

MOZAMBIQUE 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mozambique is a constitutional multiparty democracy with a republican form of government. In 2009 voters reelected President Armando Guebuza in an election observed by several national and international observers, including the EU and the Commonwealth, criticized as lacking a “level playing field” and faulted for lacking transparency, integrity, impartiality, and independence. Domestic and foreign observers and local civil society organizations expressed concern over the electoral procedures that preceded the balloting, particularly the exclusion of six of nine presidential candidates and the disqualification of one opposition party’s parliamentary candidates from seven of the 11 provinces. In response to international criticism, the government took some steps to enhance the status of opposition members of parliament and made modest electoral reforms that addressed some procedural weaknesses. There were instances in which elements of the security forces acted independently of civilian control.

Incidents of serious human rights abuse occurred during the year; the three most important abuses were unlawful killings, domestic violence, and abuses by security forces.

Other major human rights problems included harsh and life-threatening prison conditions, including harsh physical abuse of prisoners; lengthy pretrial detention; ruling party influence on an inefficient, understaffed, and inadequately trained judiciary; and political and judicial constraints on press freedom. Corruption was also a serious problem. Societal problems included discrimination against women; abuse, exploitation, and forced labor of children; trafficking in women and children; and discrimination against lesbian, gay, bisexual, and transgender (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 the government or its agents committed arbitrary or unlawful killings; most concerned police officers.

For example, in July a police officer in Nampula shot and killed the driver of a car carrying 12 passengers that had previously hit another officer's car. The police opened an investigation into the shooting but had not released a report by year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

While the constitution and law prohibit such practices, poorly trained police frequently used excessive force and harsh physical abuse when apprehending, interrogating, and detaining criminal suspects and prisoners. Human rights advocates and the media reported occurrences of torture and other cruel, inhuman or degrading treatment, physical abuse, and prolonged detention. The Mozambican League of Human Rights (LDH) reported the level of abuse in prisons declined considerably. However, abuses by the Criminal Investigative Police (PIC) in police station jails continued as in the past.

Prison and Detention Center Conditions

Prison conditions remained harsh and potentially life threatening; inadequate funding, staffing, and facilities resulted in overcrowding, substandard sanitation, and poor nutrition and health care.

Physical Conditions: The National Prison Service, under the Ministry of Justice, operated 184 prisons in 10 provinces. The Ministry of Interior is responsible for jails at police stations. In December the vice-minister of justice reported there were 15,735 prisoners in jails and prisons designed to hold only 7,804. There were 10,219 convicted prisoners and 5,516 awaiting trial. The National Prison Service reportedly spent approximately 84 meticais (\$3) per day to house, feed, clothe, educate, and provide medical care for each prisoner.

Overcrowding remained the most serious problem. Prisoners often slept in bathrooms, standing up or in shifts.

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

In many cases prison officials did not provide adequate basic food to the prison population. It was customary for families to bring food to prisoners, but not all prisoners had families able to provide it. In December the daily newspaper *Noticias* reported convicted prisoners were being held at the police station in Chemba, Sofala Province, because the police and district administration had no vehicles to transport them to the regional prison. The article reported the prisoners had received no food from authorities for two weeks. In the prisons it visited, the LDH characterized prison food as “poor.” Overcrowding and substandard food were two of the main causes of a prison riot in Nampula on March 11 in which approximately 400 inmates held in five cells destroyed a large part of the prison. Prison guards and special riot police (the Rapid Intervention Force--FIR) subdued the rioters.

Malaria, tuberculosis, cholera, and HIV/AIDS were commonplace among prisoners in nearly all prisons, and the Justice Ministry and the Prosecutor General Augusto Paulino publicly acknowledged these problems. Malnutrition caused other illnesses, including paralysis and blindness. Healthy and sick prisoners regularly shared the same cells. Sanitation, ventilation, temperature control, lighting, basic and emergency medical care, and access to potable water were inadequate. Few prisons had health-care facilities or the ability to transport prisoners to outside facilities. Prisons that did have health-care facilities often lacked basic supplies and medicines, leaving most without medicine unless they could afford to buy them privately. Almost all prisons were constructed in the colonial era, and very few had been refurbished, leaving many in an advanced state of dilapidation that put prisoners and staff at risk.

