

MOZAMBIQUE 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mozambique is a constitutional multi-party democracy with a republican form of government. In October voters elected Filipe Nyusi of the ruling Front for the Liberation of Mozambique (Frelimo) party as president. Several national and international observers, including the Carter Center and the EU, considered voting generally orderly but lacking transparency during vote tabulation. Some domestic and foreign observers and local civil society organizations expressed concern over general election irregularities such as delays in observer credentialing, excessive numbers of invalid votes, and inordinately high voter turnout in some districts, which they alleged indicated ballot box stuffing. Authorities failed at times to maintain effective control over security forces.

Principal human rights abuses included the government's failure to protect political rights and freedom of assembly, unlawful killings and abuses by government and opposition-party security forces, and domestic violence.

Other major human rights problems included lengthy pretrial detention; ruling party influence on an inefficient, understaffed, and inadequately trained judiciary; harsh prison conditions; infringement of political rights of opposition parties; and government pressure on the media. Corruption was also a serious problem. Societal problems included discrimination against women; abuse, exploitation, and forced labor of children; discrimination against persons with disabilities; trafficking in women and children; and discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons and persons with HIV/AIDS.

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

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

a. Arbitrary or Unlawful Deprivation of Life

There were several reports by human rights activists and domestic media sources that the government or its agents committed arbitrary or unlawful killings. Most reports concerned military and police officers. For example, on February 25, three men were found shot and burned inside a vehicle in Maputo, nine miles from the detention center where the Criminal Investigative Police (PIC) had arrested and

detained them the day before. Police did not announce the reason for the detention. A PIC spokesperson stated unknown gunmen killed the victims, but the Mozambican League of Human Rights (LDH) stated the deaths appeared to be the result of summary execution. The case remained unresolved at year's end.

In July, Renamo, the main opposition party, accused the government of arbitrarily arresting and unlawfully killing Zacarias Madjuta, a high-ranking member of Renamo, who died inside a Gorongosa police station one day after his arrest. The case was unresolved at year's end.

There were numerous reports Renamo committed arbitrary or unlawful killings of civilians. From April 2013 through June 2014, the press and the government accused Renamo forces of more than 30 incidents of attacking vehicles traveling on the central highway between the Save river and Muxungue in Sofala province, resulting in numerous government and civilian deaths.

In April Attorney General Augusto Paulino announced 18 open criminal cases concerning deaths and destruction in property associated with armed clashes between Renamo and government forces. The criminal cases were dropped due to the August general amnesty law enacted following peace negotiations between the government and Renamo.

b. Disappearance

There were no reports of politically motivated disappearances.

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

While the constitution and law prohibit such practices, poorly trained police frequently used excessive force and harsh physical abuse when apprehending, interrogating, and detaining criminal suspects and prisoners. Human rights advocates and the media reported occurrences of torture and other cruel, inhuman or degrading treatment, physical abuse, and prolonged detention. The LDH reported the level of abuse in prisons declined during the year. Abuses by the PIC in police station jails, however, continued as in the past.

Prison and Detention Center Conditions

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

Physical Conditions: The National Prison Service, under the Ministry of Justice, operated 184 prisons in 10 provinces. The Ministry of Interior is responsible for jails at police stations. As of December 2013, the Attorney General's Office (PGR) reported 15,077 prisoners detained. There were 10,338 convicted prisoners and 4,739 awaiting trial. The National Prison Service reportedly spent approximately 84 meticaís (\$2.70) per day to house, feed, clothe, educate, and provide medical care for each prisoner.

Overcrowding, poor hygiene, underage prisoners, and convicted and untried prisoners sharing cells remained the most serious problems. For example, at the Nampula Provincial Prison, 71 inmates populated a 30-by-12-foot cell for more than 20 hours a day with access to only one latrine. In the Maputo Central Prison, the Mozambican Legal Aid Institute (IPAJ), the government agency responsible for providing free legal assistance to those who cannot afford it, confirmed that at least two 15-year-old children were held in preventive detention at the prison, housed in a cell block containing convicted prisoners up to age 22. The minimum legal age for detention is 16.

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

Malaria, tuberculosis, and HIV/AIDS were commonplace among prisoners in nearly all prisons. The Maputo high-security prison Cadeia da Machava reported 115 of 588 inmates had HIV, and the Maputo Central Prison reported 641 of 2,096 inmates had HIV. HIV/AIDS testing in most of the prisons was voluntary, so actual rates were likely higher. For example, the HIV voluntary testing center at the Maputo Central Prison claimed that on average it had between seven and 10 new HIV cases a month.

Healthy and sick prisoners regularly shared the same cells. Sanitation, ventilation, temperature control, lighting, basic and emergency medical care, and access to potable water were inadequate. Few prisons had health-care facilities or the ability to transport prisoners to outside facilities. Prisons often lacked basic supplies and

medicines, leaving many without immediate emergency health services and medication. Almost all prisons were constructed in the colonial era, leaving many in an advanced state of dilapidation that put prisoners and staff at risk. Yearly refurbishment projects were commonplace.

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

Administration: The PGR, Ministry of Justice, and National Prison Service acknowledged pretrial detention, bail, recordkeeping, and overcrowding were problem areas. Authorities employed alternative measures to imprisonment such as work brigades, conditional release for prisoners who had completed at least half of their sentences, and adjudication of cases through traveling tribunals. The PGR also noted problems remained regarding noncompliance with detention periods including prisoners serving terms beyond their stipulated sentences, applying prison sentences in cases where alternatives such as a conditional release or a fine would be appropriate, and delays in processing sentencing appeals. Authorities took steps to improve recordkeeping during the year. In February the minister of justice appointed 24 members to the National Penitentiary Service, which is responsible for managing prison recordkeeping, compliance with prisoner sentences, and coordination with courts on applying alternative sentences for minor crimes.

