

# MOZAMBIQUE 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Mozambique is a multiparty parliamentary democracy with a freely elected republican form of government. On October 15, national elections for president, parliament, and provincial assemblies took place. Voters re-elected as president Filipe Jacinto Nyusi of the ruling Front for the Liberation of Mozambique (Frelimo) party with 73 percent of the vote. Multiple national and international observers considered voting generally orderly but reported systemic vulnerabilities, such as inconsistent application of election procedures and lack of transparency during vote tabulation. A number of foreign observers--including the EU and European Commonwealth--and domestic civil society organizations expressed concerns regarding election irregularities. These included delays in observer credentialing, nonregistration of large numbers of independent and opposition observers, the arrest and intimidation of some opposition observers, late release of campaign funding to political parties, intentional spoiling of ballots, vote falsification, and inordinately high voter turnout in some districts that indicated ballot box stuffing.

The National Police (PRM), the National Criminal Investigation Service (SERNIC), and the Rapid Intervention Unit (UIR) are responsible for law enforcement and internal security. The PRM, SERNIC, and the UIR report to the Ministry of the Interior. The Border Security Force--responsible for protecting the country's international borders and for carrying out police duties within 24 miles of borders--also reports to the Ministry of the Interior. The State Intelligence and Security Service (SISE) reports directly to the president and is responsible for intelligence operations. The Presidential Guard provides security for the president, and the Force for the Protection of High-level Individuals provides security for senior-level officials at the national and provincial levels. The Armed Defense Forces of Mozambique (FADM), consisting of the air force, army, and navy, are responsible for external security, cooperate with police on internal security, and have natural disaster and emergency response functions. The president is commander in chief of the FADM. All these forces are referred to collectively as the Defense and Security Forces.

Civilian authorities at times did not maintain control over the PRM, SERNIC, the UIR, the Border Security Force, SISE, and the FADM. With some exceptions, the government lacked mechanisms to investigate and punish abuse and corruption. Multiple cases of arbitrary deprivation of life and arbitrary arrest demonstrated that

impunity for perpetrators in the security forces remained widespread (see sections 1.a. and 1.d.).

During the year violent attacks against government forces and civilian populations that began in 2017 escalated dramatically in frequency and intensity in the northeastern districts of Cabo Delgado Province. From January to November, there were an estimated 262 civilian deaths from attacks. Security forces responses to these attacks were often heavy-handed, including the arbitrary arrest and detention of civilians.

Significant human rights issues included: unlawful or arbitrary killings by government security forces; arbitrary detention; harsh and life-threatening prison conditions; widespread acts of official corruption; and violence against women and inadequate government efforts to investigate, prosecute, or otherwise hold perpetrators accountable.

The government took steps to investigate, prosecute, and punish some officials who committed abuses; however, impunity remained a problem at all levels.

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

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. Most reports named security forces, particularly the PRM, as the perpetrators.

From January to November, violent extremists killed an estimated 262 civilians. Security forces responded to these attacks with heavy-handed tactics, including unlawful killings. For example, on October 7, four off-duty police officers shot and killed civil society leader Anastacio Matavel as he was leaving a training session for domestic election observers.

On August 8, the Nampula Provincial Court determined that there was insufficient evidence to implicate two suspects--former Nampula City Council member Aly Abdala and businessman Zainal Abdina Satar--in the 2017 killing of the mayor of Nampula, Mahamudo Amurane. Other unresolved cases included the 2016 killing of Jeremias Pondeca, a senior representative of the Mozambique National

Resistance Party (Renamo) who was engaged in negotiations with the government, and the 2015 killing of constitutional lawyer, Gilles Cistac.

The rate of violent extremist killings in Cabo Delgado Province escalated during the year claiming the lives of approximately 600 individuals. Judicial authorities sentenced dozens of convicted perpetrators to jail terms of up to 40 years for involvement in extremist violence.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of civilian or military authorities.

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

The constitution and law prohibit such practices, but there were reliable reports that defense and security forces in Cabo Delgado Province abused persons suspected of involvement in extremist violence. For example, in July a video surfaced showing an alleged government security force member beating a terrorist suspect with a cane in Cabo Delgado. According to the Mozambican Bar Association, in January security forces harshly interrogated journalist Amade Abubacar while he was held incommunicado in a military prison in Cabo Delgado Province.

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

Prison conditions remained harsh and potentially life threatening in most areas due to gross overcrowding, inadequate sanitary conditions, and limited medical care.