Pretrial detainees were held with convicted prisoners.

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

Administration: The Ministry of Justice and the National Prison Service acknowledged pretrial detention, bail, recordkeeping, and overcrowding were problems and initiated efforts in 2010 to improve their systems and lessen the possibility of prisoners serving time in excess of their sentences or maximum legal detention periods. While fewer prisoners were held beyond their sentences, there was no significant improvement in overcrowding by year's end. Prisoners generally had access to visitors and could observe their religious practices. On several occasions during the year, prisoners and detainees submitted complaints, and the local press also reported such complaints. No ombudsman or formal system existed for entering or tracking complaints. Authorities continued to employ alternative measures to imprisonment such as work brigades, conditional release for prisoners who had completed half of their sentences, and adjudication of cases through traveling tribunals.

Monitoring: International and domestic human rights groups had access to prisoners, although at the discretion of the Ministries of Justice and Interior. In 2009 the LDH entered into a memorandum of understanding with the Ministry of Justice allowing the LDH to make unannounced prison visits on the condition the LDH submit to the government copies of its findings prior to release. The LDH was free to publish its findings thereafter. However, there was no such agreement with the Ministry of Interior, which controls police detention facilities, making visits to those facilities more difficult for the LDH as it requires formal requests to the Ministry of Interior. The Mozambican Legal Aid Institute, a unit of the Ministry of Justice, also reported that police interference made it difficult to provide legal aid to prisoners held in police stations.

Improvements: The LDH reported treatment in many prisons improved 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.

d. Arbitrary Arrest or Detention

While the constitution and law prohibit arbitrary arrest and detention, both practices continued to occur.

Role of the Police and Security Apparatus

Forces under the Ministry of Interior, including the PIC, national police (PRM), and FIR, are responsible for internal security. The border security force, known as Forca Guarda-Fronteira, is also under the Interior Ministry and is responsible for

protecting the country's borders and for conducting normal police duties in areas within 24 miles of the borders. An additional security body, the State Information and Security Service, reports directly to the president. The Casa Militar (Presidential Guard) provides security for the president. The armed forces are responsible for external security and report to the president.

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

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

Corruption by police was widespread (see section 4).

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

In February the daily newspaper *Diario de Mocambique* reported that, in a sting operation, the PIC arrested two FIR members for impersonating PIC agents and attempting to extort money from a citizen in Tete Province.

Arrest Procedures and Treatment While in Detention

Although the law requires an arrest warrant issued by a judge or prosecutor (except for persons caught in the act of committing a crime), police continued to arrest and detain citizens arbitrarily. By law the maximum length of investigative detention without a warrant is 48 hours or six months with a warrant, during which time a detainee has the right to judicial review of the case. The individual may be detained another 90 days while the PIC continues its investigation. A person accused of a crime carrying a potential maximum sentence of more than eight years may be detained up to an additional 84 days without being charged formally.

With court approval such detainees may be held for two more periods of 84 days each without charge while the police complete their investigation. The law provides that if no charges have been brought within the prescribed period for investigation, the detainee must be released. In many cases the authorities either were unaware of these regulations or ignored them, often also ignoring detainees' constitutional right to be informed of the charges against them within the period required by law, as well as the right to counsel and to contact relatives or friends. The law provides for citizens' right of access to the courts and the right to representation, regardless of ability to pay for such services. However, due to a shortage of legal professionals, indigent defendants frequently had no legal representation. There were no reports of suspects held incommunicado or under house arrest.

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

Arbitrary Arrest: Arbitrary detention or false arrest occurred, although they were not commonplace. For example, on February 11, plainclothes members of the PIC who had no arrest warrant and did not identify themselves police arrested the owner of an auto parts store in Maputo. The arrest was related to a kidnapping spree, but it was done in such an unprofessional manner that the man arrested and those around him suspected the plainclothes officers of being kidnappers purporting to be police. The store owner was taken to the police station and refused access to his lawyer during interrogation. After the individual's release the Maputo police spokesman announced the officers had acted improperly because they were sent to the store solely to take a statement from the owner, not to arrest him.