On several occasions prisoners and detainees submitted complaints to judicial authorities without censorship, and the local press also reported such complaints. From January to June, IPAJ assisted in 270 cases at Maputo Central Prison. It helped inmates track their prison sentences and provided legal aid in court processes. No ombudsman or formal system existed for entering or tracking complaints. Prisoners generally had access to visitors and could observe their religious practices. Authorities and the media investigated individual cases of inhuman treatment and conditions.

Independent Monitoring: International and domestic human rights groups had access to prisoners, although at the discretion of the Ministry of Justice and Ministry of Interior. The LDH had a high degree of independence when visiting prisons run by the Ministry of Justice but reported that the Ministry of Interior had not allowed it to visit any of its police detention center since 2009, despite having made many requests to the ministry.

Improvements: Two national prisons in Maputo province showed signs of increased focus on reform and rehabilitation of inmates, offering classes in basic reading, carpentry, fabric weaving, woodcarving, and gardening and refurbishing infrastructure. The LDH reported treatment in many prisons continued to improve during the year, including reductions in the occurrence of torture and abuse, fewer prisoners held beyond their sentences, and greater access to medical assistance and legal aid.

In April the former attorney general announced prisoners' diets slightly improved due to increased prisoner production of crops and livestock for prison consumption.

d. Arbitrary Arrest or Detention

While the constitution and law prohibit arbitrary arrest and detention, both practices continued to occur. For example, on April 14, police detained Jose de Araujo, a member of opposition party Democratic Movement Mozambique (MDM), in Inhambane while he was collecting signatures for the party's presidential candidate for the October elections. Authorities released de Araujo several hours after the arrest but did not return the signatures collected or the 20 voter identification cards. In April the PGR also highlighted a continuing problem in various provinces of arrest warrants issued without due process.

Role of the Police and Security Apparatus

Forces under the Ministry of Interior, including the PIC, the National Police (PRM), and the Rapid Intervention Police (FIR), are responsible for internal security. The border security force, known as Forca Guarda-Fronteira, is also under the Interior Ministry and is responsible for protecting the country's borders and for carrying out normal police duties in areas within 24 miles of the borders. An additional security body, the State Information and Security Service, reports directly to the president. The Casa Militar (Presidential Guard) provides security for the president. The armed forces are responsible for external security and report to the Ministry of National Defense. The president is commander in chief.

Civilian authorities generally maintained control over the PIC, the PRM, FIR, and Forca Guarda-Fronteira, and the government has mechanisms to investigate and punish abuse and corruption. There were numerous reports of impunity involving security forces and occasions when security forces acted without orders or exceeded their orders. Police routinely removed their identification at checkpoints

after dark and refused to identify themselves or their police precincts. It was extremely difficult to obtain information on security personnel being charged or otherwise held to account. The government did not share information about what mechanisms, if any, exist to investigate security force abuses or about training, if any, to increase respect for human rights by the security forces.

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

Corruption by police was widespread.

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

The public commonly suspected some members of the police force of involvement with criminal elements.

Arrest Procedures and Treatment of Detainees

Although the law requires a judge or prosecutor to first issue an arrest warrant (except for persons caught in the act of committing a crime), police arrested and detained citizens arbitrarily. By law the maximum length of investigative detention without a warrant is 48 hours or six months with a warrant, during which time a detainee has the right to judicial review of the case. The individual may be detained another 90 days while the PIC continues its investigation. A person accused of a crime carrying a potential maximum sentence of more than eight years may be detained up to an additional 84 days without being charged formally. A court may approve two more 84-day periods of detention without charge while police complete their investigation. If no charges are brought within the prescribed period for investigation, the detainee must be released. In many cases authorities either were unaware of these regulations or ignored them, often also ignoring detainees’ constitutional right to be informed of the charges against them within the period required by law, as well as the right to counsel and to contact relatives or friends. The law provides for citizens’ right of access to the courts and the right to representation, regardless of ability to pay for such services. Due to a shortage of legal professionals, indigent defendants frequently had no legal representation. There were no reports of suspects held incommunicado or under house arrest.

The bail system remained poorly defined, and prisoners rarely received conditional release after serving at least half a sentence with good behavior. Prisoners, their families, and nongovernmental organizations (NGOs) complained police and prison officials demanded bribes to release prisoners who had already completed their sentences.

Arbitrary Arrest: Arbitrary detention or false arrest occurred, although they were not commonplace.

Pretrial Detention: Excessively long pretrial detention continued to be a serious problem, due in part to an inadequate number of judges and prosecutors and poor communication among authorities. Prison officials, IPAJ, and inmates at the Maputo Central Prison, the Cadeia da Machava, and the Nampula Central Prison reported many inmates held while awaiting trial were being detained past the maximum legal preventive detention period by more than three months, and some by more than a year.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, according to civil society groups the executive branch and the ruling Frelimo party heavily influenced an understaffed and inadequately trained judiciary.

The judicial system suffered from a lack of transparency and often did not comply with the principles of promotion and protection of human rights.

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

Trial Procedures

Regular courts presume accused persons innocent, and the law provides the right to legal counsel and appeal, but authorities did not always respect these rights. Defendants have the right to be informed promptly in a comprehensible manner and in detail of charges filed against them. Defendants enjoy the right to communicate with an attorney of their choice, and the law specifically provides for public defenders for the accused. Such assistance was often not available due in part to lack of sufficient personnel, particularly in rural areas. In some instances

prisoners were required to pay their legal aid attorneys to persuade them to provide ostensibly free legal assistance. The government entity in charge of providing free legal aid, the IPAJ, continued to expand its presence in remote areas, and defendants gained greater knowledge of their right to free legal assistance. Defendants enjoy the right not to be compelled to testify or confess guilt.

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

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

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

Political Prisoners and Detainees

In July the government arrested opposition party Renamo presidential spokesperson Antonio Muchanga on charges of “incitement to violence,” but Renamo alleged the arrest and detention were politically motivated. Authorities released Muchanga in August following the passage of an amnesty law as part of a peace agreement between the government and Renamo.