Physical Conditions: Government officials and civil society organizations cited overcrowding, poor nutrition, poor hygiene and medical care, the inclusion of juvenile prisoners in adult facilities, and convicted and untried prisoners sharing cells as serious problems. Almost all prisons dated from the pre-1975 colonial era, and many were in an advanced state of dilapidation. In March the attorney general submitted her annual report to parliament. The report cited overcrowding and degradation of infrastructure as threats to the security, rehabilitation, and human rights of prisoners. The Attorney General's Office (PGR) acknowledged an acute shortage of prison facilities, resulting in human rights abuses of those detained. According to the PGR, prisons were at 110 percent above capacity with 17,908

prisoners occupying space for only 8,498. For example, the Zambezia Provincial Prison held more than 800 prisoners, almost four times its designated capacity of 240. American citizen prisoners held in detention in Maputo reported severe overcrowding.

Juvenile detainees were held in preventive detention with adult prisoners. Inmates with disabilities often shared cells with other prisoners. No information was obtained on deaths in prison, jails, pretrial detention, or other detention centers attributed to physical conditions.

Administration: International and domestic human rights groups reported mistreatment of detainees, specifically those detained in Cabo Delgado Province as a result of counterextremist operations. Although no formal system specific to prisons existed for receiving or tracking complaints, prisoners were free to contact the PGR, national ombudsman, or nongovernmental organizations (NGOs) with complaints.

Independent Monitoring: International and domestic human rights groups had access to prisoners at the discretion of the Ministry of Justice, Constitutional, and Religious Affairs and the Ministry of the Interior, and permission to visit prisoners was generally granted. The Mozambican Human Rights League and the National Commission on Human Rights (CNDH) had a high degree of access to prisons run by the Ministry of Justice, Constitutional, and Religious Affairs.

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

The constitution and law prohibit arbitrary arrest and detention and provide for the right to challenge the lawfulness of arrest or detention in court. The government generally observed these requirements. Nevertheless, according to civil society groups, security forces repeatedly arrested and detained persons suspected of involvement in extremist violence and property destruction in northern Cabo Delgado Province. In July the Attorney General's Office stated that 250 suspected insurgents in Cabo Delgado Province were arrested, 120 of whom remained incarcerated at year's end.

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

Apart from operations countering extremist violence in northern Cabo Delgado Province, authorities generally did not detain suspects without judicial authorization. By law judges or prosecutors must first issue an arrest warrant

unless a suspect is caught in the act of committing a crime. The maximum length of investigative detention is 48 hours without a warrant or six months with a warrant, during which time a detainee has the right to judicial review of the case. A detainee may be held another 90 days if SERNIC continues its investigation. A person accused of a crime carrying a potential maximum sentence if convicted of more than eight years' imprisonment may be detained up to an additional 84 days without being formally charged. A court may approve two additional 84-day periods of detention without charge while police complete their investigation. The detainee must be released if no charges are brought within the prescribed period for investigation. Authorities did not always respect these legal requirements, however. For example, from March to August, corruption suspect Ndambi Guebuza, the son of former president Armando Guebuza, was held without charge. On July 25, after being held for more than four months, he petitioned the court to order that he either be charged with a crime or released. On August 8, the Attorney General's Office filed charges against him. As of November he remained incarcerated pending trial.

The law provides for citizens' right to access the courts and the right to legal representation, regardless of ability to pay for such services. Indigent defendants, however, frequently received no legal representation due to a shortage of legal professionals willing to work without charge. There were no reports of suspects held incommunicado or under house arrest.

The bail system remained poorly defined.

Pretrial Detention: Lengthy pretrial detention continued to be a serious problem due to a lack of judges and prosecutors and poor communication among authorities.

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

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality in nonpolitical matters. Some civil society groups asserted, however, that the executive branch and ruling Frelimo Party exerted influence on an understaffed and inadequately trained judiciary, especially in politically sensitive national security cases where extremist suspects were accused of violent crimes in Cabo Delgado Province.

#### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial without undue delay, and the judiciary generally enforced this right. Courts presume accused persons innocent, and defendants have the right to be informed promptly and in detail of the charges. By law defendants are entitled to a fair, timely, and public trial, and the right to be present at their trial. Defendants enjoy the right to communicate with an attorney of their choice, and the law specifically provides for public defenders for all defendants, although this did not always happen. While defendants have adequate time to prepare a defense, they often do not have adequate facilities to do so. Defendants also have the right to free interpretation as necessary, and authorities generally did not deny persons these rights. Convicted persons may appeal lower court decisions to a higher court.

By law only judges or lawyers may confront or question witnesses. A defendant may present witnesses and evidence on their own behalf. The government generally upheld such rights. Defendants may not be compelled to testify or confess guilt.

