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Mozambique

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The Republic of Mozambique is a constitutional democracy with an estimated population of 19.9 million. President Armando Guebuza was elected in December 2004 in what national and international observers judged to be generally free and fair elections, despite some irregularities. The Front for the Liberation of Mozambique (FRELIMO) has been the ruling political party since independence in 1975, heavily influencing both policymaking and implementation. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority.

Although there were improvements in a few areas during the year, serious human rights and societal problems remained, including: police use of excessive force resulting in unlawful killings and injuries; lynchings and mob violence; extremely harsh and life-threatening prison conditions, leading to several deaths; arbitrary arrest and detention; lengthy pretrial detention; police harassment and arbitrary detention of journalists; widespread domestic violence and discrimination against women; abuse and criminal exploitation of children, including child prostitution; trafficking in women and children; discrimination against persons with disabilities and HIV/AIDS; child labor in the informal sector and forced child labor; and poor enforcement of labor legislation.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Although the government or its agents did not commit any political killings during the year, security forces committed unlawful killings. Unlike in the previous year, there were no reports of deaths due to torture by security forces.

Excessive use of force and abuse by police remained problems. Authorities often failed to take appropriate action to investigate police violence and bring the perpetrators to justice. However, authorities expelled and, in some cases, brought criminal charges against dozens of officers for disciplinary offenses during the year.

On January 15, in Matola, policeman Antonio Alvaro shot and killed unarmed civilian Julencio Gove, who was trying to persuade a group of policemen to stop beating a young woman. Neighborhood residents who witnessed the shooting demonstrated in front of the police station for three days following the killing, complaining of frequent violence and drunkenness among police. On January 19, the Ministry of the Interior's (MOI) director of public order and security met with the residents and announced that measures would be taken to clean up the Matola police force. On January 20, authorities arrested Alvaro and announced that he would be prosecuted for murder and expelled from the police force, and that six policemen, including the station chief, had been transferred to low-level jobs elsewhere in Maputo Province. There was no further information available by year's end.

During the year police committed killings of suspects during apprehension and of detainees in custody. On January 9, in Maputo, police reportedly killed five members of a gang during a warehouse raid. The gang had stolen money and goods from the warehouse. A sixth member escaped. There was no further information available by year's end. On March 17, in Maxaquene, police shot and killed Aguilas Nguila, Samuel Nhambe, and Candido and Francisco Chimedza, who had escaped a high security prison in Maputo, where they were being held for suspected armed robbery. Police spokesperson Abilio Quive told reporters that the police unit acted in self defense after the men opened fire on them with guns hidden by an accomplice in an escape car.

On May 7, during an escape of more than 40 inmates from the Machava Prison in Maputo city, police killed at least two prisoners. Despite repeated attempts by the NGO Human Rights League (LDH) to visit the prison, the MOI did not allow an independent investigation until nearly two weeks after the escape. There was no further information available by year's end.

On June 6, in Nampula, military police officer Artur Siteo shot and killed secondary student Silvino Lanquistone. The officer reportedly detained Lanquistone because he was wearing boots that the soldier believed belonged to another military officer. He opened fire at point blank range after Lanquistone refused to go with him. Siteo and three policemen who allegedly did nothing to stop the shooting were arrested and the case was sent to the Provincial Military Prosecutor. In October a court sentenced Siteo to 10 years' imprisonment. The case against the remaining three policemen was ongoing at year's end.

On June 24, three members of the Presidential Guard, the police unit charged with protecting the president, allegedly beat and shot to death

unarmed citizen Abdul Faruk Monteiro Daude after he disobeyed orders to stop after hitting a Presidential Guard vehicle as he was exiting a Maputo nightclub. Monteiro was reportedly pulled over and handcuffed after voluntarily exiting his vehicle. The deputy minister of the interior stated that the guards did not intend to kill Monteiro, but that the case was under investigation by the Criminal Investigation Police (PIC). On July 3, the PIC reported that one of the suspects, Joaquim Rafael Mungamela, had been arrested for shooting Monteiro. Mungamela remained in prison awaiting trial at year's end. It was unclear whether any action was taken against the other officers allegedly involved in the incident.

On July 6, in Nampula, police shot and killed prisoner Leonel Castro Salvador Raimundo Nacasaco. According to the spokesman of the Provincial Command of the Investigative Criminal Police, Nacasaco was shot while trying to escape during a transfer between prisons. Both the LDH and the newspaper Tribuna Fax questioned the account, alleging that some members of the police force may have been interested in keeping Nacasaco, who was active in organized crime, from testifying in court.

In September the murder trial of police who shot six gang members in Matsinho, Manica in April 2005 began, according to the LDH. There was no further update at year's end.

In October a judge in Manica Province sentenced eight policemen to between three and 10 years' imprisonment for killing eight prisoners between 2001 and 2005. Testimony given during the trial indicated that the motive for the killings was to conceal information linking police members to corruption, which was being investigated by the PIC and the provincial ombudsman of Manica. Several of the convicted policemen stated they had been ordered to kill the prisoners.

There were no developments in the 2005 police killings by alleged torture of Joaquim Magaia, Antonio Tamale, and Pedro Chmabo. There were no developments in the September 2005 police killing of a fleeing man in Maputo.

Police authorities continued to withhold information as to whether they were investigating the March 2004 incident in which police in Matola shot and killed two suspected car thieves.

There continued to be reports of abuse by members of the Community Policing Councils (CPC), nonstatutory bodies set up by the Mozambican National Police (PRM) in many districts to prevent crime; however, unlike in the previous year, there were no reports of killings.

The National De-mining Institute (IND) reported 7 mine-related accidents, 8 injuries, and 6 deaths in the first five months of the year. IND reported 23 mine-related accidents, 34 injuries, and 23 deaths in 2005. Of those killed, 10 were children. The government continued to cooperate with international organizations and donors as well as commercial firms to clear suspected land mine areas, destroying 36,613 mines and 299 unexploded devices in 2005.

IND continued to train mine risk education agents, with the goal of reducing the number of mine accidents and fatalities. In November 2005 IND trained 81 public administrators, teachers, nurses, community authorities, traditional chiefs, rural extensionists, forestry inspectors, policemen and officers, Social Welfare and Red Cross staff. Through mine awareness lectures, IND reached 12,100 people.

During the year there was one high-profile killing by unknown actors. On March 6, the body of José Gaspar Mascarenhas, an opposition party deputy in the National Assembly, was found naked with several gunshot wounds, including a shot in the forehead, near the beach in Beira, Sofala Province. It was not clear whether the murder was politically motivated. There were no further updates by year's end.

There were no developments in the October 2005 killing of the director of the Maputo Central Prison in Boane District by unknown assailants.

Unlike the previous year, there were no reports of deaths resulting from clashes between political party supporters.