Muchanga was the only high-profile political prisoner during the year, and the government permitted human rights organizations access to him. Police arrested or detained several supporters of Renamo and the MDM throughout the country in conjunction with the September elections campaigns. Police generally released the detainees shortly after the arrests. Human rights organizations criticized the arrests

for being based on false charges. In many cases the opposition members attacked by ruling party Frelimo supporters were instead the ones arrested.

Civil Judicial Procedures and Remedies

While the law provides for an independent and impartial judiciary in civil matters, the judiciary was subject to political interference. By law citizens have access to courts, to the Office of the Ombudsman, and to the National Human Rights Commission to submit lawsuits seeking damages for, or cessation of, human rights violations; however, authorities did not respect these provisions.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, but opposition party members alleged government intelligence services and ruling party activists continued to monitor telephone calls and e-mails without warrants, conduct surveillance of their offices, follow opposition members, use informants, and disrupt party activities in certain areas.

Some individuals, including members of civil society, expressed fear the government monitored their private telephone and e-mail communications.

Many individuals reported that the government required party membership to obtain or retain employment, obtain loans and receive business licenses.

The law requires police to possess a warrant to enter homes and businesses, but this practice was not always followed.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech, including for members of the press, and the government generally respected this right.

Freedom of Speech: Some individuals who criticized the government or ruling party, particularly those who worked for state-affiliated companies, reported reprisals and intimidation at the workplace. There were numerous reports government officials and police threatened, intimidated, or harassed MDM and Renamo party members. For example, in May police in Tete prohibited MDM

members from having official meetings in public or private places and impeded some MDM members from accessing public water fountains because of their party affiliation. One leading independent media outlet, often critical of the government, was administratively evicted from its Maputo headquarters several months prior to national elections.

Press Freedoms: The illiteracy rate was high. Print media were not available to the majority of the population. Newspapers reached an estimated one million of the country's 24.6 million citizens. The government maintained majority ownership of *Noticias*, the main newspaper, while *Diario de Mocambique* and the weekly *Domingo* largely mirrored the views of the ruling party. Independent publications reported news items critical of government policies.

Numerous private community and regional radio stations operated throughout the country. Radio Mocambique (RM), which received approximately 50 percent of its operating budget from the government, was the most influential media service, offering programming to the largest audience and doing so in at least 18 languages. Some commentators questioned the independence of RM due to its majority government funding. Although it broadcast debates on important issues, RM largely invited participants who were supportive or less critical of the government.

The government supplied approximately 70 percent of the operating budget of Televisao de Mocambique (TVM), the television station that competes with the private STV-Soico Televisao for the largest viewership. TVM's news coverage favored the incumbent government and ruling party Frelimo. Although it broadcast debates on important issues, the majority of its participants were supportive or less critical of the government.

Violence and Harassment: Some journalists were subject to harassment, attack, or intimidation due to their reporting. For example, in January an Inhambane provincial government official ordered a local community radio station in Homoine district to stop broadcasting news related to reports of Renamo attacks in the district, allegedly to avoid providing Renamo useful information for planning additional activities. The radio station complied after the official allegedly threatened to use police to shut the station down if it continued the news broadcasts.

Censorship or Content Restrictions: Media officials reported the government's Information Office convened regular editorial board meetings to coordinate and direct the news content released by state-controlled media organizations, including

RM, *Noticias*, TVM, and the Social Communications Office, which coordinates government-owned community radio stations. Many journalists reported self-censorship. Some media officials stated critical reporting could result in cancellation of government and ruling party advertising contracts. The largest advertising revenue streams for local media came from ministries and state-controlled businesses. Media analysis NGO Sekelekani and others noted progovernment media received more advertising contracts from the government and government-linked businesses than did media critical of the government.

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

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

On May 22, the PGR in Maputo summoned Carlos Nuno Castel Branco, director of the Institute for Economic and Social Studies, for questioning as a suspect under the Crimes Against State Security Law for a November 2013 Facebook posting that sharply criticized President Armando Guebuza. The PGR also summoned and questioned two newspaper editors for having republished the content from the Facebook post. The PGR did not press charges in either case.

Internet Freedom

Although there were no government restrictions on access to the internet, opposition party members and academics reported government intelligence agents monitored e-mail and used false names to infiltrate social network discussion groups.

According to the International Telecommunication Union, 5.4 percent of citizens, or more than one million, used the internet in 2013. In June the government hosted its first Alliance 4 Affordable Internet Country Forum as an effort to reduce the

cost of internet access. The cost of basic mobile broadband access was more than 65 percent of the average monthly income.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly. Although the government generally respected this right, abuses occurred during the year. For example, in May the administrator of Mossurize district, Manica province, closed the MDM's district offices due to being "located in an inappropriate area." After meeting with an MDM legal team challenging the legal basis for the closing, the administrator allowed the office to reopen.

Freedom of Association

The constitution and law substantially provide for freedom of association, and the government generally respected this right.

Since 2008 the government has refused to act on the formal application of Lambda, the Mozambican Association for the Defense of Sexual Minorities, to register as an NGO, although it met with Lambda representatives during the year.

c. Freedom of Religion

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

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

While the law provides for freedom of internal movement, foreign travel, emigration, and repatriation, the government sometimes infringed upon these rights. The government generally cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations

in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern in the Maratane Camp.

In-country Movement: Traffic checkpoints are under the jurisdiction of traffic police. Checkpoints occasionally limited freedom of movement, and according to press reports, police often abused and demanded bribes from citizens. Police also routinely harassed, detained, and extorted bribes from foreigners for supposedly committing infractions or violations and did the same to local citizens for failure to carry identity papers. On July 22, three police officers stopped a car driven by a foreigner, threatened him at gunpoint, and entered the car, forcing him to drive around the city for almost an hour while demanding money. Police released the driver, who did not file charges.

The government allows for refugee internal movement. Refugees must formally request authorization to move outside the geographic region of their registration, but the government usually authorized these requests, allowing refugees to settle elsewhere in the country. Authorities did not allow refugees to reside legally in Maputo; however, many did so illegally.

