

# MOZAMBIQUE 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Mozambique is a multiparty parliamentary democracy with a freely elected republican form of government. In October 2019 voters re-elected as president Filipe Jacinto Nyusi of the ruling Front for the Liberation of Mozambique Party with 73 percent of the vote in an election with many irregularities reported by observers. In the run-up to elections, several incidents of serious violence and intimidation contributed to public doubts that the elections would be safe and fair. On election day 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 from 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, the National Criminal Investigation Service, and the Rapid Intervention Unit are responsible for law enforcement and internal security. They 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 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, 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 all these forces. Civilian authorities at times did not maintain control over security forces. Members of the security forces committed some abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings; forced disappearance by government security forces; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious abuses

in an internal conflict; serious restrictions on free expression and the press, including violence, threats of violence, or unjustified arrests or prosecutions against journalists; 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.

During the year violent attacks against government forces and civilian populations that began in 2017 escalated dramatically in frequency, intensity, and complexity in the northeastern districts of Cabo Delgado Province, where ISIS-Mozambique made significant advances. From January to November, there were an estimated 1,484 fatalities in Cabo Delgado Province, of which 602 resulted from targeted extremist violence against civilians and 109 resulted from security force violence against civilians according to the Armed Conflict Location and Event Data Project. Human rights organizations and the government stated violent extremists committed human rights abuses against civilians that included beheadings, kidnappings, and the use of child soldiers. Abductions and forced displacement by extremists of civilians increased, sometimes including burning entire communities. Security force responses to this violence were sometimes heavy handed, including arbitrary arrest and detention and alleged extrajudicial killings of both suspected violent extremists and civilians.

## **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 credible reports by media and international human rights organizations that the government or its agents committed arbitrary or unlawful killings. Most reports named security forces, particularly the Armed Forces of Mozambique (FADM) operating in Cabo Delgado Province, while others identified National Police (PRM) and the Rapid Intervention Unit (UIR) members as perpetrators. The Attorney General's Office is responsible for investigating and prosecuting perpetrators of security force killings deemed unjustifiable; however, the government failed to investigate many reports of abuses.

There were numerous abuses similar to the following examples. Although a lack of access to Cabo Delgado Province impeded verification by media and human

rights organizations, media reported security forces shot and killed between 18 and 48 civilians on small boats in the vicinity of Ibo Island between April 12 and 21. On April 12, individuals wearing FADM uniforms reportedly shot and killed 12 fishermen and merchants and looted their ships' cargo. On April 23, the president stated security forces in Cabo Delgado Province might have "unintentionally" violated human rights in combatting violent extremists. On September 14, a video emerged on social media showing armed, uniformed men walking on a paved road in a rural area following a naked woman and yelling "Shabaab," the local name for ISIS-Mozambique. She was beaten with a stick and shot several times. The president and senior officials claimed that the terrorist groups in Cabo Delgado Province had created the video as part of a misinformation campaign and that an investigation had been opened. No details or results of an investigation had been released by year's end.

Police were accused of arbitrary and sometimes violent enforcement of the COVID-19 state of emergency orders issued by the president on April 1. For example, on April 21, in Sofala Province, media reported that two PRM officers beat a resident to death for threatening to film them playing soccer after they broke up a match in which players had violated social distancing rules. On April 23, the officers involved were arrested, and the PRM announced it would investigate the incident and apply disciplinary measures if warranted. The PRM had not released further information on the case by year's end.

On June 17, six police officers of the Gaza Province UIR and the Gaza Special Operations Unit were convicted of murder for the October 2019 killing of civil society leader Anastacio and were sentenced to prison terms ranging from two to 24 years.