Lynchings and other killings by vigilante groups were widespread during the year and represented a growing problem. The LDH linked the increase in lynchings to the populace's belief that the justice system cannot protect them and that the resulting mob justice is the only way to reduce crime. On May 1, in the T3 neighborhood of Maputo, a mob killed a suspected rapist by beating him and then placing a rubber tire on top of him and setting it on fire. By the end of July, the newspaper Noticias reported at least four other lynchings in T3. In August in the Sao Damanso neighborhood of Maputo, a mob lynched two persons suspected of witchcraft. Witnesses interviewed by television stations indicated that some of the victims were immigrants of West African origin who had been accused of using witchcraft to break into homes unnoticed to rape women (see section 5); however, the LDH could not confirm that victims were immigrants. The LDH also reported incidents of mob justice in Gaza Province. In one incident a cow thief was buried alive, while in another village a suspected witch doctor was buried alive. While nationwide statistics were not available, police officials estimated that 18 lynchings occurred in October and November in and around Maputo city.

There were no developments in the July 2005 attacks by a mob of Wackenhut security guards on other guards.

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 media outlets reported complaints of torture and other cruel treatment, including several instances involving the sexual abuse of women, beatings, and prolonged detention. However, unlike in the previous year, there were no reports of deaths resulting from police torture.

The LDH reported eight cases of torture in prisons during the first six months of the year, a significant reduction compared with previous years; however, in April, there were reports that recaptured escapees from Maputo's Central Prison were tortured; one hung himself.

Torture and other abusive treatment continued at the police squadrons, particularly at Maputo's 13th Squadron, according to LDH. During the year police detained seven persons from Swaziland and confiscated necessary antiretroviral medicine to fight HIV from two of the detainees; the police only returned the medicine following intervention by LDH. There were no further updates in the case by year's end.

In April security forces beat a foreign citizen for trespassing on the grounds of a monument to Mozambican heroes. The monument area was reportedly poorly marked. Security officials released the individual when they realized he was an American.

In May Alexandre Emilio reported that police from Maputo's 12th Squadron tortured him and several others to force their confessions. The same month, in Gaza Province, the press reported that three police officers at the Macuacua Administrative Post beat Generosa Anselmo Cossa, a delegate of the leading opposition party Mozambican National Resistance (RENAMO), with a stick. According to Cossa, the beating was politically motivated and the perpetrators acted on the orders of the chief of the administrative post and the chief of the police post.

Unlike the previous year, there were no reports that police extorted Zimbabwean citizens who entered the country to sell goods informally or sexually assaulted Zimbabwean women who did not have money to pay bribes.

There continued to be reports of abuse and violence by members of the CPC. In a May speech to the CPCs, the deputy minister of the interior emphasized that they were not authorized to use force except in self defense.

In June a group of security guards at Maputo's Central Hospital denounced the hospital's administrator, João Tembe, to the Tribuna Fax. They alleged that Tembe tortured them and incarcerated them in a private cell inside the hospital. The newspaper reported the case of Sérgio Judas, who was allegedly handcuffed and spent the night in the cell naked on Tembe's orders.

There were no developments in the other 2005 cases of torture by security forces.

There were reports of violence between FRELIMO and RENAMO (see section 3).

There were reports of torture by vigilante groups during the year. In July residents in Mavalane, Maputo Province, tortured and then turned over to the police two members of the CPC, Aurelio Marcos and Cremildo Mucavele, who had assaulted Deolinda Tamele, according to press reports.

Unlike last year, there were no reports that police abused prostitutes and street children.

Prison and Detention Center Conditions

Prison conditions were extremely harsh and life threatening.

Two National Directorates of Prisons, one under the Ministry of Justice (MOJ) and the other under the MOI, operated prisons in all 10 provinces. In March the Council of Ministers approved a decree creating a national Administration for Prison Services, which on May 17 subsumed the 197 prisons under the MOI and the 14 prisons under the MOJ. The Administration for Prison Services is under the MOJ, leaving the MOI and the police responsible for the jails at police stations. The restructuring was designed to improve prisoner rehabilitation.

Overcrowding of MOJ prisons remained a serious problem. LDH noted that prisons habitually held three times the number of prisoners for which they were built, and that in many prisons prisoners slept in bathrooms, standing up, or in shifts. For example, the Central Prison in Beira held 611 prisoners in a facility designed to hold 150. During the first half of the year, LDH visited 104 prisons and detention facilities, which held 10,376 inmates in facilities designed to hold 5,506 persons. During the year the government invested \$480,000 (12 million meticaís) to improve infrastructure and living conditions at the Nampula industrial penitentiary, which held approximately 500 prisoners. Following the renovations most prisoners, for the first time, slept in beds with mattresses.

LDH found that more than 500 detainees in the Maputo Central Prison (Machava) had been held beyond the 90-day preventive detention period. In addition 120 prisoners remained in jail after the end of their sentences. Of the facilities visited, six offered no medical care or assistance. LDH described 35 facilities as "physically inadequate." In detention facilities (previously managed by MOI) overcrowding did not appear to be a serious problem. During the first half of the year, LDH visited several police station detention facilities under MOI control and noted that some detainees continued to be held beyond the maximum police station preventive detention period of 48 hours.

Reports continued that most prisoners received only one meal per day. Although by law prisoners were supposed to receive 500 grams of food per meal, at the Brigada Operativa in Inhambane Province they only received 250 grams of food per day. In Matola and Pemba, although there were open jails where prisoners worked to grow food crops, prisoners were not given the food they grew to eat. LDH reported that in Machava, prisoners' meals consisted of peas and water, and that guards stole rice, flour, oil, and soap intended for the prisoners, selling it outside the prison. The press reported similar circumstances in Nampula Province's Ribaue district. As a result, authorities

suspended eight employees from Maputo's Central Prison and the Ribaue prison's director during the year. 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 the prisoners. In 2005 the LDH identified five facilities where prisoners relied entirely on outsiders for food: Ilha de Mocimboa, Monapo, Macomia, Mocimboa da Praia, and Palma.

There continued to be many reported deaths in prison, the vast majority due to illness. A senior prison official of the Brigada Operativa told the press that overcrowding was the main cause of sickness and death among inmates. In many facilities, lack of sanitation, potable water, and sufficient food also led to sickness. In October four prisoners (some of whom were detainees awaiting trial) in Manica Province were killed in a mudslide while performing prison labor in a gold mine. Officials ordered an inquiry as to why detainees were performing prison labor.

In July the press reported that Hamid Mateus Mikissene, who was arrested and shot in June 2005 while both his feet and hands were bound while at the Macate Administrative Post in Manica Province, was crippled as a result of receiving no medical treatment during the duration of his six months in prison.

There were no developments in the 2005 cases of prisoner deaths due to neglect and beatings by prison wardens.

In a series of prison visits conducted during the first half of the year, LDH found malaria, scabies, and tuberculosis to be frequent among prisoners in nearly all of the country's prisons. LDH also found other illnesses caused by malnutrition, including paralysis and blindness. During the first half of the year, LDH found 47 persons with paralysis at Machava Prison. Both healthy and sick prisoners regularly were kept in the same cells. The spread of HIV/AIDS and other sexually transmitted diseases was a serious problem for the prison population.