There were some reports of security forces also abusing refugees and migrants.

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

Internally Displaced Persons (IDPs)

In February there were more than 6,000 IDPs in various parts of Sofala province, including 500 at a government-controlled camp in Gorongosa who had fled from the government-Renamo conflict zones. The government provided minimum living requirements in the camp, including food, potable water, and basic medicine. An August survey conducted by the Ministry of Agriculture concluded that most of the IDPs outside the camp were in need of continued food assistance.

Protection of Refugees

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

The government also allowed the screening of potential asylum seekers. According to UNHCR figures released in June, the country hosted nearly 4,500 refugees and 11,500 asylum seekers. The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. It experienced large backlogs in asylum seeker and refugee status case processing and management, due to lack of resources, personnel, and training. The UNHCR reported many asylum seekers waited several years to gain refugee status, including exceptional cases of more than 10 years. In an effort to reduce the backlog, in June the National Eligibility Committee adjudicated more than 800 cases for asylum-seeker endorsement.

Refugee Abuse: There were some reports of security forces abusing refugees and migrants.

Durable Solutions: The government worked closely with the UNHCR to implement a local integration program for refugees, primarily from Somalia, Ethiopia, and the Great Lakes Region, at the Maratane camp in Nampula province. According to the UNHCR, 2,350 asylum seekers and 6,125 refugees resided in the Maratane camp in July, while an estimated 7,500 refugees and asylum seekers resided outside the camp in other areas of the country, the majority of whom were assumed to be self-reliant. Poor government management of food deliveries resulted in food shortages at the Maratane camp in January, May, and June, which prompted the UNHCR to increase its support.

Temporary Protection: During the year the government provided temporary protection to several thousand persons at the Maratane camp who may not qualify as refugees.

Stateless Persons

According to the UNHCR, statelessness was a problem but was only partly recognized as such by the government. Many Mozambican residents in the country lacked birth registration or other documentation to verify citizenship.

Mozambican-born and descendant persons living in other countries experienced challenges proving their Mozambican citizenship or claiming resident country citizenship due to lack of birth registration documents. Although reliable data on statelessness were not available, an unsuccessful government effort in 2009 to register Mozambicans residing in Tanzania, Zimbabwe, Malawi, and Kenya targeted 14,000 individuals.

The UNHCR attributed legal gaps, lack of implementation guidelines, low birth registration rates, lack of documentation, and long-term migration patterns as the main causes of statelessness. It recommended a new implementing law and regulation on nationality to harmonize law and practice at all administrative levels.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

In February after extensive negotiations with Renamo, the government passed new legislation that increased the number of National Electoral Commission members from 13 to 17, with five Frelimo, four Renamo, one MDM, and seven civil society appointees. The new laws also created politically designated leadership positions in the electoral administrative bodies at the national, provincial, and district levels.

Elections and Political Participation

Recent Elections: Voters elected Filipe Nyusi of the ruling Frelimo party as president during the October national elections. While domestic and international observers noted voting-day procedures generally followed international norms, they also documented irregularities during the campaign and in the vote count. Frelimo secured approximately 57 percent of the presidential vote and 144 of the 250 seats in Parliament.

Independent reporting corroborated opposition parties' accusations Frelimo used state funds and resources for campaign purposes, in violation of electoral law.

The National Assembly authorized a two-week delay in the start of the voter registration period for the October national elections in order to accommodate the participation of Renamo. Election authorities deployed a mobile registration

brigade to allow Renamo's presidential candidate to register to vote without having to leave Gorongosa, where he was living in seclusion. Through the registration process, 87.7 per cent of the estimated eligible 12.2 million voters were successfully registered.

Representatives of opposition parties and civil society complained about increased acts of bias and intimidation by the government and Frelimo. For example, in June election officials in the province of Cabo Delgado held local meetings excluding the newly designated Renamo members, alleging a lack of meeting space. In August officials from the Maputo Municipal Council, accompanied by the national police, arrived unannounced at the local MDM election headquarters and destroyed a large sign outside its facility. In a subsequent meeting with MDM officials, after initially asserting the sign represented either illegal campaigning or unpaid commercial advertising, Maputo municipal officials committed to provide an official explanation for the sign's destruction but failed to do so.

Political Parties and Political Participation: Frelimo continued to dominate the political process, and its influence continued to grow. Opposition political parties could operate but were sometimes subject to restrictions, including unlawful arrest, and other interference from the ruling party and the government. Membership in the ruling Frelimo party was widely perceived to confer advantages. The Sofala provincial government, which is appointed by the central government, announced plans in June administratively to divide the municipality of Beira, which would reduce the municipality to one-third its original size. Beira Mayor and MDM President Daviz Simango, who won re-election in November 2013 with more than 70 percent of the vote, claimed the divisions were designed to weaken the MDM in its strongest area of support. The central government deferred after it determined the proposed administrative divisions would require approval by the National Assembly.

Cases of violence and vandalism by Frelimo party members, including breaking into opposition party offices and tearing down banners, occurred without strong responses from police or the government.

Participation of Women and Minorities: Women and members of many ethnic groups held key positions in both the legislative and executive branches. There was no evidence of the exclusion of women or specific ethnic groups from participation in the political process. Women held 29 percent of ministerial positions. In the National Assembly, women held two of three party leader positions and 97 of 250 total seats. The composition of a new government

resulting from the October 15 election had not been finalized at year's end, and the incoming parliament not seated. The National Assembly also had an office dedicated to raising awareness of issues of importance to women, including family law, domestic violence, and trafficking in persons. Three of the seven Supreme Court justices were women; a government media source reported 54.5 percent of all judges were women.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and in contrast with 2013, the government more readily implemented the law for minor corruption offenses. For example, in April Minister of Public Service Victoria Dias Diaogo announced disciplinary action against 1,019 government employees for corrupt activities, of whom 126 were terminated, 122 demoted, 226 fined, 374 warned, and 88 publicly reprimanded. The remaining cases were pending. Infractions included misappropriation of state-owned property and falsification of documents and signatures. Nevertheless, officials sometimes engaged in corrupt practices with impunity, because the government did not always enforce the law for high-profile cases. Some internationally respected organizations, including the World Bank, indicated corruption was a serious problem. Petty corruption by low-level government officials to supplement modest salaries and high-level corruption by politically and economically connected elites continued to be the norm. In some cases high-level bribery was related to narcotics trafficking.