Persons accused of crimes against the government, including treason or threatening national security are tried publicly in civilian courts according to standard criminal judicial procedures. Members of media and the general public attended trials throughout the year. A judge may order a trial closed to media in the interest of national security, to protect the privacy of the plaintiff in a sexual assault case, or to prevent interested parties outside the court from destroying evidence.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

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

Individuals or organizations may seek civil remedies for human rights abuses through domestic courts. By law citizens may file lawsuits through the Office of the Ombudsman, the CNDH, and the Mozambican Bar Association seeking cessation of human rights abuses, damages for abuses, or both. The country is a signatory to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights. Individuals and organizations may appeal adverse domestic decisions to the court; however, the government has not recognized the court's competency to accept cases from NGOs and individuals.

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

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit arbitrary or unlawful interference with privacy, family, home, or correspondence; however, there were reports the government at times failed to respect the privacy of personal communications. In contrast with 2018, there were no reports authorities entered homes without judicial or other appropriate authorization. Some civil society activists stated government intelligence services and ruling party agents monitored telephone calls and emails without warrants, conducted surveillance of their offices, followed opposition members, used informants, and disrupted opposition party activities in certain areas.

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

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

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

Freedom of Expression: There were no official restrictions on the ability of individuals to criticize the government or on the discussion of matters of general public interest. Police imposed de facto restrictions on free speech and expression throughout the year. Opposition and civil society members complained they could not freely criticize the government without fear of reprisal. The opposition Renamo Party accused the government of using the military and police to prevent its candidates from undertaking political activities.

Press and Media, Including Online Media: Media outlets and individual journalists regularly reported on a broad range of topics and criticized the government, the ruling party, and prominent political figures. The vast majority of critical articles

did not result in retaliation from the government or the ruling party. Civil society organizations and journalists, however, stated the government and ruling party exerted substantial pressure on all forms of media and took retaliatory action when unspecified limits were crossed. In August parliament passed a law criminalizing photographing or recording video and audio of individuals without their consent. Conviction of violating this law is punishable by up to one year in prison.

Violence and Harassment: Journalists were subjected to violence, harassment, or intimidation due to their reporting. For example, civil society and journalists stated that authorities harassed journalists who reported on the involvement of finance minister Manuel Chang in the “Hidden Debt” scheme in which nearly 124 billion meticaís (two billion dollars) in government-backed loans were secretly contracted through a scheme that involved extensive bribery and kickbacks, including to sitting government officials.

On January 5, soldiers arrested journalist Amade Abubacar in Cabo Delgado Province as he was interviewing residents who were fleeing insurgent attacks. He was reportedly held incommunicado in a military detention facility until his lawyers succeeded in obtaining his transfer to a civilian prison. Authorities stated he was suspected of terrorist activity and charged with violating state secrets. Amnesty International stated mistreatment of Abubacar while in detention included “physical aggression, forcing him to sleep handcuffed” and food deprivation. It concluded that this amounted “to cruel, inhuman or degrading treatment or punishment, or even torture.” On April 23, Abubacar was released, but his freedom of movement was restricted. On September 5, the public prosecutor of Cabo Delgado Province charged him with “public instigation through the use of electronic media,” “slander against forces of public order,” and “instigation or provocation to public disorder.” As of November the Cabo Delgado Provincial Court had yet to accept the case.

Censorship or Content Restrictions: There were no official government guidelines for media. Journalists in the state-controlled and private media reported pressure to self-censor. Some journalists stated critical reporting could result in cancellation of government and ruling party advertising contracts. The largest advertising revenue streams for local media came from ministries and state-controlled businesses. Domestic and international observers viewed the January 5 arrest and jailing of journalist Amade Abubacar while interviewing persons displaced by violence in Cabo Delgado Province as an example of de facto censorship.



National Security: Authorities cited antiterrorism and national security laws to arrest journalists who attempted to report on violence in Cabo Delgado Province. On February 18, journalist Germano Adriano was arrested, charged with using technology to violate state secrets, and jailed. He was released in April. By November he had yet to be tried.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content; however, there were reports that the government monitored private online communications without appropriate legal authority. For example, members of civil society reported government intelligence agents monitored email and used false names to infiltrate social network discussion groups, and internet freedom advocates believed the intelligence service monitored online content critical of the government.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events; however, some academics reported self-censorship. Although the law provides for separation of party and state, in Nampula and Zambezia Provinces, school principals and teachers were required to contribute money to the ruling party's election campaign. Teachers in both provinces who refused to donate to the campaign were threatened with salary reductions. Some teachers were required to attend Frelimo election rallies and events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association. The government did not always respect these rights.

