

MOZAMBIQUE 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mozambique is a multiparty parliamentary democracy with a freely elected republican form of government. In 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. Several incidents of serious violence and intimidation occurred during the pre-election period; national and international observers considered voting generally orderly but expressed concerns regarding election irregularities.

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 National Penitentiary Service has financial and administrative autonomy but receives policy oversight from the Ministry of Justice. 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 credible allegations of: 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 media, including violence, threats of violence, or unjustified arrests or prosecutions against journalists; widespread acts of official corruption;

and lack of investigation of and accountability for gender-based violence.

The government took steps to investigate, prosecute, and punish some officials who committed human rights abuses and engaged in corrupt practices; however, impunity and corruption remained a problem at all levels.

During the year violent attacks against government forces and civilian populations perpetrated by ISIS-Mozambique that began in 2017 continued in the northeastern districts of Cabo Delgado Province. In March a massive ISIS-Mozambique attack on the town of Palma significantly increased the number of IDPs, which rose to approximately 800,000 by year's end. Beginning in July joint offensive operations with Rwandan forces, and separately with the Southern African Development Community forces, significantly decreased ISIS-Mozambique's activities, and government forces reclaimed some territory seized by ISIS; however, ISIS-Mozambique continued conducting small-scale attacks against military and civilian targets. The government began the process of reconstruction and humanitarian assistance to its displaced residents in reclaimed areas. 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 of civilians by extremists continued, and at times, entire communities were destroyed by fire. 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. Government forces detained individuals accused of being ISIS-Mozambique fighters. There were no reports authorities investigated or prosecuted abuses.

Section 1. Respect for the Integrity of the Person

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

There were several 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.

Police were accused of arbitrary and sometimes violent enforcement of the COVID-19 pandemic state of emergency orders. 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 the officers 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.

There were numerous allegations of unlawful killings related to the conflict in Cabo Delgado Province, including abuses by government forces, a private military company contracted by the government, and violent extremists (see section 1.g.).

b. Disappearance

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

On May 23, media reported that eight individuals allegedly claiming to be police abducted Cassien Ntamuhanga, a former Rwandan opposition figure who sought asylum in the country. Police and a Criminal Investigation Service (SERNIC) spokesperson denied government involvement; however, some in the Rwandan refugee community alleged that Ntamuhanga had been handed over to Rwandan authorities.

There were multiple reports of kidnappings for ransom targeted at individuals linked to the business community, with alleged involvement from law enforcement officers. In August SERNIC expelled 11 officers involved in theft, kidnapping, and other offenses and stated the officers would be held criminally liable.

Following the April 2020 disappearance of independent journalist Ibraimo Mbaruco in Cabo Delgado Province, human rights groups reported that the

government alleged Mbaruco was involved in the insurgency. Mbaruco's whereabouts remained unknown at year's end.

The government made some efforts to investigate and punish acts of forced disappearance by law enforcement officers.

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 and reprisals against civilians following insurgent attacks in Cabo Delgado Province (see section 1.g.).

The nongovernmental organization (NGO) Center for Democracy and Development reported two separate incidents in May of police allegedly torturing suspects to obtain confessions to involvement in illegal poaching and theft.

There were multiple reports of police abuse. On June 15, the NGO Center for Public Integrity released an investigation that alleged National Penitentiary Service prison guards raped and engaged in sex trafficking of female inmates at the Maputo Special Penitentiary for Women. The minister of justice condemned the guards' behavior, initiated an investigation that confirmed many of the allegations, and dismissed prison management. Following the investigation, the Office of the Maputo Public Prosecutor opened a criminal case to determine any criminal charges. The case remained open at year's end.

According to human rights activists, impunity was a significant problem within the security forces, particularly forces operating in Cabo Delgado Province (see section 1.g.). A weak judicial system contributed to impunity, including a lack of capacity to investigate cases of abuse and to prosecute and try perpetrators.

The National Human Rights Commission (CNDH) is mandated to investigate allegations of abuses. The CNDH, Ministry of Defense, and Ministry of Justice, Constitutional, and Religious Affairs participated in efforts to implement aspects of the Voluntary Principles on Security and Human Rights in collaboration with civil society, the private sector, and the international community. The government did not, however, provide widespread or systemic training to 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 April 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 121 percent above capacity with 18,752 prisoners occupying space with an intended capacity of 8,498.