In 2005 LDH reported a lower number of minors under the age of 16 held with adults from the general prison population than in 2004, the result of action by child rights nongovernmental organizations (NGOs). However, according to a UN report, juveniles continued to be held with adults during the year. Women were held in separate facilities from men.

In MOI facilities, detainees not charged continued to be held with prisoners sentenced for "maximum security" offenses. In MOJ facilities, detainees who had been charged but not tried continued to be held with prisoners sentenced for "moderate security" offenses.

International and domestic human rights groups had access to prisoners, although at the discretion of MOJ and MOI, and such visits took place during the year. LDH noted continued improvement in the MOI's openness to their prison visits, although following the unification of the prison system, the MOJ had not responded to numerous LDH requests for visits. The MOJ required LDH to provide it with the date and agenda for intended prison visits in advance, especially in Nampula. Exceptions were the Agricultural Penitentiary of Nampula, where LDH was refused entry, and at the Maputo Central Prison after the 2005 murder and subsequent replacement of its former director. The LDH noted a general improvement in prison officials' willingness to allow LDH visitors to talk freely with prisoners without the presence of prison wardens.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Forces under the MOI, 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, reported directly to the president. The armed forces are responsible for external security, but in practice hold domestic security responsibilities as well.

The police continued to be poorly paid, despite an increase in pay during the year. Trainee-level officers reportedly received approximately \$80 (2,000 meticais) a month, while those at higher rank received approximately \$100 (2,500 meticais) a month. Corruption and extortion by police were widespread. Authorities often used violence and arbitrary detention as a means of intimidation to keep persons from reporting abuses. Police impunity remained a problem. The PIC was criticized for being ineffective and, according to press reports, at times PIC officers may have been transferred to prevent them from making progress on some investigations.

Police regularly detained persons for arbitrary reasons and demanded identification documents solely to extort payments. Many crime victims reportedly avoided police assistance because of expected demands for bribes and a lack of confidence that the police would help. During the 12 months preceding April, the Maputo City Police Command initiated disciplinary and criminal proceedings against 113 Maputo policemen, expelling 28 of these from the force. 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 the year the MOI expelled at least 160 police. However, the vast majority of police who committed infractions were "recycled," sent back to school, and then transferred to a new unit. In the three months preceding March, the MOI recycled 178 police. These police included suspected criminals, thieves, and agents suspected of collaborating with criminals. In August President Guebuza dismissed both the chief of police and the chief of the Casa Militar (the presidential security detail). An August 2005 government-sponsored survey ranked the traffic police and the police force as the country's most dishonest public institutions.

Professional training for police officers continued during the year; police officers formally trained at the police academy assumed command of several police stations in Maputo from less trained officers.

A strategic plan of action and modernization for the PRM, covering the years 2003 to 2012, 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 and Detention

Although the law provides that persons must be arrested openly with warrants issued by a judge or prosecutor (except persons caught in the act of committing a crime), police continued arbitrarily to arrest and detain citizens. By law the maximum length of investigative detention without a warrant is 48 hours, during which time a detainee has the right to a 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 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 the investigative process. 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. The government's Commission for Strengthening the Law continued to attempt to address the problem of overcrowding of jails and prisons by proposing a series of measures, including converting sentences to fines, creating open prisons, and suspending sentences for those sentenced to less than two years in prison. Neither the National Assembly nor the attorney general's office publicly considered the commission's recommendations during year, and none were implemented by year's end. During the year the press reported on various alternative actions taken by the government to reduce overcrowding, including work brigades, conditional release for prisoners who have completed half of their sentence, and traveling tribunals.

There were reports that police harassed and arbitrarily detained persons, including journalists, during the year (see section 2.a.).

Government statistics indicated that 53 percent of inmates were still awaiting trial. In addition, there continued to be reports of detainees who spent longer in pretrial detention than the period of the sentence they eventually received. By law a judge has 48 hours to validate a detention in any proceeding; however, this statute often was not enforced. For example, in January the publication Mediafax reported that in the 8th and 10th sections of the Maputo Judicial Court there were at least six persons being held beyond the preventive detention period stipulated by law, including Henriques Banze and Ben Magaia, both held since 2004; Alberto Curva, held since 2003; and Ramos Manamo and Luis Ngovene, held since 2001. The publication indicated that the problem was widespread in the judicial system.

In June 2005 the Commission for the Strengthening of the Law ordered expedited trials for the estimated 755 prisoners in Sofala Province, many of whom had been detained past their preventive detention period.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, 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. Approximately 112 of the country's 128 judicial districts had functioning courts. A shortage of judges and qualified staff was a major problem. In August Chief Justice Mario Mangaze told the media that the country had only 36 percent of the judges and prosecutors needed to administer justice effectively. There were 204 judges (or approximately one per 100,000 inhabitants), 116 of whom held law degrees as required by law for all judges appointed after 2000. By the end of 2005, 3 percent of the 1,065 staff employed by the courts held university degrees; 53 percent did not have secondary school diplomas. Continuing problems included chronic absenteeism, unequal treatment, low salaries, corruption, deliberate delays, and omissions in handling cases.

The press reported that nine legal proceedings against judges and MOJ officials took place during the year, which resulted in the expulsion of two officials by year's end. Observers believed the problem of unprofessional magistrate behavior was more severe than reported. In December a survey of the judicial sector indicated that 10 percent of judges admitted that corruption existed in the judicial system.

The president appoints both the Supreme Court president and vice president. The Higher Judicial Magistrates' Council (CSMJ) prepares Supreme Court nominations and submits a list of qualified potential Supreme Court nominees to the president. Members of the CSMJ tended to be either FRELIMO members or FRELIMO-affiliated. The president makes all other judicial appointments.

There are two complementary formal justice systems: the civil justice system and the military justice system. The Supreme Court administers the civil system, and the Ministry of National Defense administers military courts. Under the Supreme Court there are province- and district-level courts, and each province has a Court of Appeal. Cases in military courts may be appealed to the Supreme Court. Civilians are not under the jurisdiction of, or tried in, the military courts.

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 prevented the general public from attending. 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. There is no trial by jury.

In regular courts all accused persons, in principle, 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 2005 LDH reported that most citizens remained unaware of this right, and many had no access to legal counsel. Some NGOs continued to offer limited legal counsel at little or no cost to both defendants and prisoners. Only judges or lawyers may confront or question witnesses.

In June the revised civil code took effect, aimed at improving the efficiency and efficacy of judicial processes. The code reformed the ability of the Supreme Court to handle appeals against verdicts given by lower courts, allowing the Supreme Court to throw out frivolous appeals as soon as they are received. The code also includes provisions for judges to issue a sentence orally at a trial rather than in writing, ends the requirement for the attorney general's office to comment on every sentence, allows testimony to be recorded, and permits videoconferencing.

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

Political Prisoners and Detainees

There were no confirmed reports of political prisoners; however, on May 9, RENAMO alleged that 10 of its party members were being held as political prisoners in Mutarara District in Tete Province. The detentions followed a May 31 clash between RENAMO and FRELIMO supporters during a visit to Mutarara by RENAMO Secretary General Ossufo Momade (see section 3).