Human rights organizations and the government stated violent extremists in Cabo Delgado Province committed human rights abuses against civilians that included beheadings, kidnappings, and use of child soldiers. From January to November, there were an estimated 1,484 fatalities in Cabo Delgado Province, of which 602 resulted from targeted extremist violence against civilians and 109 resulted from security force violence against civilians. Extremists also abducted civilians during village raids. Security force responses to this violence was often heavy handed, including arbitrary arrest and detention and extrajudicial killings of suspected violent extremists and civilians.

There were numerous abuses reported by media similar to the following example. On September 30, extremists beheaded seven persons, shot and killed another

seven, and tortured others during a two-week period. Extremists also posted videos depicting the mutilation of corpses of security force members.

### **b. Disappearance**

There were reports of disappearances by or on behalf of civilian or military authorities.

According to media, in March activist Roberto Abdala, who worked for the land rights nongovernmental organization (NGO) Centro Terra Viva (the Living Earth Center) disappeared in the northern city of Palma. Abdala remained missing at year's end.

On April 9, independent online newspaper *Carta de Mocambique* reported that military members abducted independent journalist Ibraimo Mbaruco in Cabo Delgado Province. On April 7, Mbaruco's last communication was a text message stating he was surrounded by military members. On April 27, Augusto Guta, police public relations head in Cabo Delgado Province, stated police were searching for Mbaruco and requested the public's help locating him. Mbaruco's whereabouts remained unknown at year's end.

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

The constitution and law prohibit such practices, but international and domestic human rights groups reported mistreatment of detainees, specifically those detained in Cabo Delgado Province as a result of counterterrorism operations. At least two videos surfaced that showed security forces physically abusing terrorist suspects. For example, in August a video appeared showing alleged government security force members caning three terrorist suspects; one suspect appeared to have been caned to death. In September the government stated it had opened an investigation into the matter. No additional information was available by year's end.

According to human rights activists, impunity was a significant problem within the security forces, particularly forces operating in Cabo Delgado Province. A weak judicial system contributed to impunity, including a lack of capacity to investigate cases of abuse and to prosecute and try perpetrators. The Human Rights Commission is mandated to investigate allegations of abuses. The government did

not provide widespread or systemic training increase respect for human rights and prevent abuses by security force members.

### **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 as serious problems overcrowding, poor nutrition, poor hygiene and medical care, the inclusion of juvenile prisoners in adult facilities, and convicted and untried prisoners sharing cells. Almost all prisons dated from the pre-1975 colonial era, and many were in an advanced state of dilapidation. The attorney general's annual report to parliament issued in May 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 and that lack of adequate facilities contributed to the abuse of detainees. According to the PGR, prisons were 232 percent above capacity with 19,789 prisoners occupying space for only 8,498.

On April 6, parliament approved an amnesty law in response to COVID-19 that provided for the release of prisoners convicted of minor offenses to ease overcrowding in the National Penitentiary Service. Media reported the release of approximately 5,000 detainees.

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

Administration: Although no formal system specific to prisons existed for receiving or tracking complaints, prisoners were free to contact the PGR, the national ombudsman, or 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; however, civil society groups reported security forces repeatedly arrested and detained persons, including journalists and civil society activists in northern Cabo Delgado Province on unsubstantiated charges of involvement in extremist violence or property destruction.

#### **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 the National Criminal Investigation Service 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, however, did not always respect these legal requirements.

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. Some civil society groups asserted, however, that the executive branch and ruling Front for the Liberation of Mozambique Party (Frelimo) 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 in open civilian courts according to standard criminal judicial procedures. Members of media and the general public attended trials throughout the year; however, 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.

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, particularly those of civil society activists and journalists. There were no reports authorities entered homes without judicial or other appropriate authorization. Some civil society activists stated government intelligence services and operatives of the ruling party 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 Speech: There were no official restrictions on the ability of individuals to criticize the government or on the discussion of matters of general public interest; however, 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.

Freedom of 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, particularly related to reporting on the conflict in Cabo Delgado Province. In early December the government withdrew the credentials of a foreign correspondent who had reported on Cabo Delgado Province and sensitive issues related to the ruling party. On December 13, the National Bar Association and Human Rights Commission called for greater media freedom to cover events in Cabo Delgado Province.

