

# MOZAMBIQUE 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Mozambique is a constitutional multi-party democracy with a republican form of government. In 2009 voters re-elected President Armando Guebuza in an election observed by several national and international observers, including the EU and the Commonwealth, criticized as lacking a “level playing field” and faulted for lacking transparency, integrity, impartiality, and independence. Domestic and foreign observers and local civil society organizations expressed concern about the electoral procedures that 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 the 11 provinces. Authorities failed at times to maintain effective control over security forces. Security forces committed human rights abuses.

Incidents of serious human rights abuse occurred during the year. The three most important abuses were the government’s failure to protect political rights and freedom of assembly, unlawful killings and abuses by government and opposition-party security forces, and domestic violence.

Other major human rights problems included: lengthy pretrial detention; ruling party influence on an inefficient, understaffed, and inadequately trained judiciary; harsh prison conditions, and political and judicial constraints on press freedom. Corruption was also a serious problem. Societal problems included discrimination against women; abuse, exploitation, and forced labor of children; trafficking in women and children; and discrimination against lesbian, gay, bisexual, and transgender persons and persons with HIV/AIDS.

The government took some steps to punish and prosecute officials who committed abuses, but impunity remained a problem.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were several reports by human rights activists and domestic media sources that the government or its agents committed arbitrary or unlawful killings. Most reports concerned police officers.

In March Maputo police officer Inocencio Francisco shot and killed public transport driver Alfredo Tivane. A police patrol stopped Tivane, accused him of inappropriate driving, and demanded a 3,000 meticaís (\$100) bribe. After a failed attempt to negotiate a reduced amount, Tivane reversed his vehicle and tried to drive away, at which point Francisco allegedly shot and killed him. According to the National Police (PRM), Maputo police authorities arrested Tivane, expelled him from the police force, and charged him with excessive use of force and murder. At year's end he was awaiting trial.

There were several reports that Renamo, one of the two main opposition political parties, committed arbitrary or unlawful killings. On April 2 and 3, government security forces raided Renamo encampments in Gondola, Manica Province, and Muxungue, Sofala Province, resulting in dozens of arrests. In apparent retaliation, on April 4 Renamo militants carried out a surprise attack against government security forces in Muxungue, causing four deaths and multiple injuries.

The government and Renamo initiated formal negotiations in December 2012 to resolve disputes about National Electoral Commission (CNE) composition. In June Renamo officials stated their intent to protest deadlocked negotiations by disrupting traffic on the main north/south highway through the center of the country. Renamo acknowledged responsibility for two armed attacks, which resulted in two civilian deaths and many injuries, on civilian vehicles on the highway on June 21 and 24. Renamo stated that it targeted government forces suspected of using civilian vehicles and clothing. Throughout the rest of the year, Renamo and government forces continued to engage in occasional armed clashes that resulted in additional deaths and injuries.

### **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, poorly trained police frequently used excessive force and harsh physical abuse when apprehending, interrogating, and detaining criminal suspects and prisoners. Human rights advocates and the media reported occurrences of torture and other cruel, inhuman or degrading treatment, physical abuse, and prolonged detention. The Mozambican League of Human Rights (LDH) reported the level of abuse in

prisons declined during the year. Abuses by the Criminal Investigative Police (PIC) in police station jails, however, continued as in the past.

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

Although there were improvements at some national penitentiaries, prison conditions remained harsh and potentially life threatening. Inadequate funding, staffing, and facilities resulted in overcrowding, substandard sanitation, and poor nutrition and health care.

Physical Conditions: The National Prison Service, under the Ministry of Justice, operated 184 prisons in 10 provinces. The Ministry of Interior is responsible for jails at police stations. In September the national deputy director of prisons reported there were 15,663 prisoners, including 618 female prisoners and 5,108 minors between the ages of 16 and 18, in prisons designed to hold only 7,804. There were 10,555 convicted prisoners and 5,108 awaiting trial. The National Prison Service reportedly spent approximately 84 meticaís (\$2.82) per day to house, feed, clothe, educate, and provide medical care for each prisoner.

Overcrowding remained the most serious problem. For example, 225 inmates populated a cellblock with 10 rooms and three bunks per room at Maputo Central Prison.

LDH representatives made numerous visits to prisons and detention facilities. The LDH continued to note the following conditions in the prisons and detention facilities: harsh treatment, inadequate food, poor hygiene, overcrowding, adults and juveniles held together, and prisoners kept beyond completion of their sentences.

In many cases prison officials did not provide adequate basic food to the prison population. Two of the main prisons in Maputo Province provided inmates only two meals per day. It was customary for families to bring food to prisoners, but not all prisoners had families able to provide it.

Conditions in police detention facilities were worse than in prisons. In December 2012 the daily newspaper *Noticias* reported police held convicted prisoners at the station in Chemba, Sofala province, because police and the district administration had no vehicles to transport them to the regional prison. The article reported the prisoners had received no food from authorities for two weeks.

Malaria, tuberculosis, cholera, and HIV/AIDS were commonplace among prisoners in nearly all prisons. The Maputo high security prison Cadeia da Machava reported 116 of 614 inmates had HIV, and the Maputo Central Prison reported treating 580 of 2,096 inmates for HIV. Because HIV/AIDS testing in the prisons is voluntary, actual rates were likely higher.

Healthy and sick prisoners regularly shared the same cells. Sanitation, ventilation, temperature control, lighting, basic and emergency medical care, and access to potable water were inadequate. Few prisons had health-care facilities or the ability to transport prisoners to outside facilities. Prisons that had health-care facilities often lacked basic supplies and medicines, leaving most without medicine unless they could afford to buy them privately. Almost all prisons were constructed in the colonial era, leaving many in an advanced state of dilapidation that put prisoners and staff at risk. Refurbishment of some prisons, such as Cadeia da Machava prison, began during the year. Authorities held pretrial detainees with convicted prisoners.

There continued to be many reported deaths in prison, the vast majority due to illness, at rates much higher than those of the general population.

Administration: The Ministry of Justice and the National Prison Service acknowledged pretrial detention, bail, recordkeeping, and overcrowding were problems and initiated efforts in 2010 to improve their systems and lessen the possibility of prisoners serving time in excess of their sentences or maximum legal detention periods. The Mozambican Legal Aid Institute (IPAJ), the government agency responsible for providing free legal assistance to those who could not afford it, expanded services in 2012 to pretrial detainees and to prisoners already serving their sentences. While fewer prisoners were held beyond their sentences, there was no significant improvement in overcrowding by year's end. Authorities continued to employ alternative measures to imprisonment such as work brigades, conditional release for prisoners who had completed half of their sentences, and adjudication of cases through traveling tribunals.