RENAMO continued to claim that all persons convicted and sentenced in connection with the 2000 nationwide demonstrations alleging fraud in the 1999 national elections were political prisoners.

Civil Judicial Procedures and Remedies

Although the law provides for an independent and impartial judiciary in civil matters, in practice the judiciary was subject to political interference.

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, conduct surveillance of their offices, follow opposition members, use informants, and disrupt party activities in certain areas of the country, including in Cabo Delgado and Nampula Provinces. By law police require a warrant to enter homes and businesses and also to monitor telephone calls.

Although there were no national restrictions on the right to marry, according to a press report school administrators in Muecate district in Nampula Province forced single male teachers to marry during the year, reportedly to mitigate the number of sexual assaults of female students by teachers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the constitution and law provide for freedom of speech and of the press, in practice there were restrictions on these rights. Police continued to harass journalists, and journalists admitted that self-censorship was common. However, according to the NGOs Reporters without Borders and Media Institute of Southern Africa (MISA), press freedom continued to improve. During the year, fewer journalists were detained, public functionaries were more open with journalists, and the government made greater efforts to divulge information to the public than in previous years.

The independent media were active and expressed a wide variety of views. The government maintained majority ownership in Noticias, the main newspaper and the only daily with nationwide distribution. Noticias, the daily *Diario de Mocambique*, and the weekly *Domingo* largely reflected the views of the government but also demonstrated a willingness to critically examine government actions. The government-run news agency, *Agencia de Informacao de Mocambique*, often printed stories critical of the performance of government ministries or agencies.

There were numerous private radio stations that operated throughout the country. Radio Mocambique, which receives 60 percent of its operating budget from the government, was the most influential media service with the largest audience in the country. While broadcasting debates on important issues of the country, Radio Mocambique tended to invite participants that were not critical of the government.

MISA noted that the process for obtaining a radio operating license was often long, convoluted, and politically biased. According to MISA, the country required a new law clearly delineating the difference between commercial and public radio.

The government supplied 80 percent of the operating budget for Televisao de Mocambique (TVM), the television station that broadcasts to the largest percentage of the population. While TVM provided more balanced news coverage than in previous years, it retained a strong government and FRELIMO party bias.

On December 29, law enforcement officers with a warrant from the Maputo City Court related to a \$20,000 (500,000 meticaís) severance pay dispute seized an estimated \$66,000 (1.6 million meticaís) worth of equipment from the private television station STV. NGOs, journalists, and other civil society groups expressed suspicion that the seizure was an attempt by the government to crack down on the country's main independent television station, which frequently criticized the government.

The international media were allowed to operate freely.

Police harassed and arbitrarily detained local journalists during the year. On May 3, police in Manica Province under orders from Deputy Prosecutor Jose Abede detained without charge journalists Sebastao Canjera, Joao Mascarenhas, and Patreque Francisco of the privately-owned newspaper Mabarwe. Abede ordered the arrest after an influential local businessman accused the Mabarwe of libel. On May 10, local authorities released the three journalists without charge. MISA reported that the detentions were unlawful because the law does not allow pretrial detention of individuals accused of libel.

Unlike in the previous year, there were no reports that police manhandled and threatened reporters. There were no developments in the 2005 harassment by police of reporters covering the return to the country of Anibal dos Santos Junior. In January dos Santos Junior was convicted in a retrial of the 2000 murder of investigative journalist Carlos Cardoso and sentenced to 30 years' imprisonment. In May the public prosecutor's office charged businessman Nyimpine Chissano, oldest son of former President Joaquim Chissano, with "joint moral authorship" in the killing of Cardoso. The trial had not begun by year's end.

There were no developments in the February 2005 detention of journalists by police or the April 2005 assault of journalists by STV security guards.

While defamation of the president is prohibited, it was not invoked during the year.

According to MISA, there were four libel suits brought against newspapers during the year. There were no updates concerning the seven suits for defamation and libel against newspapers in 2005.

Newsprint and other printing supplies must be imported from South Africa and the government does not exempt these supplies from import duties. Some newspapers found it more cost-effective to print in South Africa and import the final product. Other journals are only published in electronic versions, severely limiting their readership. Journals printed on paper have limited readership beyond Maputo, due to high transportation costs.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. While public access to the Internet continued to expand, particularly in the larger cities, lack of infrastructure in the rural parts of the country and installation costs limited overall use.

Academic Freedom and Cultural Events

While the government generally did not restrict academic freedom, there were reports that teachers at the university, secondary, and primary school level felt pressure to align themselves with FRELIMO, particularly in the central and northern provinces. According to a press report, FRELIMO pressured school teachers in Sofala Province to join the party during the year.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the constitution and law provide for freedom of assembly, there was at least one instance of authorities using force to disperse a demonstration and another instance of authorities preventing a demonstration during the year. While the law regulates public demonstrations, it does not apply to private gatherings held indoors and by individual invitation, nor does it affect religious gatherings or election campaigning.

On February 7, riot police dispersed a peaceful strike in Maputo by an estimated 150 employees of the Delta private security company. Several arrests of protesters were reported.

On November 9, on orders from the Maputo City Council, police prevented a group of RENAMO members from holding a legal demonstration to commemorate the sixth anniversary of the 2000 asphyxiation deaths of 84 RENAMO members imprisoned following a

demonstration about the 1999 elections. Press reports indicated that organizers submitted their intention to hold the demonstration on October 31.

By year's end the government had not followed through on its December 2005 announcement to pay \$48.2 million (1.2 billion meticals) to the madjermanes, a group of approximately 15,000 citizens who worked in the former East Germany until the early 1990s. The madjermanes staged protests in 2003 and occupied the German Embassy in Maputo in 2004 demanding payment of benefits for their past work. Since 2004, local authorities in Maputo city have prevented a group of madjermanes from holding weekly marches in central Maputo.

There were no developments in the February 2005 investigation of police beating of students during a peaceful demonstration in Nampula.

Freedom of Association The constitution and law generally provide for freedom of association, although the government imposed some limits on this right. According to the law a political party is required to demonstrate that it has no regional, racial, ethnic, or religious exclusiveness and must secure at least 2,000 signatures to be recognized (see section 3). There were approximately 47 registered political parties. A government decree regulates the registration and activities of foreign NGOs. Nonpolitical foreign NGOs and religious groups must register with the Ministry of Foreign Affairs and Cooperation and are required to provide significant details on their organization's projects, staffing, and finances. Domestic NGOs must register with the MOJ. The registration process for foreign NGOs and religious groups reportedly involved significant discretion on the part of government officials and regularly took several months.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. The law requires local religious institutions and missionary organizations to register with the MOJ, reveal their principal source of funds, and provide the names of at least 500 followers in good standing. The MOJ routinely granted registration to applicants. The Christian Council of Mozambique, an umbrella organization for several Protestant churches, reported that not all religious groups registered but that unregistered groups worshipped unhindered by the government.

The constitution and the law governing political parties specifically forbids religious groups from organizing political parties and any political party from sponsoring religious propaganda as threats to national unity.