### **Freedom of Peaceful Assembly**

In January staff members of the Center for Public Integrity (CIP) distributed free T-shirts in front of their office with the slogan, "I'm not paying hidden debts!" referring to the Hidden Debt scandal in which state-owned companies contracted two billion dollars in debt for fishing and maritime security-related projects. According to CIP, police physically prevented CIP staff members from distributing the T-shirts.

## **Freedom of Association**

The Ministry of Justice, Constitutional, and Religious Affairs did not act on the request for registration of the Mozambican Association for the Defense of Sexual Minorities (LAMBDA)--the country's only lesbian, gay, bisexual, transgender, and intersex (LGBTI) advocacy NGO--by year's end. Although the registration process usually takes less than two months, LAMBDA's request has been pending since 2008 despite resubmissions of its application. Civil society leaders and some diplomatic missions continued to urge the ministry to act on LAMBDA's application and to treat all registration applications fairly. In 2017 the Constitutional Court ruled LAMBDA and other groups could not be precluded from registration based on "morality" but did not direct the government to grant official recognition to LAMBDA. LAMBDA continued to pursue a previously filed case with the Administrative Tribunal--the highest jurisdiction for administrative matters--specifically seeking to compel the government to respond to its registration request.

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

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

### **e. Internally Displaced Persons**

The International Organization for Migration estimated there were more than 90,000 internally displaced persons (IDPs) in the country in October due to Cyclones Idai and Kenneth.

In March in the aftermath of Cyclone Idai, UN agencies and international donors delivered life-saving assistance including emergency shelter and nonfood items (solar lamps, blankets, jerry cans, buckets, mosquito nets, kitchen sets) to nearly

150,000 IDPs. In April, UN agencies and donors provided a short-term presence for coordination and protection monitoring of approximately 25,000 IDPs in Cabo Delgado immediately after Cyclone Kenneth made landfall. In April the World Food Program stated it was providing emergency food assistance to more than 30,000 IDPs displaced by to extremist violence in six northern districts of Cabo Delgado Province.

#### **f. Protection of Refugees**

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

Durable Solutions: The government worked closely with UNHCR to implement a local integration program for refugees in communities in Maputo and nearby Matola, and at the Maratane Camp in Nampula Province. UNHCR referred a limited number of refugees for third-country resettlement.

#### **g. Stateless Persons**

Not applicable.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

In August the government and the main opposition party, Renamo, signed cessation of hostilities and formal peace agreements, formally ending four years of sporadic conflict. The National Assembly subsequently enacted the agreements into law. On July 31, the demobilization, disarmament, and reintegration process for Renamo combatants began with 350 fighters in the Gorongosa District of Sofala Province.

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

Recent Elections: On October 15, the country held national elections for president, parliament, and provincial assemblies. Domestic and international observers noted voting day procedures were generally orderly but lacked transparency and accountability during vote tabulation. The EU, European Commonwealth, and civil society organizations reported significant irregularities. These included delays in observer credentialing, nonregistration of more than 3,000 independent and opposition observers, the arrest and intimidation of some opposition observers, late release of campaign funding to political parties, intentional spoiling of ballots, vote falsification, and inordinately high voter turnout in some districts that indicated ballot box stuffing. Renamo and the Democratic Movement of Mozambique did not recognize the election results as legitimate, and opposition party members of the National Election Commission (CNE) voted unanimously to reject certification of the provisional results. The president of the CNE acknowledged that irregularities occurred and stated that the Constitutional Council would determine whether the elections were free, fair, and transparent. The council had yet to rule on the matter by year's end.

The EU Election Observation Mission stated that the electoral process occurred on an “uneven playing field” in favor of Frelimo because it benefitted from the advantages of incumbency and may have exercised political influence on electoral administration. Some observers and local press reported that Frelimo party operatives collected voters' names and their voting card numbers as a means of intimidating them into voting for Frelimo.

During the campaign period, representatives of opposition parties and civil society complained of increased acts of violence, intimidation, and bias by the government and Frelimo operatives. For example, on October 7, four off-duty police officers shot and killed human rights activist Anastacio Matavel, executive director of FONGA-Gaza NGO Forum, as he was leaving domestic observer election training. Other acts of alleged election-related violence were reported throughout the pre-election campaign period, including shootings, stabbings, and beatings.

During vote tabulation, civil society and international observers noted that election authorities did not exercise systematic control of ballots, which observers stated created opportunities for tampering or altering voting results.