On several occasions during the year, prisoners and detainees submitted complaints, and the local press also reported such complaints. The IPAJ assisted 96 inmates at Maputo Central Prison, according to the National Prison Service. It helped inmates to track their prison sentences and provided legal aid in court processes. No ombudsman or formal system existed for entering or tracking complaints. Prisoners generally had access to visitors and could observe their religious practices.

Independent Monitoring: International and domestic human rights groups had access to prisoners, although at the discretion of the Ministries of Justice and Interior. The Ministry of Justice also invited diplomatic representatives to visit national prisons to review conditions. In 2009 the LDH entered into a memorandum of understanding with the Ministry of Justice allowing the LDH to make unannounced prison visits on the condition the LDH submit to the government copies of its findings prior to release. The LDH was free to publish its findings thereafter. There was no such agreement with the Ministry of Interior, which controls police detention facilities, making visits to those facilities more difficult for the LDH as it requires formal requests to the Ministry of Interior. LDH representatives reported they had not been allowed to visit a Ministry of Interior police detention center since 2009, despite having made many requests to the ministry. The IPAJ also reported that police interference made it difficult to provide legal aid to prisoners held in police stations.

Improvements: The four national prisons in Maputo Province showed signs of increased focus on reform and rehabilitation of inmates. Two prisons in Maputo provided classes in areas ranging from basic reading to vocational skills, such as carpentry, fabric weaving, woodcarving, and gardening. The LDH reported treatment in many prisons continued to improve during the year, including reductions in the occurrence of torture and abuse, fewer prisoners held beyond their sentences, and greater access to medical assistance and legal aid.

According to the annual address to parliament of the Attorney General's Office, there were improvements in hygiene and health conditions in various prisons of the country, but problems remained regarding prisoners serving terms beyond their stipulated sentences, applying prison sentences in cases where alternatives such as a fine would be appropriate, and delays in processing sentencing appeals.

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

While the constitution and law prohibit arbitrary arrest and detention, both practices continued to occur. Opposition party Democratic Movement Mozambique (MDM) complained of numerous arrests of members for displaying the MDM flag. In March local police in the Catandica district of Manica Province arrested Samuel Jaime Sabonete, a member of MDM, for hanging the party flag at the local MDM headquarters. Police detained him until MDM national leadership intervened three days later.

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

Forces under the Ministry of Interior, including the PIC, the PRM, and the Rapid Intervention Police (FIR), are responsible for internal security. The border security force, known as Forca Guarda-Fronteira, is also under the Interior Ministry and is responsible for protecting the country's borders and for conducting normal police duties in areas within 24 miles of the borders. 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 and report to the president.

Civilian authorities generally maintained control over the PIC, PRM, FIR, and Forca Guarda-Fronteira, and the government has mechanisms to investigate and punish abuse and corruption. There were numerous reports of impunity involving security forces and occasions when security forces acted without orders or exceeded their orders. Police routinely removed their identification at checkpoints after dark and refused to identify themselves or their police precincts. It was extremely difficult to obtain information on reports of security personnel being charged or otherwise held to account.

The government rarely released information concerning prosecutions and convictions of police and other security personnel. Reports that "an investigation is taking place" or "the officer has been arrested" appeared in the press with few subsequent updates.

Corruption by police was widespread (see section 4).

The most common reasons for disciplinary action against police, according to the minister of public service, were theft of state funds, accepting bribes, drunkenness, and abandonment of post.

In February National Commander of PRM Jorge Khalau announced the termination of more than 20 members of the police force nationwide for involvement in various types of unspecified crime. The public commonly suspected some members of the police force of involvement with criminal elements.

## Arrest Procedures and Treatment of Detainees

Although the law requires an arrest warrant issued by a judge or prosecutor (except for 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 or six months with a warrant, 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. A person accused of a crime carrying a potential maximum sentence of more than eight years may be detained up to an additional 84 days without being charged formally. A court may approve two more periods of 84 days detention each without charge while police complete their investigation. The law provides that if no charges have been brought within the prescribed period for investigation, the detainee must be released. In many cases the authorities either were unaware of these regulations or ignored them, often also ignoring detainees' constitutional right to be informed of the charges against them within the period required by law, as well as the right to counsel and to contact relatives or friends. The law provides for citizens' right of access to the courts and the right to representation, regardless of ability to pay for such services. Due to a shortage of legal professionals, indigent defendants frequently had no legal representation. There were no reports of suspects held incommunicado or under house arrest.

The bail system remained poorly defined. Prisoners, their families, and nongovernmental organizations (NGOs) continued to complain police and prison officials demanded bribes to release prisoners who had already completed their sentences.

Arbitrary Arrest: Arbitrary detention or false arrest occurred, although they were not commonplace. The LDH reported that police arrested Marcial Lourenco Macome on August 17 in Maputo as he used his cell phone to record a group of police beating and removing the clothes of a detainee during an arrest. Police confiscated Macome's cell phone and jailed him for one day. The case had not been resolved by year's end.

Pretrial Detention: Excessively long pretrial detention continued to be a serious problem, due in part to an inadequate number of judges and prosecutors and poor communication among authorities. The Maputo Central Prison reported that 69 of the 843 inmates held while awaiting trial were detained past their maximum legal preventive detention period by more than three months, 17 of these by more than one year.

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

Although the constitution and law provide for an independent judiciary, according to civil society groups, the executive branch and the ruling Front for the Liberation of Mozambique (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. In May parliament approved the New Police Law on discipline, accountability, and internal organization and regulation, which replaced regulations declared unconstitutional by the Constitutional Council because they allowed police to arrest and detain suspects without obtaining judicial authorization.

Civil society organizations asserted the preparation of some criminal case files was so poor, due to inadequate training and corruption in the ranks of the PIC, that judges dismissed them due to insufficient evidence.

### **Trial Procedures**

Regular courts presume accused persons innocent, and the law provides the right to legal counsel and appeal, but authorities did not always respect these rights. Defendants have the right to be informed promptly and in detail of charges filed against them and to appeal. Defendants enjoy the right to communicate with an attorney of their choice, and the law specifically provides for public defenders for the accused. Such assistance was often not available due in part to lack of sufficient personnel, particularly in rural areas. In some instances prisoners were required to pay their legal aid attorneys to persuade them to provide ostensibly free legal assistance. The government entity in charge of providing free legal aid, the Mozambican Legal Aid Institute, continued to expand its presence in remote areas, and defendants gained greater knowledge of their right to free legal assistance.