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. Members of civil society reported that prisoners were reluctant to raise complaints of mistreatment during visits due to the presence of prison guards or other prison officials. Authorities conducted some investigations of credible allegations of mistreatment.

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 Bar Association and the 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. National Islamic organizations and media reported police arbitrarily arrested individuals in Cabo Delgado because they appeared to be Muslim. Civil society groups alleged arbitrary arrest or detention related to COVID-19 pandemic prevention measures enacted under the State of Public Calamity decree.

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. In January a revised penal code entered into force that increased the maximum pretrial detention period to 10 months in most cases, and up to 18 months in cases of involving terrorism and "other complex crimes."

The law provides for citizens' right to access the courts and the right to legal

representation, regardless of ability to pay for such services. The Mozambican Bar Association provided legal assistance and counseling to some indigent defendants; however, many received no legal representation due to a shortage of legal professionals willing to work without charge. There are provisions for bail. There were no reports of suspects held incommunicado or under house arrest.

Pretrial Detention: Lengthy pretrial detention continued to be a serious problem due to a lack of judges and prosecutors and poor communication among authorities. Civil society organizations stated that the revised penal code could lead to indefinite pretrial detention for cases involving terrorism and complex crimes.

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. Defendants

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 and the public 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. The Ombudsman's Office reviews complaints, and an investigation may be initiated if judged 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 Frelimo 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.

g. Conflict-related Abuses

Killings: Violent extremists affiliated with ISIS-Mozambique in Cabo Delgado Province terrorized civilians, including beheadings, kidnappings, and use of child soldiers. An average of 30 civilians were killed per month by ISIS-Mozambique, compared with an average of 60 civilians per month in 2020. There were numerous abuses reported by media similar to the following examples. On June 13, violent extremists beheaded two children and two adults who had left a resettlement area in Palma District in search of food. On August 24, violent extremists reportedly beheaded a group of fishermen in Macomia District of Cabo Delgado Province.

There were numerous allegations of unlawful killings by government forces fighting ISIS-Mozambique in Cabo Delgado Province. During the year local media reported abuses by government forces similar to the following examples. On March 2, Amnesty International reported that individuals wearing FADM and UIR uniforms may have committed extrajudicial executions in Cabo Delgado Province between March and June 2020. The FADM deputy chief of staff rejected the allegations. In addition Amnesty International reported that the Dyck Advisory Group, a private military company contracted by the government to fight ISIS-Mozambique in Cabo Delgado Province, indiscriminately attacked and killed civilians. In July a Dyck Advisory Group internal investigation report acknowledged the possibility of civilian collateral damage in cases where ISIS-Mozambique fighters used civilian shields in combat. In April the government did not renew the company's contract.

Abductions: Extremists abducted civilians during raids on villages in Cabo Delgado Province. In June a humanitarian organization estimated that ISIS-Mozambique had abducted more than 50 children, mostly girls, since June 2020. In December media organizations reported that ISIS-Mozambique had kidnapped

and enslaved more than 600 women and girls in Cabo Delgado since 2018.

Physical Abuse, Punishment, and Torture: ISIS-Mozambique committed widespread physical abuse, indiscriminate punishment, and torture of noncombatants in Cabo Delgado Province.

On October 6, independent media reported that displaced individuals in Nangade District complained of poor treatment by government security forces and affiliated local militias. Some residents of Cabo Delgado Province noted that the presence of Rwandan forces reduced these types of abuses.

Child Soldiers: On September 29, Human Rights Watch reported that ISIS-Mozambique abducted hundreds of boys as young as 12, trained them as combatants, and forced them to fight against government forces. Also see the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media. 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, the press, and other media. 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; 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. In February SERNIC officers arrested two men for making and sharing a video in which an individual insulted the president; the president later ordered the release both men.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Media outlets and individual journalists regularly reported on a broad range of topics and criticized the government, Frelimo, and prominent political figures. The vast majority of critical articles did not result in retaliation from the government or Frelimo. Civil society organizations and journalists, however, stated the government and Frelimo 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. Civil society and media organizations linked the February 16 expulsion of a British journalist to his news organization’s reporting on the conflict in Cabo Delgado Province. Government officials stated the expulsion was based on irregularities in the journalist’s visa status.

Violence and Harassment: Journalists were subjected to violence, harassment, or intimidation due to their reporting and thus practiced self-censorship. Authorities failed to investigate attacks on journalists.