In December the government passed a new penal code law with provisions to combat financial crimes, including corruption, soliciting bribes, fraud, abuse of power for financial gain, and illicit accumulation of wealth. The government must still pass a criminal procedure code to implement the new penal code law effectively.

Corruption: Corruption, including extortion by police, was widespread, and impunity remained a serious problem. Police regularly detained persons for arbitrary reasons and demanded identification documents solely to extort payments. Many crime victims reportedly declined to seek police assistance because of a lack of confidence police would help. In July the Central Office for the Fight against Corruption (GCCC) announced an investigation into allegations senior traffic police officials in Maputo province were leading an organized network issuing illegal "donor cards" to companies and individuals who made monetary contributions to police; such cards allowed cardholders to avoid

enforcement of traffic violations. Although the GCCC threatened to pursue legal action if this practice was not stopped, no action had been taken by year's end.

The PGR also recognized other forms of corruption, including government employees demanding bribes in exchange for providing services to the public, irregularities in the public tendering process, and illicit sale of government jobs. In April the Chinese media company StarTimes, which has a business association with the president's family, and the Pemba Port Logistical Base were granted major government contracts without a public tendering process. Corruption resulted largely from a lack of checks and balances, minimal accountability, and a culture of impunity. Local NGOs and media groups continued to be the main civic forces fighting corruption by reporting on and investigating numerous corruption cases.

The GCCC is responsible for combatting corruption and functions as an autonomous unit under the PGR with its own state budget. It investigates theft of state funds in the central government and in provincial administrations. It operated independently but lacked enough resources to be effective. In 2013 the GCCC registered 876 corruption cases, including those involving the theft of state funds, of which 296 resulted in fines and 138 in trials. In August a court in Beira sentenced three civil servants to prison terms of between 12 and 17 years for the theft of 1.5 million meticaís (\$48,100). The GCCC stated the group forged documents to create state pension payments for nonexistent workers.

The government did not consistently follow public tender laws for large projects. In September 2013 the government raised \$850 million on international capital markets to fund state-owned Mozambican Tuna Company without conducting the required tendering process or routine intergovernmental consultations. The funding was widely criticized by donor countries and international finance organizations.

Financial Disclosure: The law requires all members of the government, their spouses, and their legal dependents to report their assets annually to the Ministry of State Administration. The law provides for fines if declarations are not made.

The Public Integrity Law prohibits public office holders from holding outside salaried jobs. In contrast with 2013, authorities established public integrity coordinating bodies in several, but not all, government-owned companies to implement the law.

Public Access to Information: In December the government passed a new law allowing public access to official sources of information. According to MISA, the new law more narrowly defines the types of information the government could designate as state secrets or security sensitive information and exclude from public access.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. In July, however, the LDH reported close police monitoring and limitations imposed by government forces during an investigation into alleged human rights violations in Sofala province. Although at times slow, government officials often were cooperative and responsive to the views of domestic and international human rights groups. Activities of foreign NGOs were subject to governmental regulation. Some foreign NGOs and religious groups reported the registration process regularly required several months. The government generally had good relations with human rights NGOs, including both local NGOs, such as the LDH, and international NGOs, such as CARE and Save the Children, and was willing to work with them. Some NGO representatives, however, expressed concern about possible repercussions if they released reports strongly critical of the government. Other NGOs also expressed concern at increased government registration requirements, mainly of foreign NGOs, which the government claimed were intended to prevent duplication of efforts.

Government Human Rights Bodies: A 2005 constitutional amendment created an independent ombudsman position to investigate allegations of abuse, including human rights violations. Ombudsman Jose Abudo delivered his second annual address to parliament in April and reported 21 recommendations had been made to the government, with five rejected and 16 pending a response. Abudo reported several government institutions were not abiding by recommendations to address human rights violations and other malpractices. The Ombudsman's Office reported 315 open cases under investigation, of which 157 were pending from the previous year.

The National Human Rights Commission is mandated to promote and defend human rights, including ensuring the human rights provisions of the constitution are followed. Among its stated priorities is addressing cases of law enforcement violence, judicial corruption, and violations of prisoner rights. The commission

lacks authority to prosecute and must refer cases to the judiciary. The commission members are chosen by the political parties, civil society, the prime minister, and the Mozambican Bar Association. The commission received no budget from the government and was not operational until December 2013 when it moved into government-provided offices. It received funding from a foreign government and the UN Development Program.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, but discrimination persisted against women and persons with HIV/AIDS. Discrimination based on sexual orientation or gender identity is not cited except in labor law, which specifically prohibits discrimination in the workplace based on sexual orientation. The government failed to enforce prohibitions against discriminatory acts.

Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape, but it was not effectively enforced; the law was largely unknown in rural areas where the majority of rapes took place. Penalties range from two to eight years' imprisonment if the victim is 12 years of age or older and 20 to 24 years' imprisonment if the victim is under 12, according to the new penal code approved in December.

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

The law prohibits violence against women and nonconsensual sex, including between married individuals. The law also provides penalties of up to 12 years' imprisonment for engaging in sexual activity while knowingly infected with a sexually contagious disease. There were no reports of investigation or prosecution of such cases.