In August 2019 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 and practiced self-censorship. Authorities failed to investigate attacks on journalists (see section 1.b.).

On August 23, an apparent arson attack decimated the offices of the weekly newspaper *Canal de Mocambique* and its online sibling *CanalMoz*, which published articles critical of the government's operations in Cabo Delgado Province. On August 25, the president issued a statement condemning the attack, asserting the importance of a free press, and pledging to open an investigation. As of October authorities had not made any arrests or stated whether an investigation was being conducted.

In December 2019 unknown assailants attacked Executive Editor Matias Guente of *Canal de Mocambique* with baseball bats and golf clubs during a failed kidnapping attempt in Maputo. As of October authorities had not arrested anyone in connection with the attack.

As of October the Cabo Delgado Provincial Court had yet to try journalist Amade Abubacar, who was charged in September 2019 with “public instigation through the use of electronic media, slander against forces of public order, (and) instigation or provocation to public disorder.” In January 2019 soldiers arrested Abubacar in Cabo Delgado Province as he was interviewing residents who were fleeing insurgent attacks. He was held incommunicado in a military detention facility until his lawyers succeeded in obtaining his transfer to a civilian prison. 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.” In April 2019 Abubacar was released under terms that restricted him to Cabo Delgado Province.

National Security: Authorities cited violation of antiterrorism and national security laws to arrest journalists who reported on violence in Cabo Delgado Province and COVID-19. For example, on June 25, independent journalist with *Carta de Mocambique* Omardine Omar was arrested while investigating a complaint of police harassment and extortion of street vendors; he was jailed for three nights and fined for violating state of emergency measures related to COVID-19. Despite the prosecution’s motion to dismiss charges, on June 30, Judge Francisca Antonio of the Ka Mpfumo Court in Maputo convicted him of civil disobedience and sentenced him to 15 days’ imprisonment.

In June the public prosecutor charged Matias Guente (see section 2.a., Violence and Harassment) and *Canal de Mocambique* editorial director Fernando Veloso with violating “state secrets” for their March 11 publication of confidential government documents that detailed questionable Ministry of Defense and Ministry of Interior contracting arrangements with gas companies operating in Cabo Delgado Province. During a July 10 hearing in Maputo, Guente (Veloso was reportedly in Portugal) refused to divulge the sources for their reporting. As of October, Guente’s case had yet to be tried, and Veloso reportedly remained in Portugal. The NGO Center for Democracy and Development described the case as an act of “persecution” and “absurd,” noting that media “are not privy to classified information from the state.”

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content; however, there were reports 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 due to concerns they were under government surveillance.

### **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**

By law protest organizers do not require government authorization to protest peacefully; however, they must notify local authorities of their intent in writing at least four business days in advance. Unlike in 2019, there were no incidents in which authorities prevented protest gatherings.

#### **Freedom of Association**

The Ministry of Justice, Constitutional, and Religious Affairs by year's end had not acted 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. 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. The organization 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.

### **e. Status and Treatment of Internally Displaced Persons**

The International Organization for Migration estimated there were more than 320,000 internally displaced persons (IDPs) in the country in September, due to the violence in Cabo Delgado Province and cyclones Idai and Kenneth in 2019. Since 2017 the conflict in Cabo Delgado Province has displaced more than 250,000 residents in the six northern districts of the province.

The government subscribes to the safe, voluntary, dignified return, resettlement, or local integration of IDPs, and its policies are in line with the UN Guiding Principles on Internal Displacement. Authorities did not always closely follow government policy, and there were incidents of the movement or relocation of IDPs inconsistent with the UN guiding principles. Authorities limited access to some areas of Cabo Delgado Province.

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

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

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.