The Catholic Church and some Muslim communities continued to request the return of certain properties nationalized by the government in the years immediately following independence, including schools, health centers, shops, and residences. According to the Office of the Archbishop of Maputo, the Catholic Church sought the return of approximately 100 facilities throughout the country and awaited an agreement between the Vatican and the government intended to regulate the return of such properties.

Societal Abuses and Discrimination

The relationships among religions were generally amicable. There were no reports of societal abuses or discrimination, including anti-Semitic acts, reported during the year. There was a very small Jewish population.

On February 17, the independent weekly newspaper Savana reprinted eight of the 12 Danish cartoons that had sparked world controversy and widespread condemnation by Islamic groups. In a violent protest staged by approximately 120 Muslims in front of the newspaper's office building that afternoon, protesters damaged property, and a Muslim journalist reported that the mob attacked black Muslims advocating for peaceful demonstrations and dialogue. The government issued a statement condemning the paper's decision to reprint the cartoons and underscored the state's commitment to secular principles and religious freedom. On February 19, the Savana editor-in-chief issued an apology on television and stated that the publication of the cartoons was aimed only at showing people the object of the controversy. Subsequent marches of approximately 2,000 Muslims in Maputo on February 25 and March 4 were peaceful.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

While the law provide for these rights, the government sometimes infringed upon them.

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. In a speech to the public, the general commander of the police recognized that some police stop and charge motorists, in violation of the law, for personal gain. 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 CPCs, also routinely harassed, detained, and extorted bribes from local citizens for failure to carry identity papers.

The law prohibits forced exile, and the government did not use it.

Protection of Refugees

The law provides for the granting of refugee status or asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protections to refugees. In practice the government

provided protection against refoulement, the return of persons to a country where they feared persecution. The government granted refugee status or asylum to applicants from many countries in Africa, along with several from outside the continent. The government cooperated with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

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, which has perpetuated the extracting of bribes by officials.

By October the government processed 254 cases for refugee status determination (RSD) and retained a backlog in excess of 4,000 cases; in 2005 the government processed only 150 cases. The backlog was primarily caused by the requirement that the minister of the interior personally approve every case and staffing shortages in the Institute of Refugee Assistance.

Refugee camp conditions met minimal standards. Unlike in the previous year, UNHCR reported no violent conflicts among rival Congolese groups and between Rwandans and Congolese. In response to the violence in 2005, UNHCR and a partner NGO conducted peace and reconciliation activities to bring the communities closer together. While the government provided police security in the camp, UNHCR recruited additional persons from within the camp to supplement the generally ineffective government police force.

UNHCR focused its efforts during the year on assisting the government to improve efficiency in the RSD process by providing training to government officials, financial aid to relevant ministries, and a protection officer to work with the government.

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, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

In 2004 citizens elected Armando Guebuza of the ruling FRELIMO party as president in the country's third multiparty general elections. While domestic and international observers noted that voting day procedures generally followed international norms, they also documented irregularities in parts of the country during the campaign season and in the subsequent vote count. FRELIMO used significant state funds and resources for campaign purposes, in violation of election law. RENAMO issued complaints of election fraud to several agencies, including the Constitutional Council. In January 2005 the Constitutional Council affirmed Guebuza as the winner.

The Constitutional Council issued a series of nonbinding recommendations for future elections, including the establishment of a single, consolidated voter registration list (there were three in the 2004 election). Other remedies tracked closely with advice given by national and international election observation groups, including the European Union and Carter Center. On May 4, the FRELIMO majority in the National Assembly moved to dissolve the ad-hoc committee established in March 2005 to revise the country's electoral legislation. The decision was made after the committee chair, Alfredo Camito, declared that the group was at an impasse on the composition of the National Elections Commission (CNE), one of numerous elections processes under review by the committee. Responsibility for revising electoral legislation was then charged to the Committee on Agriculture, Regional Development, Public Administration, and Local Power in the National Assembly.

On December 20, the FRELIMO majority in the National Assembly passed three new elections laws dealing with the CNE, voter registration, and procedures for provincial and national elections. RENAMO boycotted the vote in protest. The new CNE will have 13 members (three from FRELIMO, two from RENAMO, and eight from civil society), down from 19 during the 2004 national elections. The main task of the CNE is to formulate a new voter registration roll in time for provincial elections in 2007. The new voter registration law requires voters to reregister once every five years and eliminates the multiplicity of voter registers that characterized the 2004 elections. The third law sets guidelines for provincial elections in 2007, municipal elections in 2008, and national elections in 2009.

There were reports of violence between FRELIMO and RENAMO supporters during the year. On June 9, RENAMO alleged that 10 of its party members were being held as political prisoners in Mutarara District in Tete Province following a May 31 clash between FRELIMO supporters during a visit to Mutarara by RENAMO Secretary General Ossuto Momade. According to a RENAMO spokesperson, a RENAMO convoy came under attack by FRELIMO supporters carrying sticks and stones, and in the ensuing clash one RENAMO supporter and eight FRELIMO supporters were injured; offices and homes of party officials were allegedly burned and looted following the incident.

In October local authorities in Pemba, Cabo Delgado Province conditionally released, without charge, 19 of the 21 RENAMO members who had been detained illegally since September 2005 following riots stemming from a disputed mayoral election in Mocimboa da Praia. Two of the RENAMO members arrested following the riots reportedly died in prison. In November, RENAMO leaders threatened to sue the government for detaining its members without charge or trial, but there were no further updates by year's end.

There were 92 women in the 250-seat National Assembly. Women held seven of the 24 ministerial positions and four of the 18 vice ministerial positions. Luisa Diogo retained her role as prime minister. Women held 30 percent of the seats on FRELIMO's 160-member Central Committee and six seats on the 17-member Political Commission.

Members of many ethnic groups held key positions in both the legislative and executive branches. There was no evidence that specific ethnic groups were excluded.

Government Corruption and Transparency

Corruption was widely perceived to be endemic. Low-level government officials used corrupt practices to supplement low incomes, while high-level elites were believed to employ corrupt practices to enhance their wealth, consolidate their positions, and prevent competition. Corruption largely resulted from a lack of checks and balances among the three branches of government, minimal accountability of elected officials, and a culture of impunity. In the 2005 government-sponsored Governance and Corruption Survey, most respondents cited their unwillingness to report corruption was because "there is no protection" for persons who stand up to corrupt practices.

While the government continued its strong anticorruption rhetoric, and some mid-level officials were dismissed for alleged corruption, the NGO Transparency International noted that corruption was perceived as "rampant." In addition local NGOs and media groups observed that no corruption cases involving high-profile individuals have been brought to trial during the Guebuza administration. A study undertaken by the anticorruption NGO Center for Public Policy indicated that customs reforms undertaken since 1995 had reduced the levels of corruption in the customs service.

In April the government launched a National Anticorruption Strategy; however, a September report submitted following a six-month review of the strategy by 18 donor nations stated that there had been "no progress on implementing the government's anticorruption strategy." 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 and authority to hire additional permanent full-time staff. Some observers continued to blame the judiciary for hampering efforts by the attorney general's office to fight corruption, citing the low number of cases accepted by the court system.