Domestic violence against women, particularly spousal rape and beatings, remained widespread. According to the World Bank's 2012 World Development Report, 54 percent of all women reported being victims of sexual or physical abuse. Abuse of a spouse or unmarried partner is punishable with one to two years in prison, or a greater penalty if another crime is also applicable. A 2012 Multiple Indicators Cluster Survey (MICS) conducted by the UN Children's Fund (UNICEF), the Ministry of Health, and the National Statistics Institute revealed 22.9 percent of women and 19.9 percent of men surveyed believed it was justifiable to beat a woman under certain circumstances. In Nampula, the most populous province of the country, Ministry of Interior's centers for women and children who are victims of violence, abuse, and exploitation, registered 912 cases of domestic violence against women in the first six months of 2013, compared with 620 cases in 2012.

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

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

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

Government agencies and NGOs implemented public outreach campaigns to promote the prevention and to combat violence against women in all 11 of the country's provinces.

Police and NGOs often worked together to combat domestic violence. The PRM operated special women's and children's units within police squadrons that received high numbers of cases of domestic violence, sexual assault, and violence against children and assisted victims and their families. All 30 police squadrons in Maputo had women's and children's centers.

A 2014 report released by IREX, a media civil society organization, stated local journalists often failed to take appropriate procedures to protect the identity of women rape victims and treated such cases as isolated incidents.

Female Genital Mutilation/Cutting (FGM/C): The new penal code passed in December prohibits castration. There were no reports of FGM/C cases during the year.

Sexual Harassment: Sexual harassment is illegal; however, it was pervasive in business, government, and schools.

Reproductive Rights: The government generally recognized the right of couples and individuals to decide the number, spacing, and timing of their children; and the right to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Health-care clinics and local NGOs could operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on access to family planning; however, according to the 2011 Demographic and Health Survey, just 11 percent of married girls and women between the ages of 15 and 49 used a modern method of contraception. Rural communities often had limited access to basic health services. Many persons in poor communities believed large families enhanced wealth generation. Health organizations reported that 11 percent of maternal deaths were caused by illegal abortion procedures.

The country had a high maternal mortality rate (480 deaths per 100,000 live births in 2013), and a woman's lifetime risk of maternal death was one in 41. This was due to poor clinical capacity for obstetric emergencies--such as hemorrhages and obstructed delivery during labor--and to a severe lack of doctors--a total of 1,452 for the whole country as of end of 2013--and nurses, especially in rural areas. Other reasons included poor infrastructure, a high HIV/AIDS rate, high rates of adolescent pregnancy, and poor access to health-care facilities, often resulting in delays in providing medical care. Hemorrhages, uterine ruptures, and eclampsia accounted for more than half of maternal deaths, followed closely by HIV/AIDS at approximately 13 percent, according to the most recently available estimates. According to the Ministry of Health, approximately two-thirds of births occurred in health-care facilities in 2013, but this proportion was lower for HIV-positive women.

Discrimination: The law provides women the same legal status and rights as men under family, labor, property, and inheritance laws but does not specifically require equal pay for equal work. The law contains special provisions to protect women against abuse and excessive physical work or night shift requirements during pregnancies. Many women remained uninformed about the law.

Women continued to experience economic discrimination (see section 7.d.).

Relative gender gaps in life expectancy, education, and income remained high. In some regions, particularly the northern provinces, women had limited access to the formal judicial system for enforcement of rights provided under the civil code and instead relied on customary law to settle disputes. Under customary law women typically have no rights to inherit land.

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

The practice of "purification," whereby a widow is obligated to have unprotected sex with a member of her deceased husband's family, continued, particularly in rural areas. In some instances women reported losing inheritance rights for not being "purified" following the death of their husbands.

The parliament has a women's caucus, composed of members from the three parties with parliamentary seats, which seeks to address issues on gender balance, women representation in decision-making bodies and advocacy of women's rights.

Children

Birth Registration: Citizenship is obtained by birth in the country or by birth abroad to a citizen parent. UNICEF reported 47 percent of citizens had their births registered, although in rural areas this was often not done immediately. Failure to register results in the inability to attend school and may prevent one from obtaining public documents, such as identity cards, passports, or "poverty certificates," which enable access to free health care and free secondary education. Cultural practices continued to deprive women, especially in rural areas, of their legal right to register their child without the presence of the child's father. For example, in June a woman in the town of Xai Xai was not able to file a criminal case or obtain

government-provided medical treatment for her sexually assaulted infant without the child's birth registration. The woman could not register her child's birth until the father returned to town to acknowledge the child's birth.

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

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

While the government continued to stress the importance of children's rights and welfare, significant problems remained. A 2008 law on child protection contains sections dealing with protection against physical and sexual abuse; removal from parents who are unable to protect, assist, and educate them; and the establishment of minors' courts to deal with matters of adoption, maintenance, and regulating parental power. Juvenile courts resolved many cases regarding support for children after divorce or the end of a relationship.

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

Early and Forced Marriage: The law sets the minimum age of marriage for both genders at 18 with parental consent and 21 for those without it. Legal permission to marry at age 16 may be granted with parental consent if “circumstances of recognized public and family interest,” such as pregnancy, exist. Local custom, primarily in the northern provinces and in Muslim and South Asian communities, allows underage marriage. The 2012 MICS found 14.3 percent of girls were married before age 15 in the northern region of the country.

Female Genital Mutilation/Cutting (FGM/C): The new penal code passed in December prohibits castration. There were no reports of FGM/C cases involving children during the year.

Sexual Exploitation of Children: The law prohibits pornography, child prostitution, and sexual abuse of children under 18; however, exploitation of children below age 18 and child prostitution remained problems. The new penal code passed in December specifies prison terms of 20 to 24 years for rape of children under the age of 12, and prison terms of two to eight years for all other forms of rape. Statutory rape applies to children under the age of 16. During the year there were a few prosecutions for sexual abuse of children, although there were no prosecutions for pornography or child prostitution reported. Underage girls were exploited in prostitution in bars, roadside clubs, and restaurants in border towns and overnight stopping points along the southern transport corridor that links Maputo, Swaziland, and South Africa. Child prostitution appeared to be most prevalent in Maputo, Nampula, Beira, at border towns, and at overnight stopping points along key transportation routes. The incidence of child prostitution reportedly rose in the Maputo, Beira, Chimoio, Pemba, and Nacala areas, which had highly mobile populations and a large number of transport workers. Some NGOs provided health care, counseling, and vocational training to children, primarily girls, engaged in prostitution.