On June 29, Nampula municipal police allegedly attacked four journalists investigating the reported illegal detention of three youths who had alleged police had attacked a street vendor. In response to a condemnation by the Media Institute of Southern Africa in Mozambique (MISA-Mozambique), the Nampula municipal police commander responded the officers’ behavior was not grounds for “criminal liability.”

In March the PGR closed its investigations into the August 2020 attack against weekly newspaper *Canal de Mocambique* and the 2019 attack against the newspaper’s executive editor Matias Guente, citing a lack of evidence. Authorities did not arrest anyone in connection with either incident.

Censorship or Content Restrictions: Journalists and media organizations reported that the government and Frelimo party occasionally pressured journalists who investigated sensitive topics, particularly related to Cabo Delgado Province and corruption.

National Security: Authorities cited violation of antiterrorism and national security laws to arrest journalists who reported on violence in Cabo Delgado

Province and corruption.

In March the attorney general withdrew charges of divulging state secrets against Matias Guente for his 2020 reporting on a money laundering scheme involving government security contracts at liquefied natural gas project sites in the country.

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

The government generally did not place 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 demonstrate peacefully; however, they must notify local authorities of their intent in writing at least four business days in advance. Civil society leaders reported police intimidation when delivering petitions to government offices.

Activists reported that at times, police limited their right to peaceful assembly. For example, on May 7, riot police shot and injured two individuals and detained other persons protesting the prevention of access to a brickmaking workshop due to the expanded activities there of the Brazilian mining company Vale in Tete Province.

On June 16, the Municipal Council of Maputo refused permission to a group of 15 youths to protest police abuse in implementation of COVID-19-pandemic-prevention measures because the group was not a recognized association.

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 primary lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) advocacy NGO. Although the registration process usually takes less than two months, LAMBDA's request had 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. In June the Administrative Tribunal informed LAMBDA that it had no record of its request and stated that the Mozambican Bar Association, which had filed the case on LAMBDA's behalf, did not have legal standing to proceed with the case.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights; however, some civilians in Cabo Delgado Province reported occasional movement restrictions due to security constraints related to the ISIS-Mozambique insurgency.

e. Status and Treatment of Internally Displaced Persons

The International Organization for Migration estimated there were approximately 800,000 internally displaced persons (IDPs) in the country in September, due to the violence in Cabo Delgado Province and cyclones Idai and Kenneth in 2019.

Human rights organizations alleged that government security forces prevented IDPs from leaving villages in Palma District, where they reported having no food, medicine, or clean water. In 2020 a human rights organization reported that local officials and security officers demanded sex or money from IDPs in exchange for food and humanitarian assistance. International organizations supporting IDPs stated that women reported increased aggression and violence from male partners because they were cut off from social protection systems.

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. On August 3, the government announced a plan to improve coordination between humanitarian organizations and the government. Often, authorities did not 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. After Mozambican, Rwanda Defense Force, and South African Development Community forces regained territory from ISIS-Mozambique in August and September, the government published a \$300 million emergency reconstruction plan to prepare areas for the return of IDPs.

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. Nevertheless, the disappearance in the country of former Rwandan opposition figure Cassien Ntamuhanga seeking asylum and the killing of another Rwandan refugee alarmed refugees and civil society organizations.

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. Approximately 11,500 refugee-status-determination cases dating to 2011 awaited final processing. Although the government maintains an exception to freedom of movement for refugees and the ability to work lawfully, those exceptions were not enforced. The government generally 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.

Rwandan refugees expressed concern, regarding their safety due to the presence of Rwandan security forces in Cabo Delgado Province and after Rwandan asylum seeker Cassien Ntamuhanga disappeared (see section 1.b.). On August 12, police arrested and detained two Rwandan refugees for 24 hours, including the leader of the Association of Rwandans in Mozambique; the president of the Rwandan refugees' association characterized the incident as an attempted kidnapping or homicide. On September 13, unknown attackers shot and killed in Matola city Rwandan businessman and refugee Revocant Karemangingo who had publicly called for Ntamuhanga's release.

Durable Solutions: The government worked closely with UNHCR to implement a local integration program for refugees, primarily in urban communities, and at the Maratane Camp in Nampula Province. Refugees may apply for citizenship after five years in the country. 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 2019 the government and the main opposition party, the Mozambican National Resistance party (Renamo), signed cessation of hostilities and a peace agreement that the National Assembly enacted into law, formally ending four years of sporadic conflict.