According to the GCCC, from March to September prosecutors brought charges in 17 cases of corruption, in which the state was robbed of more than one million dollars (25 million meticaïs). In December the National Civil Service Authority reported that from January to October authorities expelled 191 public servants for various irregularities.

According to the attorney general's annual report, between 2002 and June 2005 the anticorruption unit (the predecessor to the GCCC) received 128 corruption cases: 70 remained under investigation, 30 cases were in court, 15 were dropped, nine were sent to other institutions for consideration, and four were appended to other cases. Of those cases in court, none resulted in convictions by year's end.

There were several new cases of corruption reported during the year. For example, in July, authorities under orders from the GCCC detained a former senior official of the Bank of Mozambique, Adelino Pimpao, and accused him of stealing \$50,000 (1.2 million meticaïs) in 2004 and using the money to make payments to a fictitious institution. There was no further update at year's end.

In October a court in Tete Province sentenced local treasurer Jose Manjolo to 12 years' imprisonment for the theft of approximately \$10,000 (250,000 meticaïs) intended to provide food to people in the province affected by the 2004-05 drought; the judge also ordered Manjolo to repay the money.

In December police arrested Vasco Raiva, head of the Administration and Finance Department of the Provincial Directorate of Youth and Sport in Niassa Province, on suspicion that Raiva stole \$32,000 (800,000 meticaïs). The stolen money was part of a larger sum intended to rehabilitate a sports stadium in the capital of Niassa.

During the year, the CSMJ continued its investigations of Cabo Delgado judges Carlos Niquice and Hironcina Pumule for the alleged extortion of one million dollars (25 million meticaïs) in exchange for releasing from prison Portuguese businessman Amadeu Costa Oliveira in September 2005.

There were no further developments in the 2005 investigations into alleged corruption by government officials.

The NGO Etica Mozambique operated corruption reporting centers in major cities to provide citizens a mechanism to anonymously report incidences of corruption. However, management and resource constraints severely limited their capacity to receive reports. From June to December, Etica Mozambique received information on 28 cases of corruption and transferred the cases to the MOJ. Only one of the 28 cases had gone to trial by year's end. Etica Mozambique also operated a civic education campaign to help citizens identify and protect themselves against corrupt officials or activities. The media continued to be one of the main forces fighting corruption, reporting and investigating numerous corruption cases.

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

The law requires that all members of the government declare and deposit their assets to the Constitutional Council, but does not require that such information be made available to the general public.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Although at times slow, government officials often were cooperative and responsive. Registration procedures for NGOs often were lengthy (see section 2.b.).

While an independent ombudsman position to investigate allegations of abuses, including human rights violations, by state officials was created by constitutional amendment in 2005, an ombudsman had not been named by year's end.

Section 5 Discrimination, Social 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, persons with disabilities, and persons with HIV/AIDS.

Women

Although official statistics were not kept, reports indicated that domestic violence against women, particularly spousal rape and beatings, was widespread. The PRM received 5,042 reports of violence against women during the year. In many circles women believed it was acceptable for their husbands to beat them. Cultural pressures discouraged women from taking legal action against abusive spouses. There is no law that defines domestic violence as a crime, but laws prohibiting rape, battery, and assault could be used to prosecute domestic violence. During the year some NGOs called for a draft law on domestic violence.

In August a 15-month survey on violence against women, conducted by the government, the UN, and several NGOs beginning in June 2005 in Maputo city and the provinces of Maputo, Sofala, Manica, Zambezia, and Nampula, was released. The report revealed that 54 percent of women who responded admitted suffering an act of physical or sexual violence by a man at some point in their lives, 37 percent in the last five years and 21 percent during the past year.

On December 9, police in Tete Province arrested Antineco Chibewa for the murder of his 36-year old wife. According to press reports, Chibewa confessed that he killed his wife because she was too old and might interfere with his relationship with a younger woman. The case was pending at year's end.

A 2005 survey by Project Hope of 255 women in Zambezia Province found that 61 percent of women identified more than one justification for a husband to hit his wife. Many of those surveyed agreed that a man was justified in hitting his wife if she goes out without telling him (48 percent), if she neglects the children (47 percent), if she argues with her husband (36 percent), if she refuses sex (30 percent), and if she burns the food (24 percent).

The government and NGOs worked together to promote women's rights. Women and children's units in the police force were expressly concerned with the issue of domestic violence. Of the 18 police squadrons in Maputo, 16 had Women and Children's Centers, which provided assistance in cases of physical and sexual assault, including domestic abuse.

The law prohibits rape but not spousal rape. Penalties ranged from two to eight years if the victim is 12 years of age or older, and eight to 12 years if the victim is under the age of 12. While there were no official estimates as to the extent of spousal rape, it commonly was regarded as a problem. The rape law was not effectively enforced, and trials rarely occurred. According to NGO reports, many families preferred to settle such matters privately through financial remuneration rather than through the formal judicial system.

Kukuyana, a national network of women living with HIV/AIDS, reported that many women were expelled from their houses and/or abandoned by their husbands and relatives because they were HIV positive. They also reported that some women who were widowed by HIV/AIDS were accused of being witches who purposefully killed their husbands to acquire their belongings, and for this reason these women were deprived of all of their belongings.

Prostitution is legal, although several laws against indecency and immoral behavior govern prostitution and restrict it to certain areas. The practice was widespread and particularly prevalent along major transportation corridors and in border towns where long-distance truckers stayed overnight. Young women without means of support were at the greatest risk for being drawn into prostitution.

Sexual harassment is illegal; however, it is considered pervasive in business, government, and the education sector. Although no formal data existed, the media reported numerous instances of harassment during the year.

Forced marriage of girls and women was a problem.

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 livestock, money, or other goods. For Muslims, the bride's family usually paid for the marriage and provided gifts. These exchanges contributed to violence and other inequalities, due to the perception that the women subsequently were "owned" by the husband.

The Family Law, which took effect in 2005, raises the age of marriage to 18 for both sexes, eliminates husbands' de facto status as heads of families, and legalizes civil, religious, and common law unions. While the law does not recognize new cases of polygyny, it grants women already in polygynous 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, over a year after the law went into effect, the majority of women remained uninformed about it.

Customary law was still practiced in many parts of the country. 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 the disposition of land.

The law grants citizenship to the foreign-born wife of a male citizen but not to the foreign-born husband of a female citizen.

Women continued to experience economic discrimination, and women in the workplace often received lower pay than men for the same work.

Children

The government's focus on children's rights and welfare increased during the year, but significant problems remained.

Education is compulsory through the age of 12, but enforcement of compulsory education laws was inconsistent due to the lack of resources and the need for additional schools. 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.

