in the media.

Other Societal Violence or Discrimination

The law prohibits discrimination against workers on the basis of HIV/AIDS status, and the Ministry of Labor generally intervened in cases of perceived discrimination by employers. The Ministry of Labor reported receiving more than 100 cases annually of workers being dismissed by their employers for having HIV/AIDS. Often workers were obligated by the employer to take HIV/AIDS tests. In response to these violations, the ministry registered the complaints and confronted companies responsible for dismissals.

Kukuyana, a national network of women with HIV/AIDS, reported that many women were expelled from their homes and/or abandoned by their husbands and relatives because they were HIV positive. It also reported that some women who were

widowed by HIV/AIDS were accused of being witches who purposely killed their husbands to acquire belongings, and in retribution they were deprived of all possessions.

Because some traditional healers assert that their body parts contained special curative or sexual strength, persons with albinism were the subject of violent attacks that resulted in mutilation or death.

Section 7 Worker Rights

a. The Right of Association

The constitution and law provide that all workers are free to form and join a trade union of their choice without previous authorization or excessive requirements, except for firefighters, members of the judicial authorities, and prison guards; workers exercised these rights in practice. Some unions alleged that the Mozambican Workers Association was under the influence of FRELIMO. By law both private and public workers are permitted to form unions and to strike. Concerted work actions, such as strikes, were infrequent but did occur.

On October 1, *Noticias* reported that approximately 400 employees of the Grindrod Coal Terminal near the port of Maputo, on strike since September 24, had returned to work pending final resolution of their disputes after mediation by the provincial Labor Directorate.

At the end of April, laborers at the new national stadium in the outer Maputo district of Zimpeto went on strike for the second time in three months. They asserted that they were receiving 63.85 meticaïs per day (\$2.18), less than the statutory minimum wage, and that the Chinese contractor employing them had agreed to pay 93.85 meticaïs (\$3.20). Police fired live rounds to disperse the workers, resulting in the death of one demonstrator and the injuring of two others. Eyewitnesses stated that the police aimed to kill, not to injure.

b. The Right to Organize and Bargain Collectively

Although the law provides for the right of workers to organize and engage in collective bargaining, such contracts covered less than 2 percent of the work force. The government did not set private sector salaries. Unions were responsible for negotiating wage increases.

The law prohibits antiunion discrimination; however, there were reports that many companies continued to engage in antiunion discrimination by replacing persons at the end of contracts, dismissing workers for going on strike, and not abiding by collective bargaining agreements.

There are no special laws or exemption from regular labor laws in the export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children. Nonetheless, forced prostitution and domestic servitude occurred. There were also numerous reports of children forced to work as domestic workers and in the agricultural sector.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits child labor; however, it remained a problem. In the formal economy, the minimum working age without restrictions is 18 years of age. The law permits children between ages 15 and 18 to work, but the employer is required to provide for their education and professional training and to ensure that conditions of work are not damaging to their physical and moral development. Children between the ages of 12 and 15 are permitted to work under special conditions authorized jointly by the Ministries of Labor, Health, and Education. For children under the age of 18, the maximum

workweek is 38 hours, the maximum workday is seven hours, and they are not permitted to work in occupations that are unhealthy or dangerous or require significant physical effort. Children must undergo a medical examination before beginning work. By law children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher.

Although the law prohibits forced and bonded labor by children, it was considered to be a common problem, especially in rural areas. Many children in rural areas were forced to work, particularly in commercial agriculture, as domestics, as well as to engage in prostitution. Children, including those under age 15, commonly worked on family farms in seasonal harvests or on commercial plantations, where they picked cotton or tea leaves and were paid on a piecework basis for each piece of work completed rather than an hourly minimum wage.

The Ministry of Labor regulates child labor in both the informal and formal sectors. Labor inspectors may obtain court orders and use police to enforce compliance with child labor provisions. Violations of child labor provisions are punishable with fines ranging from one to 40 months of salary at minimum wage. Enforcement mechanisms generally were adequate in the formal sector but remained poor in the informal sector. The labor inspectorate and police forces lacked adequate staff, funds, and training to investigate child labor cases, especially in areas outside the capital where a majority of the abuses occurred. Although the government provided training for police on child prostitution and abuse, there was no specialized child labor training for the labor inspectorate. The government disseminated information and provided education about the dangers of child labor to the general public.

e. Acceptable Conditions of Work

Trade unions estimated that a minimum livable monthly wage to provide for a family of five was approximately 5,000 meticaís (\$170). There are 11 different minimum wages averaging approximately 2,300 meticaís (\$78.55) across nine employment sectors: agriculture; mining; fisheries; manufacturing; electricity, gas and water; construction; financial; nonfinancial; and state employees. The national minimum wage does not provide a decent standard of living for a worker and family.

Although the industrial sector frequently paid above minimum wage, there were few industrial jobs outside of the Maputo area. In addition less than 10 percent of workers held salaried positions, and the majority of the labor force worked in subsistence farming. Many workers used a variety of strategies to survive, including finding a second job, maintaining their own gardens, or depending on the income of other family members.

The Ministry of Labor is responsible for enforcing the minimum wage rates in the private sector and the Ministry of Finance in the public sector. Violations of minimum wage rates usually were investigated only after workers registered a complaint. Workers generally received benefits, such as transportation and food, in addition to wages. The standard legal workweek is 40 hours but can be extended to 48 hours. After 48 hours overtime must be paid at 50 percent over the base hourly salary. Overtime is limited by law to two hours per day and 100 hours per year. The law provides for one hour of rest per day. Foreign workers are protected under the law.

In July Manica Governor Mauricio Vieira cited China Henan International Cooperation Group for several labor and safety violations. Some of the badges of Mozambican workers wore were reported to bear the word "escravo" (slave).

On September 3, *O País* newspaper reported that postal workers in the province of Inhambane had not been paid for seven months. Minister of Labor Helena Taipo met with union representatives to address their concerns, but by year's end no results or changes had been announced.

Frequent worker complaints included failure by employers to deposit social security contributions that had been deducted from wages, inability to obtain social security benefits, unlawful firings, and intimidation of union members.

In the small formal sector, health and environmental laws were in place to protect workers; however, the Ministry of Labor did not effectively enforce these laws, and the government only occasionally closed firms for noncompliance. There continued to be significant violations of labor laws in many companies and services.

Foreign experts, including much-needed medical professionals, continued to have difficulty obtaining work visas. In July the Ministry of Labor announced that 280 unlawful foreign workers had been relieved of their positions.

In theory workers have the right to remove themselves from situations that endangered their health and safety without jeopardy to their employment; in practice, however, threats of dismissal and peer pressure restricted this right. There were no special provisions for foreign and migrant workers. In April the Ministry of Labor reported that in the previous 12 months, it inspected workplaces affecting 353,579 employees and noted 1,550 labor accidents resulting in injury or fatality.