### **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 2019 the government and the main opposition party, Renamo, signed cessation of hostilities and a peace agreement that the National Assembly enacted into law, formally ending four years of sporadic conflict. As provided for by the peace agreement, with oversight and assistance from an international contact group composed of resident diplomatic representatives from seven countries, as of November approximately 1,300 of 5,221 Renamo soldiers had been disarmed, demobilized, and reintegrated, and six of 16 Renamo bases dismantled.

### **Elections and Political Participation**

Recent Elections: In October 2019 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 discrepancies between the number of voters registered and the number of eligible voters, particularly in Gaza and Zambezia Provinces; 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. During vote tabulation, civil society and international observers noted that election authorities did not exercise systematic control of ballots, which created opportunities for tampering or altering voting results.

The two major opposition parties, 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 irregularities occurred and stated the Constitutional Council would determine whether the elections were free, fair, and transparent. In December 2019 the Constitutional Council acknowledged irregularities but stated that they did not substantially alter the election outcome. The council certified the re-election of President Nyusi with 73 percent of the vote and that Frelimo won in every district of the country, including more than two-thirds of the parliamentary seats, the vast majority of the provincial assembly seats, and all 10 provincial governorships.

The EU Election Observation Mission stated 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.

Election-related violence occurred throughout the pre-election campaign period, including shootings, stabbings, and beatings. Opposition parties and civil society complained of increased acts of violence, intimidation, and bias by the government and Frelimo operatives. For example, in October 2019 five off-duty police officers shot and killed human rights activist Anastacio Matavele, executive director of FONGA-Gaza NGO Forum, as he was leaving domestic observer electoral training. On June 17, six police officers of the Gaza Province UIR and the Gaza Special Operations Unit were convicted of his murder and sentenced to terms of two to 24 years’ imprisonment.

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. In the 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. Renamo and the Democratic Movement of Mozambique claimed the government banned meetings and that Frelimo militants attacked opposition party members in Inhambane Province.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and

they did participate. Women and members of many ethnic groups held key political positions. 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.

Corruption: Corruption, including extortion by police, remained widespread, and impunity remained a serious problem. Police regularly demanded identification documents for alleged vehicular infractions solely to extort bribes. Public prosecutors faced threats for their role in efforts to investigate and prosecute corruption.

There were several cases of public corruption involving active and former government officials arrested and charged with crimes. In March former general manager of the National Social Security Institute Baptista Machaieie was sentenced to eight years' imprisonment for abuse of office and embezzlement. In May the Courts of Appeal upheld the indictment of former labor minister Maria Helena Taipo for misuse of public funds and embezzlement. Taipo remained incarcerated pending trial at year's end.

In what became known as the Hidden Debt Scheme, in 2013 the government began guaranteeing a series of loans from two investment banks--Credit Suisse and the Russian VTB (Vneshtorgbank) Bank--for three security- and defense-related state-owned enterprises. The loans were signed by then finance minister Manuel Chang, and their existence was not disclosed to the public or parliament until 2016. In 2018 Chang was arrested in South Africa pursuant to a U.S. Government arrest warrant related to his alleged involvement in the scheme. In June 2019 Mozambique's Constitutional Council declared the loans illegal. On February 15, a South African court denied Chang's bail request, and he remained in custody as of October. In connection with the scheme, 19 additional suspects have been charged--including the son of former president Armando Guebuza and the former president's personal secretary--and were awaiting trial as of October. In November the government sought the extradition from the United States of three Credit Suisse officials implicated in the scandal.

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, particularly in Cabo Delgado Province.

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 and torture, 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. Although the CNDH was an active human rights advocate, its lack of resources and formal staff training in human rights hindered its effectiveness.

## **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.

Victims often decided not to file charges or perpetrators fled arrest. NGOs stated domestic violence against women remained widespread and increased during the COVID-19 state of emergency due to restricted movement and confinement in place with male partners. The April 6 COVID-19-related release of approximately 5,000 prisoners to reduce overcrowding excluded those convicted of domestic violence (see section 2.c., Physical Conditions).