Elections and Political Participation

Recent Elections: In 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 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.

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

In December 2020 the National Assembly elected seven civil society representatives to the CNE. In January the commission's members, which include the civil society members and appointees from the three main political parties, assumed office.

Following the death of the party's president and founder in February, in December the Democratic Movement of Mozambique elected a new president.

Participation of Women and Members of Minority Groups: No law limits 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. There were numerous reports of corruption in all branches and at all levels of government during the year.

Corruption: Corruption, including extortion by police, remained widespread. Police regularly demanded identification documents for alleged vehicular

infractions solely to extort bribes. In August commercial truck drivers alleged that police demanded payments at control points and border crossings. Public prosecutors faced threats for their role in efforts to investigate and prosecute corruption.

There were numerous allegations of corruption by security forces in Cabo Delgado Province. On May 25, media reported that security force members looted two bank branches in Palma. Government officials subsequently arrested them and returned the stolen money.

There were several cases of public corruption involving active and former government officials arrested and charged with crimes. On September 13, the Maputo City Court sentenced former minister of transportation Paulo Zucula convicted of corruption to 10 years' imprisonment and ordered payment of substantial compensation to the state for his role in the purchase of two aircraft from the Brazilian company Embraer in 2009. In May 2020 the Court of Appeal upheld the indictment of former labor minister Maria Helena Taipo for misuse of public funds and embezzlement. In May Taipo was released on bail pending trial. The trial had yet to begin by year's end.

On August 23, the Maputo City Court began the trial of 19 defendants in the "hidden debts" scandal, which emerged in 2016 and involved bribes and kickbacks orchestrated by political elites in connection with more than two billion dollars in illicitly obtained sovereign loans to finance a tuna fleet and patrol vessels. The defendants included the son of former president Armando Guebuza, the former president's personal secretary, and the former head of the State Information and Security Service. 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. In 2019 Mozambique's Constitutional Council declared the loans illegal. In November the government of Mozambique appealed a South African government decision to extradite Chang to the United States in response to a successful motion filed by a Mozambican civil society organization to stop Chang's extradition to Mozambique. As of December he remained in South Africa.

Section 5. Governmental Posture Towards 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 LGBTQI+ 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. Human rights activists in Cabo Delgado Province reported harassment and intimidation by police in gaining access to and interviewing IDPs.

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 and Societal Abuses

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 survivor is age 12 or older and 20 to 24 years' imprisonment if the survivor is younger than age 12.

International organizations and NGOs supporting the IDP population in Cabo Delgado Province reported concerns regarding rape, sexual exploitation, and other forms of gender-based violence (GBV), including reports of GBV perpetrated by ISIS-Mozambique and of women and girls fleeing from attacks or abductions. In May Macomia District community members alleged that a member of the security

forces raped and killed a female IDP.

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. Survivors often decided not to file charges or perpetrators fled arrest. NGOs stated domestic violence against women remained widespread and increased during the COVID-19 pandemic state of emergency due to restricted movement and confinement in place with male partners. In July the Ministry of Justice national director of human rights and citizenship was convicted of domestic violence and sentenced to six months' imprisonment.

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 or marriage 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, including a campaign in June led by female PRM officers. The PRM operated special women and children's units within police precincts that dealt with high numbers of survivors 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 2020 media reported male instructors were accused of impregnating female trainees in the Matalane 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. In June media reported that the officers involved were transferred without punishment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The law respected the rights of vulnerable populations to provide informed consent to medical treatment affecting reproductive health. Nevertheless, couples and individuals had limited access to sexual and reproductive health information and family planning services. Additionally, social and cultural norms, including early marriage and childbearing, families with many children, and stigmatization of discussion of sexual topics with adolescents, hindered effective access. Women often relied on male partners to make health-care decisions for them. Women and girls displaced due to the conflict in Cabo Delgado and climate-related disasters faced high barriers to access reproductive health services.

Due to the COVID-19 pandemic, the provision of family planning services declined by 32 percent in 2020, but there was a 41 percent increase in January to April, according to state media.

On October 12, 40 civil society organizations denounced violence and poor treatment of pregnant women in hospitals and called for an investigation and accountability.