Political Parties and Political Participation: Frelimo has dominated the political process since the country's independence in 1975. Opposition political parties could operate, yet there were occasional restrictions on meetings, unlawful arrests, and other forms of interference and harassment by the government. The opposition

contended Frelimo manipulated voter registration numbers. For example, in June in Gaza Province, a ruling party stronghold, the CNE registered 300,000 more voters than the National Statistics Institute estimated were eligible to vote based on census data. Renamo challenged the accuracy of the voter registration numbers in the Constitutional Court, and civil society organizations offered to fund an independent audit. The court rejected the challenge on procedural grounds. In August the CNE rejected the request to conduct an audit, citing an existing criminal investigation into opposition party allegations of voter registration irregularities by the public prosecutor.

In the October 2018 municipal elections, some opposition candidates were prevented from competing due to inconsistent application of eligibility rules. In addition inconsistent application of the law that prohibits campaign activity outside of designated time periods favored Frelimo candidates.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Women and members of many ethnic groups held key political positions. Nevertheless, only seven of 23 ministers in the president's cabinet were women. Frelimo used quotas to provide for female representation on its central committee.

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

The law provides criminal penalties for conviction of corrupt acts by officials; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Corruption was a problem in all branches and at all levels of government. In 2018 the president stated corruption was among the greatest challenges facing the country and stressed the fight against corruption was a top priority.

Corruption: Corruption, including extortion by police, remained widespread, and impunity remained a serious problem. Police regularly demanded identification documents or alleged vehicular infractions solely to extort bribes.

There were several cases of public corruption during the year involving active and former government officials arrested and charged with crimes. Those charged included former labor minister and former cabinet official Maria Helena Taipo and ambassador to Russia Bernardo Chirinda. Both were charged with embezzlement and misuse of public funds.

In what became known as the Hidden Debt scheme (see sections 2.a and 2.b.), in 2013 the government began guaranteeing a series of loans totaling more than 128 billion meticaís (two billion dollars) from two investment banks--Credit Suisse and the Russian VTB (Vendor Take Back) Bank--for three security and defense-related state-owned enterprises. The loans were signed by former finance minister Manuel Chang, and their existence was not disclosed to the public or parliament. In December 2018 Manuel Chang was arrested in South Africa pursuant to a U.S. arrest warrant related to his alleged involvement in the scheme. On June 3, the Constitutional Council declared the loans illegal. Twenty additional suspects of involvement in the scheme were also arrested.

Financial Disclosure: The law requires annual income and assets disclosure by appointed and elected members of the government and high-ranking civil servants to the Ministry of State Administration. The law provides for fines for those who do not file declarations; however, the declarations are not made public. The Center for Public Integrity reported incomplete compliance because the process of requiring public servants to file financial disclosures was not effective.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The government had yet to act on the registration request pending since 2008 of a local LGBTI rights advocacy organization. The government frequently denied or delayed NGO access to areas where credible allegations of abuses by security forces occurred.

Government Human Rights Bodies: The CNDH is mandated to promote and defend the human rights provisions of the constitution. Its stated priorities include cases of law enforcement violence, judicial corruption, and abuses of prisoner rights. The CNDH lacks authority to prosecute abuses and must refer cases to the judiciary. Commission members are chosen by political parties, civil society, the prime minister, and the Mozambican Bar Association

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

#### **Women**

Rape and Domestic Violence: The law criminalizes rape of adults and children, including spousal rape, and domestic violence. Penalties for conviction range from two to eight years' imprisonment if the victim is age 12 or older and 20 to 24 years' imprisonment if the victim is younger than age 12.

Conviction of abuse of a spouse or unmarried partner--regardless of gender--is punishable by one to two years' imprisonment or longer if another crime is also applicable. The government did not effectively enforce domestic abuse law. NGOs stated domestic violence against women remained widespread.

The Office of the Attorney General stated that the Bureau of Family Assistance and Minor Victims of Domestic Violence handled nearly 14,000 cases of domestic violence, most of which occurred in Maputo and Inhambane Province--an increase of nearly 11 percent from 2018. The Attorney General's Office stated it processed nearly 7,000 cases of criminal domestic violence during the year.

Many cases of domestic violence were not reported to authorities. According to NGO and media reports, many families preferred to settle rape allegations through informal community courts or privately through financial remuneration rather than through the formal judicial system.

Government agencies and NGOs implemented public outreach campaigns to combat violence against women nationwide. Police and NGOs worked together to combat domestic violence. The PRM operated special women and children's units within police precincts that received high numbers of cases of domestic violence, sexual assault, and violence against children.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. FGM/C existed in the country, but NGOs and the government stated the incidence was low. There were no reliable estimates of the numbers of girls and women subjected to FGM/C. For additional information, see Appendix C.

Other Harmful Traditional Practices: The practice of "purification," whereby a widow is obligated to have unprotected sex with a member of her deceased husband's family, occurred, particularly in rural areas, despite campaigns against it.