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. Approximately 37 percent of inmates were in pretrial detention. The LDH reported that in many cases the length of pretrial detention far exceeded the maximum allowed by law.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, according to civil society groups, the executive branch and the ruling Front for the Liberation

of Mozambique (Frelimo) party heavily influenced an understaffed and inadequately trained judiciary, particularly in the lower tiers.

The judicial system continued to suffer from a lack of transparency and often did not comply with the principles of promotion and protection of human rights. Civil society organizations also asserted the preparation of some criminal case files was so poor, due to inadequate training and corruption in the ranks of the PIC, that judges dismissed them due to insufficient evidence. In an example of disregard for judicial authority, in March the Nampula provincial police arrested the Nacala-Porto police commander and four other officers for storing weapons belonging to antipiracy security teams. When the court ordered the release of the five men, the provincial police immediately rearrested them, and the national commander of the police force declared: “We don’t obey any judge. We take our own internal measures.” The court again ordered the men’s release; they took shelter in the provincial attorney’s office until the provincial police agreed to refrain from again arresting them. In August the Public Prosecutor’s Office announced it had determined the Nacala-Porto officers had broken no laws.

Trial Procedures

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

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

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

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

Political Prisoners and Detainees

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

Civil Judicial Procedures and Remedies

While the law provides for an independent and impartial judiciary in civil matters, the judiciary was subject to political interference. Although by law citizens have access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations, in practice this did not occur.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions. However, opposition party members alleged government intelligence services and ruling party activists continued to monitor telephone calls and e-mails without warrants, conduct surveillance of their offices,

follow opposition members, use informants, and disrupt party activities in certain areas.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Speech: Individuals could generally criticize the government publicly or privately without reprisal. Some individuals expressed fear the government monitored their private telephone and e-mail communications.

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

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

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

Violence and Harassment: Some journalists were subject to harassment, attack, or intimidation due to their reporting. For example, on September 9, according to

press reports, Jose Chirindza, a journalist for the weekly newspaper *Savana* and the daily newsheet *MediaFax*, was assaulted by two police officers in Beira, Sofala Province, after taking photographs of the attempted lynching of an alleged thief. The officers forced him to delete the photographs from his camera, took him to the police station, and then released him, at which point he filed a complaint at the police station. The Sofala Province police spokesman announced that disciplinary measures would be taken against the two police officers.

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

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

Libel Laws/National Security: MISA reported that despite the press freedom provisions in the constitution and the 1991 Press Law, other legislation inhibits the media. For example, a clause in the law on crimes against state security treats libel against the president, prime minister, and other senior political and judicial figures as a security offense. These laws were not invoked during the year.

Internet Freedom

Although there were no government restrictions on access to the Internet, opposition party members reported government intelligence agents monitored e-mail. According to the International Telecommunication Union, Internet access and use increased in 2011, the most recent year for which data are available, to 4.3 percent of Mozambicans, or just over one million people.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly. Although the government generally respected this right in practice, there were some abuses during the year. For example, in August the Interior Ministry refused authorization for a march by a legal association of former policemen.

On June 6, a court ordered the Ministry of Interior to pay 500,000 meticaís (\$16,892) in compensation to the family of an 11-year-old boy killed by a stray police bullet during the September 2010 riots protesting price increases in basic foodstuffs, fuel, and transportation. This was the first disciplinary action of any kind resulting from police use of tear gas, rubber bullets, and live ammunition during the riots, when police shot and killed between 13 and 18 protesters in several cities.

In response to the violent protests in September 2010, the government temporarily disabled the local cell-phone texting system, the protesters' primary method of communication, and subsequently required all purchasers and owners of prepaid cell phones register with cellular service providers. However, the rapid increase in the number of cell phones hampered effective registration.