Some NGOs, including the LDH, offered limited legal counsel at little or no cost to both defendants and prisoners. By law only judges or lawyers may confront or question witnesses, although authorities occasionally allowed members of the community and the press to do so. All citizens have a right to self-defense and can present witnesses and evidence on their own behalf and have access to government-held evidence. Such rights were upheld during the year. There is no trial by jury.

Persons accused of crimes against the government, including treason or threatening national security, 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, to protect the privacy of the plaintiff in a sexual assault case, or prevent interested parties outside the court from destroying evidence.

Outside the formal court system, local community courts and traditional authority figures often adjudicated matters such as estate and divorce cases. Local arbiters with no formal training presided over community courts and sometimes overstepped legal limits.

### **Political Prisoners and Detainees**

In October 2012 a judge in Inhambane Province sentenced 37 members of the opposition party MDM to two months in prison for allegedly campaigning illegally near polling stations during the April 2012 mayoral by-election. The MDM maintained the arrested party members were bringing food and water to officially designated and credentialed election observers and were not campaigning. The international community and civil society widely regarded the arrests and subsequent jail sentences as political intimidation and an effort to suppress support for the opposition. Authorities released the prisoners after completing two-month sentences in December 2012.

The government arrested opposition party Renamo official and former guerrilla commander General Jeronimo Malagueta in June on charges of “incitement to violence,” but Renamo alleged the arrest and detention were politically motivated. Malagueta was in detention awaiting trial at year’s end.

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

While the law provides for an independent and impartial judiciary in civil matters, the judiciary was subject to political interference. Although by law 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. Opposition party members alleged government intelligence services and ruling party activists continued to monitor telephone calls and e-mails without warrants, conduct surveillance of their offices, follow opposition members, use informants, and disrupt party activities in certain areas.

The law requires police to possess 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 law provide for freedom of speech including for members of the press, and the government generally respected this right in practice.

Freedom of Speech: Individuals generally could criticize the government publicly or privately without reprisal. Some individuals who criticized the government or ruling party, particularly those who worked for state-affiliated companies, reported reprisals and intimidation at the workplace, however. Some individuals expressed fear the government monitored their private telephone and e-mail communications.

In August, Refila Boy, a nationally famous rapper whose lyrics are often critical of President Guebuza and other government officials, complained to the LDH that the main recording houses in Maputo were under instructions by the government not to record his songs. He also claimed he had been arrested several times since 2008 and mistreated by police while in detention.

Press Freedoms: The illiteracy rate is high. Print media are not available to the majority of the population. Newspapers reached an estimated one million of the country's 23.7 million citizens. The government maintained majority ownership of *Noticias*, the main newspaper, while *Diario de Mocambique* and the weekly *Domingo* largely mirrored the views of the ruling party. Independent publications reported news items critical of government policies.

Numerous private community and regional radio stations operated throughout the country. Radio Mocambique, which received approximately 50 percent of its operating budget from the government, was the most influential media service,

offering programming to the largest audience and doing so in at least 18 languages. Some commentators questioned the independence of Radio Mocambique due to its majority government funding. Although it broadcasted debates on important issues, it tended to invite participants who were supportive or less critical of the government.

The government supplied approximately 70 percent of the operating budget of Televisao de Mocambique (TVM), the television station that competes with the private STV-Soico Televisao for the largest viewership. TVM's news coverage favored the incumbent government and ruling party Frelimo.

Violence and Harassment: Some journalists were subject to harassment, attack, or intimidation due to their reporting. For example, on September 3, police arrested a television crew doing a story in Beira on the inappropriate registration of Frelimo Youth Organization (OJM) members for municipal election polling station staff positions. Youths wearing OJM shirts blocked the crew's vehicle, pushed and threatened crew members, and attempted to take its camera equipment. Police arrested three crew members but did not arrest the OJM assailants. Police released the crew members three hours later without pressing charges.

Censorship or Content Restriction: Many journalists reported self-censorship. Some media officials said critical reporting could result in cancellation of government and ruling party advertising contracts. The largest advertising revenue streams for local media came from ministries and state-controlled businesses, and the Media Institute for Southern Africa (MISA) and others noted progovernment media received more advertising contracts from the government and government-linked businesses than did media critical of the government.

Media analysts noted that, as a way of lessening self-censorship and negative government reaction to independent reporting, most independent media outlets adopted the practice of reporting potentially sensitive topics simultaneously. While national media were relatively free, outside of the major cities there was much more governmental control, including by district administrators, over the media, especially community radio, which is the most important source of information for most of the country.

Libel Laws/National Security: MISA reported that despite the press freedom provisions in the constitution and the 1991 Press Law, other legislation inhibits the media. For example, a clause in the law on crimes against state security treats libel against the president, prime minister, and other senior political and judicial figures

as a security offense. At the Seminar on Assessment of the Draft Law on Access to Information in April, journalists questioned why libel constituted a criminal offense and whether the law violated the constitution by criminalizing criticism of an elected leader or politician. Authorities did not invoke these laws during the year.

### **Internet Freedom**

Although there were no government restrictions on access to the internet, opposition party members reported government intelligence agents monitored e-mail. According to the International Telecommunication Union, internet access and use increased in 2012, the most recent year for which data are available, to 4.9 percent of Mozambicans, or more than one million people.

### **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, abuses rose during the year.

On May 26, two weeks into a nationwide doctors' strike for higher wages led by the Mozambican Medical Association (AMM), police arrested and charged AMM leader Jorge Arroz with "sedition." Police dropped charges against Arroz and released him after large numbers of human rights activists demanded his release. Human rights and civil society organizations viewed his arrest as an act of government intimidation.

In June 2012 a court ordered the Ministry of Interior to pay 500,000 meticaís (\$17.78) in compensation to the family of an 11-year-old boy killed by a stray police bullet during the 2010 riots protesting price increases in basic foodstuffs, fuel, and transportation. This was the first disciplinary action of any kind resulting from police use of tear gas, rubber bullets, and live ammunition during the riots, when police shot and killed between 13 and 18 protesters in several cities. The family received the money during the year.

## **Freedom of Association**

The constitution and law substantially provide for freedom of association, and the government generally respected this right in practice. Since 2008 the government has refused to act on the formal application of Lambda, the Mozambican Association for the Defense of Sexual Minorities, to register as an NGO.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

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

While the law provides for freedom of internal movement, foreign travel, emigration, and repatriation, the government sometimes infringed upon these rights. The government generally cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern in the Maratane Camp.