During the year, the UN Children's Fund (UNICEF) estimated that 83 percent of children were enrolled in school, primary school enrollment reached 3.8 million, and secondary school enrollment increased from 45,000 to approximately 245,000 since 1992. However, at least 650,000 children remained out of school, and completion rates for primary school students were below 50 percent for boys and 30 percent for girls. A report released by the UN Secretary General's Special Envoy for Humanitarian Needs in Southern Africa in December found that nearly 25 percent of children between the ages of seven and 18 either have never been to school or did not currently attend. Although joint government/NGO initiatives worked in specific localities and districts to improve girls' school attendance, it remained lower than that of boys. Primary schools remained overcrowded, and approximately 70 percent of them lacked adequate sanitation.

Sexual abuse in schools remained a serious and common problem. According to the Center for Public Integrity, secondary school students often paid teachers in exchange for a spot in a class or better grades; boys paid with money and girls with money or sex. The press continued to report on sexual abuse of female students in schools, primarily by teachers. Over a ten-week period from the beginning of June to mid-August, Save the Children and Actionaid registered 30 cases in which girls or their family members reported sexual abuse. In August the education administrators of one municipal district in Maputo, together with the NGO IBIS, launched a campaign against sexual abuse of minors in schools. In the same month, the National Teachers' Organization began a campaign against sexual abuse in schools.

There continued to be reports in newspapers of physical abuse of students by teachers during the year.

During the year, students at a public boarding school in Inhambane reportedly abused incoming students by forcing them to bathe in feces and urine and to have homosexual relations with each other.

Several cases of fathers sexually abusing their daughters were reported during the year.

The government took steps to address the problems facing HIV/AIDS orphans in the country. In 2005 it was estimated that one in every five households cared for at least one orphan. UNICEF estimated that of the country's 1.6 million orphans, more than 380,000 lost either one or both parents to HIV/AIDS. 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.

The Family Law sets the minimum age for civil marriage at 21 years, although persons between the ages of 18 and 20 could marry with parental consent. Despite the law, local customs, primarily in the northern provinces and in Muslim and South Asian communities, created a pattern of marriage below the legal age. The NGO Mulheid and others worked to combat this custom through education campaigns on the dangers of the practice, including the spread of HIV/AIDS.

Exploitation of children below the age of 15 continued, and child prostitution remained a problem (see section 5, Trafficking). The law prohibits pornography, child prostitution, and sexual abuse of children under 16. Persons engaged in child prostitution, use of children for illicit activities, child pornography, child trafficking, or forced or bonded child labor could be punished by prison sentences and fines. In practice perpetrators of these crimes rarely were identified and prosecuted, and punishment was not commensurate with that of the crime.

While the law prohibits the access of minors to bars and clubs, the government did not have adequate resources to enforce the law effectively.

The trafficking of children for sexual exploitation and labor remained a problem (see section 5, Trafficking).

Child labor remained a problem, principally in the rural areas (see section 6.d.).

The country continued to have a problem with street children, but no nationwide figures were available. In 2004 the NGO Rede de Crianca, comprised of 33 community organizations that work with youth in Maputo, identified 3,419 street children in their programs.

Zimbabwean children, many of whom entered the country alone, were particularly vulnerable to abuse. Due to their illegal status, they faced labor exploitation and discrimination and were harassed by authorities on both sides of the border. They lacked protection due to inadequate documentation and had limited access to schools and other social welfare institutions. Coercion of girls into the sex industry was common.

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

Trafficking in Persons

There were numerous reports of persons trafficked from and within the country. Although the law does not prohibit trafficking in persons, traffickers could be prosecuted using 13 related articles of the penal code on sexual assault, rape, abduction, and child abuse.

Persons were trafficked both internally and to South Africa. A local NGO reported that each month up to 100 Mozambican and Swazi children were trafficked along the tri-border area to Johannesburg. The head of the PRM's Department of Women and Children reported 68 registered cases of trafficked children during the first six months of the year. The majority of victims were women and children, and they were trafficked for both sexual exploitation and forced labor. Boys were trafficked as laborers on South African farms. Trafficking victims came from both urban and rural backgrounds. Poverty, a history of child migration, and weak border controls all contributed to trafficking.

In April 2005 the International Organization for Migration conducted an inquiry that indicated women continued to be trafficked from the country and sold to mine workers at a mining district west of Johannesburg, known as the West Rand. Taxi drivers commuting between the two countries recruited young women from rural areas such as Macia and Chokwe in Gaza Province, as well as Maputo. The highway running through Maputo was another major recruiting ground for traffickers.

Child prostitution appeared to be most prevalent in Maputo, Nampula, Beira, and at border towns and overnight stopping points along key transportation routes. Child prostitution reportedly was growing in the Maputo, Beira, and Nacala areas, which had highly mobile populations and a large number of transport workers. Child prostitution was reported in Sofala and Zambezia Provinces. Some NGOs were working with prostituted children by providing health care, counseling, and training in other vocations.

Traffickers were principally citizens or South African, but involvement of Chinese and Nigerian syndicates was also reported. Trafficking groups included small networks of citizens based in Maputo and Nampula, and there were reports that organized crime groups were involved. Traffickers often lured victims by promising better jobs 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 destination or once they arrived in South Africa.

The government's law enforcement efforts increased over the previous year, though a paucity of training resources hindered greater efforts. In March the MOJ signed an agreement with an NGO to jointly draft anti-trafficking legislation. During the year the MOI conducted anti-trafficking training for almost 90 police officers in three provinces, after which the officers conducted public awareness campaigns for community police and school leaders; however, such training has not been extended force-wide. Many lower-ranking police and border control agents were suspected of accepting bribes from traffickers.

During the year police broke up several trafficking schemes, apprehending at least nine traffickers and rescuing more than 90 victims. For example, in February police arrested six men attempting to traffic 43 people across the South African border. In March the country's first trafficking case was prosecuted, resulting in the conviction of Jose Vasco Ngulele and Armando Rafael for kidnapping and attempting to sell a 13-year-old boy; the two were sentenced to eight and nine months in prison respectively.

In November 2005 police in Manica Province arrested Antonio Joao Catine for selling 35 children as farm laborers; 18 of the children have been recovered, and police investigations were ongoing at year's end.

There were no developments in other 2005 trafficking cases.

The government's efforts to protect victims of trafficking continued to suffer from a lack of resources, and government officials regularly called on NGOs for assistance in the provision of shelter, food, counseling, and rehabilitation. In 2005 the MOI expanded the number of Offices for Attending to Women and Child Victims of Violence from 84 to 96, and provided victims' assistance training for police officers who dealt with such cases; some of these offices provided emergency shelter and food for trafficking victims.

On May 2, the civil society organization Civic Education Forum (FECIV) opened the country's first permanent shelter for trafficking victims in Moamba. The Moamba District government donated 20 hectares of land to be used to grow food for the shelter. During the ceremony FECIV announced it would start screening for victims of trafficking among the 800 to 1,000 illegal immigrants repatriated by South African immigration authorities, on average, every two weeks.

The Kulaya Healing Center in the Maputo Central Hospital assisted a small number of trafficking victims with medical care and counseling for up to three months each.