Displaced Children: Children from Zimbabwe, Malawi, and Swaziland, many of whom had entered the country alone, faced labor exploitation and discrimination. They lacked protection due to inadequate documentation and had limited access to schools and other social welfare institutions, largely due to lack of resources. Coercion, both physical and economic, of these girls into the sex industry was common, particularly in Manica province.

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

Several government agencies, including the Ministry of Health and the Ministry of Women and Social Action, implemented programs to provide health-care assistance and vocational education for HIV/AIDS orphans and other vulnerable children, but as parents died, the number of orphans increased.

The Maputo City Office of Women and Social Action continued its program to rescue abandoned orphans and assist single mothers who headed families of three or more persons, but its scope of action was limited due to lack of funding. It also offered special classes in local schools to children of broken homes. NGOs sponsored food, shelter, and education programs in all major cities.

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

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

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

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

Discrimination in employment, education, access to health care, and the provision of other state services was common. Observers often cited unequal access to employment as one of the biggest concerns (see section 7.d.).

The law requires access to public buildings for persons with disabilities, and although the Ministry of Public Works and Habitation worked to fulfill that goal in Maputo city, progress was very slow. The government 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. The government sometimes referred parents of children with disabilities to private schools with more resources to provide for their children. There were only two schools for persons with disabilities, one in Maputo province and the other in Sofala province. Based on Education Movement for Everyone, a civil society organization for human rights, an estimated 12 percent of youth with disabilities did not have access to education. The Mozambican Association for the Disabled (ADEMO) reported teacher-training programs did not include techniques on how to address the needs of students with disabilities. ADEMO also observed school buildings fell short of international standards for accessibility, and public tenders were not designed to support the participation of persons with disabilities.

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

The only psychiatric hospital was overwhelmed with patients and did not provide adequate basic nutrition, medicine, or shelter. Doctors also reported many families abandoned members with disabilities at the hospital. ADEMO reported access to donated equipment, like wheelchairs, continued to be a challenge due to required lengthy and complicated bureaucratic procedures.

Veterans with disabilities continued to report nonreceipt of pensions.

The Ministry of Women and Social Action is responsible for protecting the rights of persons with disabilities. The 2012-19 National Action Plan in the Area of Disabilities provides funding, monitoring, and assessment of implementation by various organizations that support persons with disabilities.

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

National/Racial/Ethnic Minorities

There were reports police discriminated against Zimbabwean, Somali, and Chinese immigrants. In Nampula the UNHCR objected to fines imposed by local

government inspectors on businesses employing Somali asylum seekers. The UNHCR asserted the fines have no basis in the law, which provides asylum seekers freedom of employment (see section 7.d.).

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

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

The government does not track and report discrimination or crimes against individuals based on sexual orientation or gender identity. The media did not report such abuses, although there were cases reported in social media. Intimidation was not a factor in preventing incidents of abuse from being reported.

HIV and AIDS Social Stigma

In a 2011 Demographic and Health Survey, 30.8 percent of women and 27.9 percent of men reported having discriminatory attitudes towards persons with HIV. Reports continued of many women expelled from their homes and abandoned by their husbands and relatives because they were HIV positive. Some women widowed by HIV/AIDS were accused of being witches who purposely killed their husbands to acquire belongings; as retribution, they were deprived of all possessions.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide that workers, except for those in defense and security services, the tax administration, prison workers, the fire brigade, judges and prosecutors, and the president's office staff members, are free to form and join independent trade unions, conduct legal strikes, and bargain collectively. The law, however, requires prior authorization for establishment of a union. The government has 45 days in which to register an employers' or workers'

organization, which the International Labor Organization (ILO) deemed excessive. While the law allows most public sector workers to form and join unions, they are prohibited from conducting strikes. The law does not allow strike actions until long and complex conciliation, mediation, and arbitration procedures have been exhausted. The law provides for voluntary arbitration for the “essential services,” including the postal services, the loading and unloading of animals and perishable foodstuff, weather monitoring and fuel supply, as well as activities in export processing zones. Sectors deemed essential must also provide a minimum level of services during a strike. Strikes must be announced at least five days in advance, and the announcement must include the expected duration of the strike, although the government interprets this to allow indefinite strikes. Strikes may be ended by mediation and arbitration bodies, not just by the unions and workers themselves. The law prohibits all types of antiunion discrimination but does not explicitly provide for reinstatement of workers fired for union activities.

The government did not effectively enforce many of its labor laws, largely due to lack of resources to investigate abuses, although the government occasionally made efforts to do so, including fines for companies that violated labor laws and regular expulsion of foreign workers for abuses. While the Ministry of Labor reported issuing 3,889 fines for labor violations in 2013, penalties were not sufficient to deter violators. There were many reports of employers’ payment of bribes to avoid the issuance of labor violations. There were occasionally lengthy procedural delays and appeals. While the law provides for voluntary arbitration, including in sectors the government deemed essential such as the three special economic zones and one free industrial area, it was not frequently used during the year.

Authorities generally respected freedom of association and the right to collective bargaining, although workers exercised few of these rights. There are strict legal constraints on workers’ meetings in the workplace. While unions occasionally engaged in negotiating wage increases and organizing concerted work actions, such as strikes, such activities were infrequent. The government also respected the legal prohibition of antiunion discrimination. There were no reports of violations related to freedom of association and collective bargaining rights or antiunion discrimination during the year.