In-country Movement: Traffic checkpoints are under the jurisdiction of traffic police. Checkpoints occasionally limited freedom of movement, and according to press reports, police often abused and demanded bribes from citizens. Police also routinely harassed, detained, and extorted bribes from foreigners for supposedly committing infractions or violations and did the same to local citizens for failure to carry identity papers. In January police stopped, handcuffed, and robbed a diplomat by forcing him to withdraw money from an ATM. The six officers involved in this incident were arrested; five were later released by prosecutors due to lack of evidence, and one awaited trial at year's end.

Emigration and Repatriation: The government did not place restrictions on return of citizens. The UNHCR reported that individuals of Mozambican heritage living for generations in South Africa, Zimbabwe, Kenya, Tanzania, and other countries in the region would have difficulty returning to the country if they lacked Mozambican identity documents, however. By law persons born outside the country of at least one Mozambican parent lose their claim to Mozambican citizenship unless they formally declare intent to become a citizen prior to their 22nd birthday.

## Protection of Refugees

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

The government also allowed the screening of potential asylum seekers. At year's end, however, the government had not approved a UNHCR request for a small processing or transit center in Palma at the northern border, claiming migrants arriving at that border were mostly or entirely economic migrants and that the number of migrants arriving had declined significantly during the year. According to UNHCR figures, the country hosted more than 14,000 refugees and asylum seekers. The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers during the year.

The government provided modest assistance to Zimbabwean citizens crossing the border into the country. Although it considered these Zimbabweans to be economic migrants, it supported the UNHCR and other organizations in providing assistance and protection to this group.

Refugee Abuse: There were some reports of security forces abusing refugees and migrants. The government allows refugee movement within the country. Refugees must formally request authorization to move outside the geographic region of their registration, but the government usually authorized these requests and allowed refugees to settle elsewhere in the country, except for Maputo, where refugees may not reside legally. Many refugees resided in Maputo, however.

Durable Solutions: The government continued to work closely with the UNHCR to implement a local integration program for refugees, primarily from Somalia, Ethiopia, and the Great Lakes Region, at the Maratane camp in Nampula province. According to the UNHCR, 6,604 refugee and asylum seekers resided in the Maratane camp in August, while an estimated 7,583 refugees resided outside the camp in other areas of the country, the majority of whom were assumed to be self-reliant.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees at the Maratane Camp and provided it to several thousand persons during the year.

### **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 through periodic elections based on universal suffrage.

Recent Elections: In 2009 Armando Guebuza of the ruling Frelimo party was re-elected president in the October general elections. While domestic and international observers noted voting-day procedures generally followed international norms, they also documented irregularities during voter registration, the campaign, and in the vote count. Frelimo secured approximately 75 percent of the presidential vote and more than 75 percent of the seats in parliament. Frelimo mayors were elected in 42 of 43 municipalities, and it was the largest party in municipal assemblies, holding approximately 80 percent of all seats. Frelimo gained a majority in the National Assembly large enough to amend the constitution without the support of other parties.

The main opposition parties, Renamo and the MDM, complained of election fraud and noted 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 local authorities failed to respond to such acts and that Frelimo candidates suffered no similar interference during their campaigns. Independent reporting corroborated opposition parties' accusations Frelimo used state funds and resources for campaign purposes, in violation of electoral law.

After the 2009 elections, the Electoral Institute for Sustainability of Democracy in Southern Africa questioned the transparency, integrity, impartiality, and independence of the National Elections Commission, noting improvements were required to "level the playing field, afford equal opportunity to all, and improve the transparency of the electoral process." The CNE disqualified several political parties and candidates from participating in legislative elections. The MDM, for example, was prevented from running in nine of 13 legislative districts. The CNE's action, which included backdating documents and other questionable acts, provoked protests from the diplomatic community and civil society and extensive

criticism in the media. The Constitutional Council (CC) also disqualified six of nine presidential candidates for application irregularities. 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 response to these actions by the CC and the CNE, a local NGO, the Center for Public Integrity (CIP), called for an independent audit of electoral processes while highlighting several significant flaws. In 2010 the government granted the MDM formal status in the National Assembly, which entitled its eight members of parliament to financial and logistical support, as well as the right to speak during parliamentary plenary sessions.

The outcomes of December 2011 and April 2012 special mayoral elections in four cities were widely seen as valid, although there were concerns with voter registration, lack of transparency, and use of government resources in support of Frelimo candidates.

According to the EU 2013 Election Follow-up Mission, the National Assembly passed a new electoral package that addressed a number of previous weaknesses regarding election observers, candidate nomination procedures, campaign funding, and election scheduling. The EU mission noted the requirement that candidates have no criminal record was possibly unconstitutional and that there remained weaknesses regarding procedures for lodging complaints at polling stations, substitution of ineligible candidates, and the provision of voter registration information to political parties.

In July the country completed a two-month voter registration process in preparation for the November 20 elections in 53 municipalities. Despite problems with lack of supplies and equipment needed to issue voter registrations cards, 85 per cent of the estimated eligible 3.5 million voters were successfully registered. In August the CNE approved the entire list of candidates running in the elections.

During the year representatives of opposition parties and civil society complained about increased acts of bias and intimidation by the government and Frelimo. The MDM complained electoral staff in Sofala and Nampula provinces impeded their municipal election candidates from registering by claiming duly notarized documents contained irregularities and required extra procedures for MDM candidates to establish proof of residency.

Political Parties: Frelimo continued to dominate the political process, and its influence continued to grow. Opposition political parties could operate but were sometimes subject to restrictions, including unlawful arrest, and other interference by the ruling party and the government. Membership in the ruling Frelimo party was widely perceived to confer advantages. The Frelimo-dominated Maputo municipal government ignored a request by the MDM to hold a march to commemorate the imprisonment of MDM members during the April 2012 midterm elections in the city of Inhambane. A heavily armed police contingent dispatched to the starting point of the march tried to disperse the participants. Some of the marchers who were interviewed on television news programs later said they suffered intimidation in their workplaces.

Cases of vandalism by Frelimo party members, including breaking into opposition party offices and tearing down banners, occurred without strong responses from police or the government. In January, however, police reportedly dispersed a large gathering of Frelimo supporters who raided a newly established MDM office in the city of Chokwe.