Many cases of domestic violence were not reported to authorities. In addition 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 dealt with high numbers of victims of domestic violence, sexual assault, and violence against children cases.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. NGOs and the government stated the incidence of FGM/C was low, but there were no reliable estimates of the numbers of girls and women subjected to FGM/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.

In August media reported male instructors were accused of impregnating female trainees in the Matalana Police Training School in Maputo Province. Media reported all instructors suspected of involvement were suspended and the pregnant trainees sent home on administrative leave with assurances they would be allowed to complete their training following their pregnancies.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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, although these provisions were rarely enforced.

Women experienced economic discrimination. Gaps in education and income between men and women remained high. In some regions, particularly in the north, 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 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 *Education Sector Development Plan*, in 2018 only 49 percent of children completed 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.

Child, Early, and Forced Marriage: By law the minimum age of marriage for men and women is 18. In July 2019 parliament outlawed marriage for children younger than age 18; the minimum age was previously 16 with parental consent.

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, in border towns, and at overnight stopping points along key transportation routes. The United Nations reported that violent extremists in Cabo Delgado Province kidnapped girls and subjected them to forced marriages. Some NGOs provided health care, counseling, and vocational training to children, primarily girls, engaged in prostitution. The United Nations reported that violent extremists in Cabo Delgado Province kidnapped girls and women and forced them into marriages.

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. There were no reports of official action to investigate and punish abuses against 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, Criminalization, 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**

AlbiMoz and Amor a Vida--local NGOs that advocate 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 other countries, who, according to government officials, sought their body parts because of their alleged “magical” properties.

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. On June 13, the Ministry of Justice, Constitutional, and Religious Affairs sponsored an Albinism Awareness Day ceremony in partnership with UNESCO to address the developmental and human rights challenges faced by persons with albinism. Representative Paul Gomis of the UNESCO Office in Mozambique stated the government’s COVID-19 state of emergency had aggravated discrimination and violations of human rights faced by persons with albinism--particularly women and children--because their physical appearance exposed them to myths, exclusion, various degrees of stigmatization, and human rights abuse.

## **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, and the fire brigade, along with prison workers, 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. 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. Penalties for conviction were not commensurate with those for similar denials of civil rights.

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 most forms of forced or compulsory labor. Forced or compulsory labor was among legal penalties for conviction of crimes. The penalties for conviction of violations were insufficient to deter violations. Penalties if convicted were not commensurate with those for other serious crimes.

The government did not enforce these laws effectively. There was limited evidence of forced labor and forced child labor in the mining, domestic service, 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. Labor law and regulations on domestic work allow children ages 12 to 15 to engage in domestic work with the permission of their legal guardian and according to certain conditions defined by the Council of Ministers. A minimum age of 12 is not in compliance with international standards.

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. 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 Combating 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. There were no mechanisms in place for submitting complaints regarding hazardous and forced child labor. Penalties were insufficient to deter violations. Penalties for conviction were not commensurate with those for other serious crimes. 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. The government did not employ a sufficient number of labor inspectors. 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, training to judges regarding legislation pertinent to child labor, and 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. Penalties for conviction were not commensurate with laws relating to other civil rights issues.

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 media reports 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 also 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.

On July 27 and August 4, according to local reports, two miners died while digging a shaft illegally within a privately owned mining concession in Cabo Delgado Province. A Ministry of Mineral Resources and Energy official stated the illegal mining and deaths occurred within a concession owned by the Montepuez Ruby Mining Company and that the illegal mining operation was likely part of an international smuggling ring led by foreigners who paid low wages to both citizens and foreigners to extract gemstones under dangerous conditions. In June authorities disrupted a gemstone-trafficking network involving 10 persons, several of whom were foreigners illegally present in the country.

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. Penalties for conviction were not commensurate with those for similar offenses. 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.