The government provided some access to sexual and reproductive health services, including emergency contraception, for survivors of sexual violence. The government's *Health Sector Gender Inclusion Strategy 2018-2023* provides for policies, standards, and multisectoral coordination with partners and civil society to address GBV.

According to the *2011 Mozambique Demographic and Health Survey*, the maternal

mortality rate was 408 deaths per 100,000 births. The main factors were the lack of access to and availability of quality prenatal health care and emergency care of complications, such as hemorrhage, hypertensive disorders, and sepsis during childbirth. The adolescent fertility rate (births per 1,000 girls and women between ages 15 and 19) in 2018 was 146. Women in poor communities, typically in remote, rural areas with limited access to health care, had a higher maternal mortality rate.

There were no legal barriers related to menstruation and access to menstruation hygiene that impacted women and girls' ability to participate equally in society. In some areas, however, sociocultural barriers regarding menstruation limited girls' autonomy, and a lack of access to menstrual hygiene management in schools contributed to absenteeism.

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.

Systemic Racial or Ethnic Violence and Discrimination

The constitution and law prohibit discrimination based on race or ethnicity, and the

government enforced the law effectively.

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 a 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. In June UNICEF reported that 8.5 million students did not have access to online distance learning during COVID-19-pandemic-related school closures.

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 regarding 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.

Media reported that violent extremists abducted more than 50 children in Cabo Delgado Province between June 2020 and June. Human rights organizations and the government stated that ISIS-Mozambique used children as soldiers, cooks, and laborers. Civilians who escaped after being abducted by ISIS-Mozambique confirmed these allegations.

Child, Early, and Forced Marriage: By law the minimum age of marriage for men and women is 18. In 2019 parliament outlawed marriage for children younger than age 18; the minimum age was previously 16 with parental consent. Civil society NGOs reported limited public awareness and poor enforcement of the law. During the year the government and civil society launched an initiative to combat sexual violence and traditional practices that discriminate against women, including child marriage. The United Nations reported that violent extremists in Cabo Delgado Province kidnapped girls and subjected them to forced marriages.

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 trafficking remained a problem and worsened during the COVID-19 pandemic, according to civil society organizations. Girls experienced sexual exploitation and human trafficking in bars, roadside clubs, and restaurants. Trafficking of children appeared to be most prevalent in the provinces of Maputo Nampula, Beira, and Manica; in border towns; and at overnight stopping points along key transportation routes.

Some NGOs provided health care, counseling, and vocational training to child survivors of trafficking, primarily girls.

Displaced Children: As of June 1, 400,000 children were without shelter, food, or schooling as a result of the violence in Cabo Delgado 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 orphans from HIV or AIDS 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. Reports of official action to investigate and punish abuses against persons with disabilities were rare. In August a school official in Murrupula District, Nampula Province, was accused of sexual abuse of a child with autism. Local police reportedly attempted to ignore the case, but the public prosecutor instructed SERNIC to investigate it.

The *2012-19 National Action Plan in the Area of Disabilities* provided for funding, monitoring, and assessment of implementation by various organizations that supported persons with disabilities. The government had yet to approve another plan by year's end.

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. In August the Forum of Mozambican Associations of People with Disabilities asserted that COVID-19 pandemic vaccination efforts excluded persons with disabilities.

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 or AIDS of being witches who purposely killed their husbands to acquire belongings; as retribution, they deprived the women of all possessions. In May the government approved the

Fifth National Action Plan to Combat HIV/AIDS, including transgender persons as a key population for the first time, and launched an inquiry into the level of stigma against persons with HIV or AIDS. In August the Nampula Provincial Council to Fight AIDS launched a campaign to eliminate stigma and discrimination against persons living with HIV or AIDS.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

Antidiscrimination laws protected LGBTQI+ 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 LGBTQI+ persons. The *Fifth National Action Plan to Combat HIV/AIDS* denounced discrimination based on gender identity and sexual orientation for the first time. Since 2008 the government had failed to act 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 LGBTQI+ persons; however, discrimination in public medical facilities and schools was reported. Medical staff sometimes chastised LGBTQI+ individuals for their LGBTQI+ status when they sought treatment. According to an April study by LAMBDA, more than two-thirds of LGBTQI+ students stated they had experienced some kind of discrimination at school. 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.