As of September 6, Renamo continued to boycott the election process due to complaints about the composition of the CNE. The CNE is composed of five members from Frelimo, two from Renamo, one from MDM, three from civil society, and two from the judiciary. Renamo claimed government selection of civil society and magistrate members gave Frelimo unfair control of the CNE. There were numerous allegations the government sought to place Frelimo party insiders into the civil society slots of the CNE. In response to deadlocked negotiations between the government and Renamo to resolve disputes about CNE composition, Renamo initiated two attacks on civilian vehicles on the main north/south highway in June that resulted in civilian deaths and injuries (see section 1.a).

Participation of Women and Minorities: Women and members of many ethnic groups held key positions in both the legislative and executive branches. There was no evidence of the exclusion of women or specific ethnic groups from participation in the political process. Women held 29 percent of minister positions. In the National Assembly, women held two of three party-leader positions and 97 of 250 total seats. The National Assembly also had an office dedicated to raising awareness of women's issues, including family law, domestic violence, and trafficking in persons. Three of the seven Supreme Court justices were women; a government media source reported that 54.5 percent of all judges were women.

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

While the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Some internationally respected organizations, including the World Bank in its most recent worldwide governance indicators, indicated corruption was a serious problem. Petty corruption by low-level government officials to supplement modest salaries and high-level corruption by politically and economically connected elites continued to be the norm. In some cases high-level bribery was related to narcotics trafficking.

Corruption: Corruption including extortion by police was widespread, and impunity remained a serious problem. 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 a lack of confidence they would help. Corruption resulted largely from a lack of checks and balances, minimal accountability, and a culture of impunity. Local NGOs, such as the CIP, and media groups continued to be the main civic forces fighting corruption by reporting on and investigating numerous corruption cases.

In July the president signed the Money Laundering Law, which contains new provisions criminalizing loan shark activities, terrorism financing, and tax fraud.

The Central Office for the Fight against Corruption functions as an autonomous unit under the Attorney General's Office with its own state budget. It investigates theft of state funds in the central government and in provincial administrations. It operated independently but lacked enough resources to be effective. Between January and June, the Central Office registered 599 cases of alleged corruption and theft of state funds – an increase of 18 percent from 2012. In one case that received considerable media attention, an employee at the Ministry of Education siphoned approximately 30 million meticaïs (\$1 million) by using duplicate wage sheets to defraud the ministry. The employee who perpetrated the fraud remained at large at year's end. A British NGO exposed another scandal by releasing a report showing that the official Chinese import value statistic for Mozambican timber exceeded the value of timber exports to China reported by the government by 2.55 billion meticaïs (\$86 million). The report implicated Agriculture Minister Jose Pacheco and his predecessor, Tomas Mandlate, as complicit in illegal exports.

Whistleblower Protection: The April 2012 Law for Protection of Victims, Witnesses, and Whistleblowers establishes mechanisms to protect the rights and interests of victims, complainants, and witnesses in criminal proceedings. The Central Office of Victim Protection is mandated to implement the law. The law, however, does not protect whistleblowers against employer retaliation.

Financial Disclosure: The law requiring declarations of assets by government officials was expanded in 2012. According to the expanded requirements, all members of the government, their spouses, and their legal dependents must annually report their assets. Fines are imposed if the declarations are not made. Such information is not available to the general public, but there is an administrative process through which any person may apply to see official asset disclosures on the condition the contents of the asset declarations are not divulged to other parties. This reporting requirement had yet to be implemented effectively by year's end.

The Public Integrity Law prohibits public office holders from holding outside salaried jobs. In March, 27 Frelimo deputies in the National Assembly resigned from their positions in state-owned companies, and three other Frelimo deputies resigned their positions in the National Assembly in order to retain their positions in government-owned companies. The law had yet to be fully implemented, however. Government officials did not submit required financial asset disclosure documents, and not all government entities established required public integrity implementation committees by year's end.

Public Access to Information: There are no laws providing for public access to government information, and the government failed to respond to citizens' requests for or restricted citizens' access to government information. A parliamentary committee began work on a new law to allow public access to official sources of information during the year. According to MISA, the draft law would more narrowly define the types of information the government could designate as state secrets or security sensitive information and exclude from public access.

## **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 often were cooperative and responsive to the views of domestic and international human rights

groups. Activities of foreign NGOs were subject to governmental regulation. Some foreign NGOs and religious groups reported the registration process regularly required several months. The government generally had good relations with human rights NGOs, including both local NGOs, such as the LDH, and international NGOs, such as CARE and Save the Children, and was willing to work with them. Some NGOs continued to express concern, however, at increased government registration requirements, mainly of foreign NGOs, which the government claimed were intended to prevent duplication of efforts.

Government Human Rights Bodies: A 2005 constitutional amendment created an independent ombudsman position to investigate allegations of abuses, including human rights violations. In May 2012 the parliament elected an independent ombudsman for the first time. The ombudsman delivered his first annual address to parliament in April and stated that he had received 249 complaints between June 2012 and March, of which 160 complaints were resolved and 88 were still pending.

The National Human Rights Commission, created by law in 2009, is mandated to promote and defend human rights, including ensuring the human rights provisions of the constitution are followed. Among its stated priorities is addressing cases of law enforcement violence, judicial corruption, and violations of prisoner rights. The commission lacks authority to prosecute and must refer cases to the judiciary. In September 2012 the president swore in 11 members of the commission chosen by the political parties, civil society, the prime minister, and the Mozambican Bar Association. The commission received no budget from the government until December; unpaid members worked out of their homes without staff or equipment. The commission did not investigate any cases and was not operational until December when it moved into government-provided offices.

## **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 discrimination persisted against women and persons with HIV/AIDS. Discrimination based on sexual orientation is not cited except in labor law, which specifically prohibits discrimination in the workplace based on sexual orientation.

### **Women**

Rape and Domestic Violence: The law prohibits rape, including spousal rape but was not effectively enforced; the law was largely unknown in rural areas where the

majority of rapes took place. 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. According to NGO reports, many families preferred to settle such matters through community courts or privately through financial remuneration rather than through the formal judicial system. While spousal rape was rarely reported, it was regarded as a common problem. There were few reports of successfully prosecuted rape cases during the year since few cases were filed, and among those filed, poor police work and lack of sufficient evidence led to even fewer successful prosecutions. Judges commonly exercised strict confidentiality regarding rape cases, accounting for limited media reporting on this issue.

The law 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 sexually contagious disease. There were no reports of investigation or prosecution of such cases during the year.