Sexual Harassment: Sexual harassment remained pervasive in business, government, schools, and broadly in society. There is no legislation on sexual harassment in public places outside of schools. By law a teacher who abuses or

sexually harasses a student through orders, threats, or coercion may be fined up to 20 times the teacher's monthly salary.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization. For additional information, see Appendix C.

Discrimination: The law provides the same legal status and rights for women as for men; however, the government did not enforce the law effectively. The law does not specifically require equal pay for equal work, nor does it prohibit discrimination based on gender in hiring. The law contains provisions that limit excessive physical work or night shift requirements during pregnancy. The law contains special provisions to protect women against abuse; however, these provisions were rarely enforced.

Women experienced economic discrimination. Gaps in education and income between men and women remained high. In some regions, particularly the northern provinces, women had limited access to the formal judicial system for enforcement of rights provided by the civil code and instead relied on customary law to settle disputes. Enforcement of laws that protect women's rights to land ownership in the formal economy remained poor. Women typically could not inherit land under customary law.

The parliament had a women's caucus, composed of members from the three parties with parliamentary seats that sought to promote women's rights, including gender-balance issues such as women's representation in decision-making bodies.

## **Children**

Birth Registration: Citizenship is obtained by birth within the country or birth to at least one Mozambican citizen parent outside the country. Failure to register a child's birth may result in the child's inability to attend school and may prevent a person from obtaining public documents, such as identity cards, passports, or "poverty certificates" that enable access to free health care and free secondary education. Birth registration was often delayed in rural areas. Cultural practice prevented a woman, especially in rural areas, from exercising her legal right to register her child without the presence of the child's father.

Education: By law education is compulsory, universal, and free of tuition through primary school and grades seven through nine of secondary school. Nevertheless, school costs for supplies and uniforms remained beyond the means of many



families, especially in rural areas. According to the *Millennium Development Goals Report*, only 52 percent of children complete primary school education.

Child Abuse: The Child Protection Law provides for protection against physical and sexual abuse; removal of children from parents who are unable to protect, assist, and educate them; and juvenile courts to deal with matters of adoption, maintenance, and regulating parental power. Juvenile courts have wide discretion with regard to sentencing, but the law requires a minimum of 16 to 20 years' imprisonment for conviction of trafficking in persons.

Most child-abuse cases involved sexual or physical abuse. Sexual abuse in schools and in homes was a problem. NGOs remained concerned that certain male teachers used their authority to coerce female students into sex. Orphans and other vulnerable children remained at high risk of abuse.

While the government stressed the importance of children's rights and welfare, significant problems remained; the government had yet to implement any programs to combat child abuse.

Early and Forced Marriage: By law the minimum age of marriage for men and women is 18. In July parliament outlawed marriage for children younger than age 18; the minimum age was previously 16 with parental consent. For additional information, see Appendix C.

Sexual Exploitation of Children: The minimum age for consensual sex is 16 for boys and girls. The law prohibits the commercial sexual exploitation of children and child pornography. Authorities partially enforced the law, but exploitation of children and child prostitution remained a problem. Girls were exploited in prostitution in bars, roadside clubs, and restaurants. Child prostitution appeared to be most prevalent in Maputo Province and the provinces of Nampula, Beira and Manica, border towns, and at overnight stopping points along key transportation routes. Some NGOs provided health care, counseling, and vocational training to children, primarily girls, engaged in prostitution.

Displaced Children: Children from Zimbabwe, Malawi, and Eswatini, many of whom entered the country alone, remained vulnerable to labor exploitation and discrimination (see section 2.d, Freedom of Movement). They lacked protection and had limited access to schools and other social welfare institutions, largely due to lack of resources. Coercion, both physical and economic, of girls into the sex industry was common, particularly in Manica Province.

Several government agencies, including the Ministry of Health and the Ministry of Gender, Children, and Social Action, conducted programs to provide health-care assistance and vocational education for HIV/AIDS orphans and other vulnerable children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The country has a small Jewish community. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The constitution and law prohibit discrimination against citizens with disabilities; however, the law does not differentiate among physical, sensory, intellectual, and mental disabilities regarding access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services.

The Ministry of Gender, Children, and Social Action is responsible for protecting the rights of persons with disabilities. The *2012-19 National Action Plan in the Area of Disabilities* provides for funding, monitoring, and assessment of implementation by various organizations that support persons with disabilities. Electoral law provides for access and assistance to voters with disabilities in polling booths, including the right for them to vote first.

The city of Maputo offered free bus passes to persons with disabilities. Buses in Maputo, however, did not have specific accessibility features.