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. Discrimination was common against persons with disabilities in employment, education, access to health care, and in the provision of other state services. The law does not mandate access to buildings for persons with disabilities. The Ministry of Public Works and Habitation worked to ensure that public buildings in Maputo city provided access to persons with disabilities, although enforcement was lacking in the provinces. 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 accessibility 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.

A Ministry of Women and Social Action (MWSA) representative emphasized that persons with disabilities often were victimized by their own families, who hid disabled family members in their homes and kept them from going to school. The Association of Parents and Friends of Mentally Disabled Children reported that families sometimes hid their mentally disabled children, and that during visits the organization found two families in Mossuril kept their mentally disabled children chained.

The head of the Ministry of Health's Mental Health Program recognized that the government had a responsibility for the mentally ill, but stated that the psychiatric hospital lacked the means to guarantee even basic nutrition, medicine, or shelter. Disabled veterans continued to complain about not receiving their pensions.

MWSA is responsible for protecting the rights of persons with disabilities. In April MWSA hosted the second National Conference on Disabilities in coordination with the Forum of Associations of Disabled Mozambicans. At this conference, MWSA announced a four-year National Action Plan in the Area of Disabilities, which was approved by the Council of Ministers on April 18.

Public transportation authorities in Maputo began offering free bus passes persons with disabilities during the year.

National/Racial/Ethnic Minorities

There were reports of tension between newly arrived Chinese guest workers, often used in construction, and citizens in Maputo city and Beira, Sofala Province.

There were reports of violence and discrimination by police against Zimbabwean immigrants during the year (see section 1.c.).

There were reports of mob lynchings of West African immigrants during the year (see section 1.a.).

Other Societal Abuses and Discrimination

The law prohibits discrimination on the basis of HIV/AIDS, and the Ministry of Labor intervened in cases of perceived discrimination by employers. The NGO Pfunani reported that although the law protects citizens with HIV/AIDS from discrimination in the workplace, persons infected with HIV/AIDS suffered discrimination at home, in their communities, and in the workplace, and that many workers preferred to keep their diagnosis a secret and not seek treatment to avoid risking losing their jobs. In November the news daily Canal de Mocambique reported that some businesses obliged workers to take HIV/AIDS tests twice a year and, in most cases, publicly revealed test results. The report also noted that individuals who tested positive often were fired.

The law does not specifically address discrimination against homosexuals, and there were occasional reports of discrimination. Actions were taken by media and civil society groups during the year to promote the rights of homosexuals. In July a major newspaper published, for the first time, an article arguing in favor of homosexual rights. In the article, prominent journalist Emilio Manhique editorialized that homosexuals "have a right to be different." In October the LDH organized the country's first seminar on homosexual rights. The two-day event proposed the creation of an official homosexual rights association, recommended the inclusion of information on sexuality in the school system, and criticized the censorship of homosexual issues in the media.

Section 6 Worker Rights

a. The Right of Association

The constitution and law provide that all workers are free to join a trade union of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Labor laws guaranteeing the right of association do not cover government employees. As of December the Mozambican Workers' Association (OTM) estimated that of the approximately 500,000 workers in the formal sector 103,000 were unionized. Some unions alleged that the OTM was under the influence of FRELIMO.

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.

b. The Right to Organize and Bargain Collectively

Although the law provides for the right of workers to organize and engage in collective bargaining, collective bargaining 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 explicitly provides for the right to strike, and workers exercised this right in practice; however, civil servants, police, military personnel, and workers in other essential services (including sanitation, firefighting, and health care) do not have the right to strike. Repeated government promises to amend the law to provide full organizing and collective bargaining rights to public officials remained unfulfilled. There were 15 registered labor strikes from January to October. The law specifies that strikers must notify police, the government, union, and employers 48 hours in advance of intended strikes. The law forbids retribution against strikers, the hiring of substitute workers, and lockouts by employers.

Workers in the small number of export processing zones were subject to the same labor regulations as other workers, and worker rights in these zones generally were respected in practice.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, including by children, and while there were few reports that such practices occurred in the formal economy, forced and bonded labor, particularly by children, was common in rural areas (see sections 5, 6.d., and 6.e.).

d. Prohibition of Child Labor and Minimum Age for Employment

While the law prohibits child labor, it remained a problem. In the formal economy, the minimum working age without restrictions is 18 years of age. The law permits children between 15 and 18 to work, but the employer is required to provide for their education and professional training and ensure 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 unhealthy or dangerous occupations or those requiring 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, a 2004-05 survey by the National Statistics Institute showed that 32 percent of children between the ages of seven and 17 were involved in some form of economic activity. Many children in rural areas were forced to work, particularly in commercial agriculture, as domestics, and in prostitution. The major factors contributing to the worst forms of child labor were chronic family poverty, lack of employment for adults, breakdown of family support mechanisms, the changing economic environment, lack of education opportunities, gender inequality, and the impact of HIV/AIDS. Children, including those under the age of 15, commonly worked on family farms independently in seasonal harvests or commercial plantations, where they were paid on a piecework basis and picked cotton or tea leaves. During the year the Eliminating Child Labor in Tobacco Foundation issued the results of a study conducted during the latter months of 2005 to measure the incidence of child labor in the tobacco growing industry in Tete and Niassa provinces. The study found that 80 percent of tobacco farms employed children, and the majority of these children were under age 15. In the urban informal sector children performed such tasks as guarding cars, collecting scrap metal, working as vendors, and selling trinkets and food in the streets.

Children orphaned by HIV/AIDS often were forced to work because they were left without family support.

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 monthly salaries 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 of the capital where a majority of the abuses occurred. Although the government provided training for police on child prostitution and abuse (including pornography), there was no specialized child labor training for the Labor Inspectorate. The government disseminated information and provided education about the dangers of child labor.

e. Acceptable Conditions of Work

In June the government granted a 13 percent increase in the statutory minimum wage for industry and services bringing it to approximately \$58 (1,440 meticaïs) per month. The government granted an 11.5 percent increase in the minimum wage in the agricultural sector bringing the monthly total to \$40 (1,020 meticaïs). Despite the increase, which was slightly above the 9.4 percent inflation rate reported during the year, neither minimum wage provided a decent standard of living for a worker and family. Although the industrial sector frequently paid above minimum wage, there was little industry 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 Planning and 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. Foreign workers are protected under the law.

Worker complaints continued during the year concerning: employers deducting social security contributions from wages but failing to pay them into accounts; lack of access to the social security system; not adhering to the law concerning firings; and intimidation of union members.

There were no developments in the May 2005 investigation in Nampula into worker complaints of beatings, arbitrary firings, forced labor while sick or injured, and extremely low wages in several private companies, particularly the Ramiane Sisal Company.

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 legislation in many companies and services. Workers have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment; in practice threats of dismissal and peer pressure restricted this right.

As of mid-September, the Ministry of Labor reported 62 labor accident victims, 40 of whom were temporarily incapacitated and 22 were permanently incapacitated. While the law imposes fines for recurring accidents, no fines were imposed during the year. The law also requires that companies insure workers, but Ministry of Labor estimates indicated that only between 50 and 60 percent of companies actually provided coverage.