Domestic violence against women, particularly spousal rape and beatings, remained widespread. Abuse of a spouse or unmarried partner is punishable with one to two years in prison, or a greater penalty if another crime is applicable in addition to domestic violence. A 2008 Multiple Indicators Cluster Survey (MICS) by the UN Children's Fund (UNICEF), the Ministry of Health, and the National Statistics Institute revealed 37 percent of women with either no education or only a primary school education thought it was justifiable to beat a woman under certain circumstances. A quarter of those with a secondary education or higher viewed beatings as sometimes justifiable. A 2007 United Nations Development Fund for Women report, *Violence against Women in Mozambique*, found approximately 10 percent of all cases of violence were reported to police. The main reason was that violence against women was considered a domestic matter to be dealt with privately. In Nampula, the most populous province of the country, Ministry of Interior centers for women and children who are victims of violence, abuse, and exploitation registered 912 cases of domestic violence against women in the first six months of the year, compared with 620 cases in 2012.

Although domestic violence is considered a valid reason to leave a partner, women often have few economic or social alternatives and so remain with the abuser. A woman who leaves an abusive partner risks losing her position in the household and also the larger community. An estimated 95 percent of women were dependent on the community or family-based, typically agricultural, economy.

Many young women also engaged in transactional sex with older, wealthier men in order to survive economically.

With the exception of some ethnic and religious groups, the groom's family provided a bride price to the bride's family, usually in the form of money, livestock, or other goods, although this practice had become somewhat less common in recent years. Among Muslims, the bride's family usually paid for the wedding and provided gifts. Some believed these payments contributed to violence against women and other inequalities, due to the perception the women were thus owned by their husbands.

A 2008-12 national plan to combat violence against women was being implemented in five provinces – Niassa, Tete, Sofala, Inhambane, and Gaza – and in Maputo city but was generally unknown in the rest of the country. During the year the Ministry of Women and Social Action carried out a national campaign on radio and television to combat domestic violence, as well as to educate women about the law and their rights. The messages were broadcast regularly, including at prime times, and included the participation of former president Chissano and many religious leaders.

The government and NGOs often worked together to combat domestic violence. The PRM operated special women's and children's units within police squadrons that received high numbers of cases of domestic violence, sexual assault, and violence against children and assisted victims and their families. All 30 police squadrons in Maputo had women's and children's centers. Nationwide "green lines" (toll-free telephone lines) in police squadron offices were set up to receive complaints of violence against women and children, but NGOs reported the program did not receive the support and resources needed to be effective.

Sexual Harassment: Sexual harassment is illegal; however, it was pervasive in business, government, and schools. The sexual harassment law is based on the 1920s Portuguese penal code; sexual harassment incidents are usually regarded as acts of "indecency" with a maximum penalty of two years' imprisonment.

Reproductive Rights: The government generally recognized the right of couples and individuals to decide the number, spacing, and timing of their children. Health clinics and local NGOs could operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on access to family planning; however, according to U N estimates,

just 12 percent of married women and girls between the ages of 15 and 49 used a modern method of contraception. Rural communities often have limited access to basic health services. Many people in poor communities believe large families enhance wealth generation.

The country continued to have a very high maternal mortality rate (490 deaths per 100,000 live births in 2010), and a woman's lifetime risk of maternal death was one in 43. This was mainly due to poor clinical capacity for obstetric emergencies, such as hemorrhage and obstructed labor, and to a severe lack of doctors – fewer than 1,780 for the whole country – and nurses, especially in rural areas. Other reasons included poor infrastructure, a high HIV/AIDS rate, and poor access to health facilities often resulting in delays in providing medical care. According to UN estimates, nearly 27 percent of maternal deaths in 2010 were AIDS-related. According to the Ministry of Health and the 2011 MICS, skilled health personnel attended approximately 55 percent of births in 2009 and 2010, and nearly 90 percent of pregnant women and girls received at least some prenatal care.

Discrimination: The 2005 Family Law eliminated husbands' legal status as heads of family and legalized civil, religious, and common-law unions. 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. Many women remained uninformed about the law.

Women continued to experience economic discrimination and 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. 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 typically have no rights to inherit an interest in land.

Women held a small proportion of government, public enterprise, and private-sector salaried jobs, and they had correspondingly lower social security benefits and less access to higher-paying occupations than did men. The remainder worked as casual laborers or in the informal sector, primarily in subsistence agriculture. Enforcement of laws that protect women's right to landownership was poor.

The practice of “purification,” whereby a widow is obligated to have unprotected sex with a member of her deceased husband’s family, continued, particularly in rural areas. A 2009 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.

## **Children**

Birth Registration: Citizenship is obtained by birth in the country or by birth abroad to a citizen parent. Particularly in rural areas, births often were not registered immediately. Failure to register results in inability to attend school and can prevent one from obtaining public documents, such as identity cards, passports, or “Poverty Certificates,” which enable access to free health care and free secondary education.

Education: Education is compulsory through primary school (grades one to seven). Primary school completion remained beyond the means of many families, especially in rural areas. While public primary school education is officially tuition-free, families must provide supplies and uniforms. According to the government’s 2010 Millennium Development Goals report, despite joint government-NGO initiatives in some localities to improve girls’ school attendance, only 27.2 percent of girls finished primary school, compared with 40 percent of boys. Only 7 percent of girls and 8 percent of boys attended secondary school.

Child Abuse: Most child-abuse cases involved sexual or physical abuse. Sexual abuse in schools was a growing problem. There were media and NGO reports during the year of large numbers of high school-age girls coerced into having sex by their teachers in order to pass to the next grade. UNICEF reported that 8 percent of primary school students were victims of sexual abuse and another 35 percent were victims of sexual harassment. In 2012 the LDH reported there were many court cases and several convictions for sexual harassment and abuse by teachers during the year but could not provide numbers.

While the government continued to stress the importance of children’s rights and welfare, significant problems remained. A 2008 law on child protection contains sections dealing with protection against physical and sexual abuse; removal from parents who are unable to protect, assist, and educate them; and the establishment of minors’ courts to deal with matters of adoption, maintenance, and regulating parental power. These specialized courts had yet to be established outside Maputo;

however, during the year courts in the remaining 10 provincial capitals added juvenile sections. Juvenile courts resolved many cases regarding support for children after divorce or the end of a relationship.

Orphans and vulnerable children remained at high risk of abuse. Several government agencies, including the Ministries of Health and of Women and Social Action, implemented programs to provide health assistance and vocational education for orphans with HIV/AIDS and other vulnerable children. The Ministry of Women and Social Action continued its program to rescue abandoned orphans and assist single mothers who headed families of three or more persons, but lack of funding limited its scope of action. It also offered special classes in local schools for children of broken homes.