The government did not effectively implement laws and programs to provide access to buildings, information, and communications. Discrimination in private-sector and government employment, education, access to health care, and the provision of other services was common. Observers often cited unequal access to employment as one of the biggest problems. The government did not effectively implement programs to provide access to information and communication for persons with disabilities. Educational opportunities for children with disabilities were generally poor, especially for those with developmental disabilities. Children with disabilities attended school through secondary education at a significantly lower rate than other children. The government sometimes referred parents of children with disabilities to private schools with more resources to provide for their children. The Mozambican Association for the Disabled Persons (ADEMO) reported teacher-training programs did not address the needs of students with disabilities. ADEMO also stated school buildings did not meet international standards for accessibility, and public tenders did not include provisions for the accessibility of persons with disabilities.

Doctors reported many families abandoned family members with disabilities at the country's only psychiatric hospital. ADEMO reported access to equipment, such as wheelchairs, was a challenge due to lengthy and complicated bureaucratic procedures.

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

Antidiscrimination laws protected LGBTI persons only from employment discrimination. No hate-crime laws or other criminal justice mechanisms exist to aid in the prosecution of bias-motivated crimes against LGBTI persons. Since 2008 the government has failed to take action on LAMBDA's request to register legally (see section 2.b., Freedom of Association).

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

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

## **HIV and AIDS Social Stigma**

HIV and HIV-related stigma and discrimination, social exclusion, and abuse were prevalent, including in employment, housing, access to education, and health care. Reports continued of many women expelled from their homes and abandoned by their husbands and relatives because they were HIV-positive. Family or community members accused some women widowed by HIV/AIDS of being witches who purposely killed their husbands to acquire belongings; as retribution, they deprived the women of all possessions.

## **Other Societal Violence or Discrimination**

The government denounced violence against persons with albinism. Courts tended to sentence those convicted of the murder and kidnapping of persons with albinism more harshly than those convicted of similar crimes that did not involve persons with albinism.

Albimoz and Amor a Vida, local NGOs that advocated for persons with albinism, documented cases in which assailants kidnapped, maimed, or killed persons with albinism. Criminals attacked them, often with the assistance of a family member, and sold their body parts to traditional healers purportedly from outside the country, who, according to government officials, sought their body parts because of their alleged “magical” properties.

## **Section 7. Worker Rights**

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

The constitution and law provide for workers, with limited exceptions, to form and join independent trade unions, conduct legal strikes, and bargain collectively. The law requires government approval to establish a union. By law the government may take up to 45 days to register unions, a delay the International Labor Organization has deemed excessive. The law provides for the right of workers to organize and engage in collective bargaining. Workers in defense and security services, tax administration, prison workers, the fire brigade, judges and prosecutors, and the President’s Office staff members are prohibited from unionizing. Other public-sector workers may form and join unions, but they are prohibited from striking.

The law does not allow strike action until complex conciliation, mediation, and arbitration procedures are exhausted, which typically takes two to three weeks. Sectors deemed essential must provide a “minimum level” of service during a strike. Workers’ ability to conduct union activities in workplaces was strictly limited. The law provides for voluntary arbitration for “essential services” personnel monitoring the weather and fuel supply, postal service workers, export processing zone workers, and those loading and unloading animals and perishable foodstuffs. The law requires that strikes be announced at least five days in advance, and the announcement must include the expected duration of the strike, although the government interprets this to allow indefinite strikes. Mediation and arbitration bodies, in addition to the unions and workers themselves, may end strikes. The government respected the legal prohibition of antiunion discrimination. The law prohibits antiunion discrimination; however, it does not explicitly provide for reinstatement of workers terminated for union activities. An employee fired with cause does not have a right to severance, but employees terminated without cause do. Unemployment insurance does not exist, and there is no social safety net program for workers laid off for economic reasons.

Authorities and employers generally respected freedom of association and the right to collective bargaining, although workers were only able to exercise a few of these rights. Unions regularly negotiated wage increases and organized strikes. Collective bargaining contracts covered less than 5 percent of the workforce.

The government did not effectively enforce labor laws. Government efforts included fining companies that violated labor laws and the expulsion of foreign supervisors who allegedly did not follow the law. Fines were not sufficient to deter violators.

The largest trade union organization, the Organization of Mozambican Workers, was perceived as biased in favor of the government and ruling party Frelimo. There were no independent unions.

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

The law prohibits all forms of forced or compulsory labor. The penalties for violations were insufficient to deter violations.