The leading trade union organization, OTM-Central Sindical, was widely perceived as biased in favor of the government and the ruling party, Frelimo. Similarly, although the law provides for the right of workers to organize and engage in collective bargaining, such contracts covered only approximately 5

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

There were reports unions did not behave in a transparent manner and used connections with government and private sector management to engage in unauthorized dismissals.

b. Prohibition of Forced or Compulsory Labor

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

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

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt.

c. Prohibition of Child Labor and Minimum Age for Employment

In the formal economy, the minimum working age without restrictions is 18. The law permits children between the ages of 15 and 18 to work, but the employer is required to provide for their education and training and provide conditions of work that are not damaging to their physical and moral development. Children between the ages of 12 and 15 may work under special conditions authorized jointly by the Ministries of Labor, Health, and Education. For children under age 18, the maximum workweek is 38 hours and the maximum workday is seven hours. They are not permitted to work in occupations that are unhealthy, dangerous, or require significant physical effort. The nonexistence of an official list of prohibited, hazardous activities for child laborers weakened these protections. Children must undergo a medical examination before beginning work. By law children must be

paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher.

The Ministry of Labor regulates child labor in both the informal and formal sectors. Labor inspectors may obtain court orders and use police to enforce compliance with child labor provisions. There were no mechanisms in place for submitting complaints about hazardous and forced child labor. Violations of child labor provisions are punishable with fines ranging from one to 40 months of the minimum wage salary. Enforcement mechanisms generally were inadequate in the formal sector due to resource constraints, and almost 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. There were 135 labor inspectors, none of whom specialized in child labor issues. Inspectors received low wages, making them vulnerable to bribes. The inspectors often did not have the means to travel to sites and were therefore reliant on the company they were investigating for committing violations to provide transportation to the site of an alleged violation. Although the government provided training for police on child prostitution and abuse prevention, there was no specialized child labor training for the labor inspectorate. The government disseminated information and provided education about the dangers of child labor to the public, although a lack of resources constrained these efforts.

The government made few new efforts to prevent and eliminate child labor during the year. Efforts to prevent child labor included public awareness campaigns and increased training of law enforcement officials in recognizing and combating child labor and trafficking. Child labor remained a problem. Although the law prohibits forced and bonded labor by children, it was a common problem, especially in rural areas. In addition some girls from rural areas migrated to urban centers, where they were vulnerable to commercial sexual exploitation (see section 6, Children). Mothers who did not complete secondary school were more likely to have children involved in child labor. Due to economic necessity, especially in rural areas, children worked particularly in commercial agriculture, as domestic employees, or in prostitution.

In May the government held final consultations on the National Action Plan on Child Labor for the period 2013-19 in conjunction with the ILO and local civil

society organizations. The plan was awaiting approval by the Council of Ministers at year's end.

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

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

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations prohibit discrimination regarding race, gender, disability, language, sexual orientation, gender identity, HIV-positive status, or social status, but the government did not effectively enforce the law.

Discrimination in employment and occupation occurred with respect to women and persons living with disabilities (see section 6). Women were almost four times less likely than men to receive a salaried, formal sector job. They often received lower pay than men for the same work and were less likely to have access to credit. A Labor Ministry representative reported pregnant women were more likely to be terminated by employers hoping to avoid maternity leave payments. The law prohibits discrimination against workers because of HIV/AIDS status, and the Ministry of Labor generally intervened in cases of perceived discrimination by employers. With an increased public awareness of this law, there were no public reports of individuals dismissed because of their HIV status.

There were no reports of discrimination against internal or foreign migrant workers in terms of lesser legal protections, wages, or working conditions.

e. Acceptable Conditions of Work

Minimum wages varied by sector from 3,010 meticaís (\$96) to 7,465 meticaís (\$239) and were increased to these levels in April. Workers generally received benefits, such as transportation and food, in addition to wages. Trade unions estimated that a minimum livable monthly wage to provide for a family of five was

8,000 meticaais (\$256). The standard legal workweek is 40 hours but may be extended to 48 hours. After 48 hours overtime must be paid at 50 percent above the base hourly salary. The law limits overtime to two hours per day and 100 hours per year. The law provides for one hour of rest per day. Foreign workers are protected under the law. In the small formal sector, health and environmental laws were in place to protect workers. The government sets occupational health and safety standards. Workers have the right to clean and safe workplaces, including good physical, environmental, and moral conditions. Workers have the right to be informed of risks and instructed on how to follow the regulations and minimize risks, as well as the right to protective clothing and equipment, first aid, health exams, and compensation for workplace injuries or sickness. No sectors or groups of workers, including informal sector workers, are specifically exempted from these laws.

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

The Ministry of Labor did not effectively enforce the health, safety, and wage laws, and the government only occasionally fined or closed firms for noncompliance. The ministry employed only 135 inspectors and provided minimal financing for inspections. There continued to be significant violations of labor laws in many companies, and the infrequency of sanctions for violations created little deterrence to violation.

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

Although the industrial sector frequently paid above minimum wage, there were few industrial jobs outside the Maputo area. The country's three special economic areas and one free industrial area have special fiscal incentives such as exemption from value-added taxes and customs duties and have some nonfiscal incentives, including more flexibility in hiring foreign labor; however, the same regulations for wages, workweek, and occupational safety and health are in place within the zones as were described above. The Inspector General for Economic Activities, which is composed of representatives from a number of ministries, regulated these zones. There were no reports of violations of wage, overtime, or occupational safety and health standards in these special economic zones. In addition only 13 percent of workers held salaried positions, and the majority of the labor force worked in subsistence farming. Many workers used a variety of strategies to

survive, including holding a second job, maintaining their own gardens, or depending on the income of other family members.

Frequent worker complaints included failure by employers to deposit social security contributions deducted from wages, inability to obtain social security benefits, unlawful firings, and intimidation of union members.

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

In December 2013 the Council of Ministers approved new regulations on labor accidents. The regulations were devised by the Labor Consultative Council, a forum comprised of government, private sector, and union representatives to replace legislation from 1957. The new regulations came into force in March.

From January to August 2013 there were 336 registered workplace accidents, eight of which resulted in the deaths of workers. Most accidents occurred in the agriculture sector. Similar data for 2014 were not available.