Forced and Early Marriage: The law sets the minimum age of marriage for both genders at 18 for those with parental consent and 21 for those without it. Legal permission to marry at age 16 may be granted with parental consent if “circumstances of recognized public and family interest,” such as pregnancy, exist. Local custom, primarily in the northern provinces and in Muslim and South Asian communities, allows underage marriage. The 2008 MICS found that 17.7 percent of girls were married before age 15.

Sexual Exploitation of Children: Without specifying prison terms or fines if convicted, the law prohibits pornography, child prostitution, and sexual abuse of children under 18; however, exploitation of children below the age of 18 and child prostitution remained problems. While the law on protecting children was being implemented, regulations for many sections of the law had not been fully drafted by year’s end. For example, during the year there were prosecutions for sexual abuse of children, although there were no prosecutions for pornography or child prostitution reported. Underage girls are exploited in prostitution in bars, roadside clubs, and restaurants in border towns and overnight stopping points along the southern transport corridor that links Maputo, Swaziland, and South Africa. Child prostitution appeared to be most prevalent in Maputo, Nampula, Beira, at border towns, and at overnight stopping points along key transportation routes. Child prostitution reportedly grew in the Maputo, Beira, Chimoio, Pemba, and Nacala areas, which had highly mobile populations and a large number of transport workers. Some NGOs provided health care, counseling, and vocational training to children, primarily girls, engaged in prostitution.

Displaced Children: Children from Zimbabwe, Malawi, and Swaziland, many of whom had 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, largely due to lack of resources. Coercion, both physical and economic, of these girls into the sex industry was common, particularly in Manica Province.

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

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 and other vulnerable children, 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, but its scope of action was limited due to lack of funding. It also offered special classes in local schools to children of broken homes. NGOs sponsored food, shelter, and education programs in all major cities.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

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

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The constitution and law prohibit discrimination against citizens with disabilities but does not differentiate between physical, sensory, intellectual, and mental disabilities. The government provided few resources to implement this provision.

There were an estimated 475,000 persons with disabilities. Such individuals frequently engaged in begging at city street intersections.

Discrimination in employment, education, access to health care, and the provision of other state services was common. Observers often cited unequal access to employment as one of the biggest concerns. The law requires access to public buildings for persons with disabilities, and although the Ministry of Public Works and Habitation worked to fulfill that goal in Maputo city, progress was very slow. The government had not effectively implemented programs to provide access to information and communication for persons with disabilities. Educational opportunities for disabled children were generally poor, especially for those with developmental disabilities, although the government sometimes referred parents of children with disabilities to private schools with more resources to provide for their children. The Mozambican Association for the Disabled (ADEMO) reported that teacher training programs do not include techniques on how to address the needs of students with disabilities. ADEMO also observed school buildings fell short of international standards for accessibility, and public tenders were not designed to support the participation of persons with disabilities. ADEMO noted, however, the introduction this year of a sign language course at the Universidade Eduardo Mondlane, the country's second largest university.

Electoral law provides for access and assistance to voters with disabilities in the polling booths, including the right for them to vote first.

The only psychiatric hospital was overwhelmed with patients and did not provide adequate basic nutrition, medicine, or shelter. Doctors also reported many families abandoned members with disabilities at the hospital.

Veterans with disabilities continued to report non-receipt of pensions.

The Ministry of Women and Social Action is responsible for protecting the rights of persons with disabilities. The 890.6 million meticaís (\$30 million) 2012-19 National Action Plan in the Area of Disabilities received approval in September 2012. The plan is intended to provide funding, monitoring, and assessment of implementation by various organizations that support people with disabilities.

The city of Maputo offered free bus passes to persons with disabilities. Buses in Maputo do not have special accessibility features. Because public transportation is limited, many citizens ride in private minibuses and in the backs of pickup trucks, hazardous for persons with or without disabilities. Ramps are rare, and sidewalks are hazardous for pedestrians to traverse.

**National/Racial/Ethnic Minorities**

There were reports police discriminated against Zimbabwean, Somali, and Chinese immigrants during the year.

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

There are no laws criminalizing consensual same-sex sexual activity. There were reports of discrimination based on sexual orientation and gender identity. The Workers Law includes an article that prohibits discrimination in the workplace based on a number of factors, including sexual orientation. Since 2008 the government has declined to act on the application for registration as an NGO of Lambda, the Mozambican Association for the Defense of Sexual Minorities, although it met with Lambda representatives during the year.

The government does not track and report discrimination or crimes against individuals based on sexual orientation or gender identity. The media did not report such abuses.

**Other Societal Violence or Discrimination**

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

Reports continued of many women expelled from their homes and abandoned by their husbands and relatives because they were HIV-positive. Some women widowed by HIV/AIDS were accused of being witches who purposely killed their husbands to acquire belongings; as retribution they were deprived of all possessions.

In August vigilante violence occurred in Matola, a suburb of Maputo, after rumors arose of a criminal gang perpetrating a string of home invasions, rapes, and robberies in various Matola neighborhoods. Affected communities formed nighttime patrols for protection; most operated independently of police. According to police, vigilante mobs killed six people in one week. In one widely reported example, two neighborhood patrols mistook renowned painter Alexandria Ferreira

as a gang member. He took refuge in a police station, but the patrols removed Ferreira from the station and beat him to death.

## **Section 7. Worker Rights**

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

The constitution and law provide that workers are free to form and join independent trade unions, conduct legal strikes, and bargain collectively, with some exceptions. Public-sector workers require government permission to form unions, which authorities never granted, although a number of employee associations existed, and these organizations presented grievances and pursued the interests of their members. The government has 45 days in which to register an employers' or workers' organization, which the International Labor Organization deemed excessive. Compulsory arbitration is permitted, although not required, and it was not used for a wide range of sectors that the government deemed essential, including the two special economic areas and one free industrial area. Sectors deemed essential must also provide a minimum level of services during a strike. Strikes must be announced at least five days in advance, and the announcement must include the expected duration of the strike, although the government interprets this to allow indefinite strikes. Strikes may be ended by mediation and arbitration bodies, not just by the unions and workers themselves. The law prohibits antiunion discrimination. No group of workers is excluded from these legal protections.