The government did not enforce these laws effectively. There was limited evidence of forced labor and forced child labor in the domestic and agricultural sectors. Girls and women from rural areas, as well as migrant workers from

bordering countries, were lured to cities with false promises of employment or education and exploited in domestic servitude and sex trafficking.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The government has established laws and regulations that prohibit the worst forms of child labor; however, gaps exist in the legal framework to protect children adequately from the worst forms of child labor. Children are not permitted to work in occupations that are unhealthy, dangerous, or require significant physical effort. Hazardous work includes an extensive list of activities within 14 occupational categories, including domestic service, mining, and production of tobacco. The minimum working age without restrictions is 18. The law permits children between ages 15 and 17 to work with a Ministry of Labor permit. The employer is required to provide for their training and provide conditions of work that are not damaging to their physical and moral development. Children between ages 15 and 18 may work up to seven hours a day for a total of 38 hours a week.

The Ministry of Labor regulates child labor in the formal sector, but the government did not effectively enforce the law. Labor inspectors may obtain court orders and have police enforce compliance with child labor provisions. Criminal law enforcement officers work with the Ministry of Gender, Children, and Social Action (MGCAS) and the National Reference Group for the Protection of Children and Combatting Trafficking in Persons to coordinate referrals of children to social service providers. Furthermore, MGCAS has a standard operating procedure for handling human trafficking victims, which incorporates an intake form used nationwide by law enforcement officers, including border officials, to collect the necessary data from victims and to provide for professional care and referrals to appropriate services. The National Reference Group for the Protection of Children and Combatting Trafficking in Persons also expanded groups throughout all provinces and districts in the country, resulting in improvements in the areas of protection, assistance, and reintegration of victims. There were no mechanisms in place for submitting complaints regarding hazardous and forced child labor. Penalties were insufficient to deter violations. Enforcement mechanisms generally were inadequate in the formal sector and nonexistent in the informal sector.

The labor inspectorate and police lacked adequate staff, funds, and training to investigate child labor cases, especially in areas outside the capital, where a

majority of the abuses occurred. Inspectors earned low wages (like many government employees) making them vulnerable to, and often inclined to seek, bribes. Inspectors often did not have the means to travel to sites and therefore relied on the company they were investigating to provide transportation to the site of an alleged violation. The government provided training on child prostitution and abuse prevention to police officers and additional training to labor inspectors on trafficking identification and prevention.

Child labor remained a problem. NGOs reported some girls who migrated from rural areas to urban centers to work as domestic help for extended family or acquaintances to settle debts were vulnerable to commercial sexual exploitation (see section 6, Children). Mothers who did not complete secondary school were more likely to have children involved in child labor. Due to economic necessity, especially in rural areas, children worked in agriculture, as domestic employees, or in prostitution.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment and occupation. The government effectively enforced applicable law. Penalties (such as fines) were sufficient to deter violations.

Discrimination in employment against persons with disabilities was common, and access to employment was one of the biggest problems facing persons with disabilities.

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

There were multiple reports in local media of the Ministry of Labor suspending the contracts of irregular foreign workers. Some foreign workers reported harassment by Ministry of Labor inspectors after disputes with Mozambican coworkers and being forced to pay bribes for work permits or leave the country. In 2017, however, the Constitutional Council ruled it was unconstitutional for the government to expel foreign workers without judicial approval.

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

The lowest government-mandated minimum wage, based on industry, was above the official poverty line. The standard legal workweek is 40 hours but may be extended to 48 hours. Overtime must be paid for hours worked in excess of 48 hours at 50 percent above the base hourly salary. These legal protections apply to foreign workers holding work permits.

The government sets occupational health and safety (OSH) standards that were up to date and appropriate for the main industries. Health and environmental laws protect workers in the formal sector; however, they do not apply to the informal economy, which comprised an estimated 95 percent of the workforce. Workers have the right to clean and safe workplaces including good physical, environmental, and moral conditions. Workers have the right to be informed of safety risks and instruction on how to follow the regulations and improve safety, including the right to protective clothing and equipment, first aid, health exams, and compensation for workplace injuries or sickness. OSH officers are responsible for identifying unsafe working conditions, but workers may file complaints regarding unsafe situations.

In January labor disputes were reported in Cabo Delgado Province. Workers in Palma District staged a strike in response to the perceived lack of security for local workers and their families due to extremist activity. In response the government imposed a one-week curfew and reinforced its security presence.

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

The Ministry of Labor did not effectively enforce minimum wage, hours of work, and OSH standards in the informal economy, since the Ministry of Labor only regulates the formal sector. The number of labor inspectors was not sufficient to enforce compliance. Agricultural workers were among the most vulnerable to poor work conditions and wage theft. The lack of frequent and enforced sanctions for violations created little deterrence for violations. Despite the relatively low number of inspectors, some businesses reported frequent visits by labor inspectors citing capricious violations and threats of fines in order to receive bribes.