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. According to the CNDH, approximately 114 persons with albinism had disappeared since 2014, and authorities had opened criminal cases against 55 individuals accused of involvement in disappearances.

Both civil society and authorities reported violence against the elderly happened, along with complaints of abandonment and mistreatment.

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 deemed excessive. By law the government, political parties, and religious institutions may not interfere with the organization and direction of trade union associations. 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 and striking. 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 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.

Authorities and employers generally respected freedom of association and the right to collective bargaining, although workers were not able to fully exercise these rights. Collective bargaining contracts covered less than 5 percent of the workforce.

The government did not effectively enforce the law. Government efforts included fining companies that violated labor laws and the expulsion of foreign supervisors who allegedly did not follow the law. Inspection and prosecution were not sufficient to enforce compliance. 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 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. Defendants sentenced to fewer than three years' imprisonment for negligent and other nonserious crimes may have their punishment converted to unpaid labor that benefits the community.

The government did not enforce the law effectively, and forced labor occurred. Criminal penalties if convicted were not commensurate with those for other serious crimes. 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.

In August *Vice World News* reported that the Dugongo Cement plant, operated by West China Cement in a joint venture with a Frelimo party-associated fund, confined approximately 300 workers on its plant and threatened to dismiss any who left the premises during the COVID-19 pandemic, in addition to other workplace abuse allegations.

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 law prohibits the worst forms of child labor; however, gaps exist in the legal framework to protect children adequately from the worst forms of child labor. The minimum age of employment without restriction is 18. 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 some domestic service, mining, and production of tobacco. 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 or a total of 38 hours a week.

The Ministry of Labor is responsible for implementing laws prohibiting child labor in the formal sector. 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 and the National Reference Group for the Protection of Children and Combating Trafficking in Persons to coordinate referrals of children to social service providers. The ministry has a standard operating procedure for handling human trafficking victims that 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 government did not effectively enforce the law. There were no mechanisms in place for submitting complaints regarding hazardous and forced child labor. Inspections and prosecutions 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 most of the abuses occurred. The government did not employ enough labor inspectors. Inspectors earned low wages (like many other 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 trafficking 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 prevalent. 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. In rural areas children worked in agriculture, as domestic employees, or in prostitution. Civil society organizations reported that children dislocated due to violence in Cabo Delgado Province were subject to sexual exploitation, human trafficking, and child labor, including the recruitment and use as child soldiers by ISIS-Mozambique (see Section 1.g.).

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 based on race, religion, national origin, color, sex, ethnicity, disability, age, sexual orientation, HIV, AIDS, or refugee status. The government generally enforced applicable law. Penalties for violations were not commensurate with laws relating to other civil rights matters.

Discrimination in hiring 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 or 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.

Women received lower wages than men and faced cultural and legal barriers in accessing the judiciary and inheriting land.

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

Wage and Hour Laws: The government-mandated minimum wage varies by sector and was above the official poverty line. After consultations with trade unions and the private sector, in August the government raised the minimum wage for the first time since 2019. 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 Mozambican General Labor Inspectorate, a Ministry of Labor service, 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 government did not effectively enforce the law. Penalties for conviction were not commensurate with those for similar offenses. The number of labor inspectors was not sufficient to enforce compliance. Despite the relatively low number of inspectors, some businesses reported frequent visits by labor inspectors citing capricious violations and threats of substantial monetary fines in order to exact bribes.

Occupational Safety and Health: The government sets occupational safety and health (OSH) standards that were up to date and appropriate for the main industries. 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. Workers have the right remove themselves from dangerous situations without jeopardy to their employment. OSH officers are responsible for identifying unsafe working conditions, but workers may file complaints regarding unsafe situations.

The Mozambican General Labor Inspectorate is responsible for enforcing OSH standards in the private sector, and the Ministry of Finance does so in the public sector. Inspections for OSH were conducted by the same inspectors under the same authority as that for wages and hours.

The government did not effectively enforce OSH standards. The responsible ministries usually investigated violations of OSH standards only after workers submitted a complaint. Penalties for conviction were not commensurate with those for similar offenses. Labor law applied only to the formal sector, leaving workers in the informal sector unprotected. Agricultural, mining, and security workers were among the most vulnerable to poor work conditions and wage theft.

Informal Sector: The International Labor Organization estimated that

approximately six million persons, or 80 percent of the economically active population in the country, worked in the informal sector. 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 applies the law only in the formal sector.