The government did not effectively enforce many of its labor laws, largely due to lack of resources to investigate abuses, although the government occasionally made efforts to do so, including fines for companies that violated labor laws and regular expulsion of foreign workers for abuses. Penalties for violations of labor laws were not common and were not sufficient to deter violators. There were occasionally lengthy procedural delays and appeals.

Freedom of association and the right to collective bargaining were generally not respected, and workers exercised few of these rights. There are strict legal constraints on workers' meetings in the workplace. While unions occasionally engaged in negotiating wage increases and organizing concerted work actions, such as strikes, such activities were infrequent.

The leading trade union organization, OTM-Central Sindical, was widely perceived as biased in favor of the government and the ruling party, Frelimo.

Similarly, 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 workforce. In the private sector, employers continued to renege on collective agreements.

There were reports companies continued to engage in antiunion discrimination by replacing pro-union workers at the end of their contracts and dismissing workers for striking. The government occasionally used intimidation to quell the activities of workers organizations.

On May 26, police arrested AMM leader Jorge Arroz on charges of “sedition.” Although authorities released Arroz and dropped charges, observers noted that the arrest led to a chilling of the climate for organized labor (see section 2.b.).

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

The law prohibits all forms of forced or compulsory labor, including that of children. The law against trafficking in persons, which includes forced labor, prescribes penalties of 16 to 20 years’ imprisonment for traffickers. While the government made some efforts to enforce these laws, it did not do so effectively. The government made some efforts to prevent and eliminate forced labor, such as the formation of provincial “reference groups” to coordinate local action on trafficking, including the forced labor of children at border towns.

There were numerous reports of forced labor and forced child labor in the domestic and agricultural sectors. Women and girls from rural areas, lured to cities with promises of employment or education, were exploited in domestic servitude. Women and girls from Zimbabwe and Malawi who voluntarily migrated to the country were subsequently exploited in domestic servitude (see Section 7.c.).

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

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

In the formal economy, the minimum working age without restrictions is 18. The law permits children between ages 15 and 18 to work, but the employer is required to provide for their education, training, and conditions of work that are not damaging to their physical and moral development. Children between the ages of 12 and 15 may 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, 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.

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. There were no mechanisms in place for submitting complaints about hazardous and forced child labor. Violations of child labor provisions are punishable with fines ranging from one to 40 months of the minimum wage salary. 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. There were 130 labor inspectors, none of whom specialized in child labor issues. Inspectors received low wages, making them vulnerable to bribes. The inspectors often did not have the means to travel to sites independently and were therefore reliant on the company that they were investigating for committing violations to provide travel to the site of an alleged violation. 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, although lack of resources constrained these efforts.

The government made few new efforts to prevent and eliminate child labor during the year. Efforts to prevent child labor included public awareness campaigns and increased training of law enforcement officials in recognizing and combating child labor and trafficking. In September the Ministry of Labor, in partnership with International Labor Organization, organized a conference to draft a new child labor national action plan to submit to the Council of Ministers. Drafting of the plan had not begun by year's end.

Child labor remained a problem. Although the law prohibits forced and bonded labor by children, it was a common problem, especially in rural areas. In addition, some girls from rural areas migrated to urban centers, where they were vulnerable to commercial sexual exploitation (see section 6, Children). Mothers who did not

complete secondary school were more likely to have children involved in child labor. Out of economic necessity, especially in rural areas, children worked particularly in commercial agriculture, as domestic employees, or in prostitution.

In a biannual meeting of Parlamento Infantil, the government organization for children, 117 children from across the country held a two-day “parliamentary” session in Maputo that included a question-and-answer session with members of the government. Many children expressed concerns about the existence of child labor in their provinces.

Children, including those under age 15, commonly worked on family farms in seasonal harvests and on commercial plantations harvesting cotton, tobacco, or tea and were paid on a piecework basis rather than for an hourly minimum wage. Trade unions indicated that in the northern provinces of Zambezia, Nampula, and Cabo Delgado, adults hired to work in tobacco, cotton, cashew, and coconut plantations routinely had their children work also to increase their income. These children worked long hours and were prevented from attending school.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

Minimum wages varied by sector from 2,500 meticaís (\$84) to 6,817 meticaís (\$229) and were increased to these levels in April. Workers generally received benefits, such as transportation and food, in addition to wages. Trade unions estimated that a minimum livable monthly wage to provide for a family of five was 7,900 meticaís (\$265). The standard legal workweek is 40 hours but can be extended to 48 hours. After 48 hours overtime must be paid at 50 percent above the base hourly salary. The law limits overtime to two hours per day and 100 hours per year. The law provides for one hour of rest per day. Foreign workers are protected under the law. In the small formal sector, health and environmental laws were in place to protect workers. The government sets occupational health and safety standards. Workers have the right to clean and safe workplaces, including good physical, environmental, and moral conditions. Workers have the right to be informed of risks and instructed on how to follow the regulations and minimize risks, as well as the right to protective clothing and equipment, first aid, health exams, and compensation for workplace injuries or sickness. No sectors or groups of workers, including informal sector workers, are specifically exempted from these laws.

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

The Ministry of Labor did not effectively enforce these health, safety, and wage laws, and the government only occasionally fined or closed firms for noncompliance. The ministry employed only 130 inspectors and provided minimal financing for inspections. There continued to be significant violations of labor laws in many companies, and the infrequency of sanctions for violations created little deterrent to continued violation.

There were reports of some employers paying below the minimum wage.

Although the industrial sector frequently paid above minimum wage, there were few industrial jobs outside the Maputo area. The country's two special economic areas and one free industrial area have special fiscal incentives such as exemption from value-added taxes and customs duties and have some non-fiscal incentives, including more flexibility in hiring foreign labor; however, the same regulations for wages, workweek, and occupational safety and health are in place within the zones as were described above. The zones are regulated by the Inspeccao Geral das Actividades Economicas, which is composed of representatives from a number of ministries. There were no reports of violations of wage, overtime, or occupational safety and health standards in these special economic zones. 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 holding a second job, maintaining their own gardens, or depending on the income of other family members.

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.

By law workers have the right to remove themselves from situations that endanger their health and safety without jeopardy to their employment, but threats of dismissal and peer pressure restricted this right. There were no special provisions for foreign and migrant workers.

In May the Labor Consultative Council, a forum comprised of the government, private sector, and unions, proposed a regulation on labor accidents to replace the 1957 regulation. At year' end, the Council of Ministers had not approved the regulation.

From January to August, there were 336 registered workplace accidents, eight of which resulted in the deaths of workers. Most accidents occurred in the agriculture sector.