Freedom of Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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 cooperated with the Office of the UN 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. However, at year's end the government had not approved a UNHCR request for a smaller processing or transit center in Palma at the northern border, claiming migrants arriving at that border were mostly or entirely economic migrants.

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 sometimes stopped foreigners and ordered them to present original passports or resident papers, refused to accept notarized copies, and fined or detained those who failed to show proper documents. 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.

Emigration and Repatriation: The government did not place restrictions on return of citizens. However, locally based UNHCR officials reported that individuals of Mozambican-heritage communities 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.

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. In practice 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 country hosted more than 13,000 refugees and asylum seekers. The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers during the year.

The government continued to work closely with the UNHCR to implement a local integration program for refugees, primarily from Somalia, Ethiopia, and the Great Lakes Region, at the Maratane camp in Nampula Province. The government

allowed the screening of potential asylum seekers but did not authorize the formal establishment of a transit camp in Palma, claiming migrants arriving at the northern border were mostly economic migrants.

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

Refoulement: There were no reports of the government forcing asylum seekers to return to countries where their lives or freedom might be threatened. However, there were reports police patrols near the Tanzanian border refused entry to migrants, forced migrants that were already in the country over the border into Tanzania, or forced them to return in potentially life-threatening conditions at sea and in the wilderness borderlands. In 2011 the UNHCR called on Mozambican authorities to stop deporting asylum seekers, who included women, children, and elderly men.

Refugee Abuse: There were some reports of security forces abusing refugees and migrants. The government allows refugee movement within the country. Refugees must formally request authorization to move outside the geographic region in which they have been registered, but this authorization was usually given and allowed refugees to settle elsewhere in the country, except for Maputo, which is officially declared a zone where refugees are not allowed to reside, although many still did in practice.

Durable Solutions: The government generally allowed refugees from conflict areas to settle in the country, although it did not extensively facilitate local integration efforts. It generally treated those from border countries as economic migrants or transients.

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

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic elections held on the

basis of universal suffrage. However, the 2009 national elections were widely criticized for numerous irregularities and lack of transparency, including exclusion of several presidential and parliamentary candidates. In December 2011 and April, Renamo, the largest opposition party, boycotted special elections for mayor of four cities, but the MDM participated in all four races. Critics charged misuse of government resources to support Frelimo candidates, voter registration irregularities, and lack of transparency, but opposition candidates were allowed to run freely, and citizens in one city elected an MDM mayoral candidate.

Elections and Political Participation

Recent Elections: In the 2009 national elections, Frelimo secured approximately 75 percent of the presidential vote and more than 75 percent of the seats in parliament. Frelimo mayors were elected in 42 of 43 municipalities, and it was the largest party in municipal assemblies, holding approximately 80 percent of all seats. Frelimo gained a majority in the National Assembly large enough to amend the constitution without the support of other parties.

The main opposition parties, Renamo and the MDM, complained of election fraud and noted Frelimo agitators and provocateurs routinely disrupted campaign stops, drowning out speakers and candidates by revving motors, playing instruments, shouting, and occasionally throwing stones. They alleged local authorities failed to respond to such acts and that Frelimo candidates suffered no similar interference during their campaigns. Independent reporting corroborated opposition parties' accusations Frelimo used state funds and resources for campaign purposes, in violation of electoral law.

In 2009 Armando Guebuza of the ruling Frelimo party was reelected president in the October general elections. While domestic and international observers noted voting-day procedures generally followed international norms, they also documented irregularities during voter registration, the campaign, and in the vote count.

After the 2009 elections, the Electoral Institute for Sustainability of Democracy in Southern Africa questioned the transparency, integrity, impartiality, and independence of the National Elections Commission (CNE), noting improvements were required to “level the playing field, afford equal opportunity to all, and improve the transparency of the electoral process.” The CNE disqualified several political parties and candidates from participating in legislative elections. The MDM, for example, was prevented from running in nine of 13 legislative districts.

The CNE's action, which included backdating documents and other questionable acts, provoked protests from the diplomatic community and civil society and extensive criticism in the media. The Constitutional Council (CC) also disqualified six of nine presidential candidates for application irregularities. In contravention of law and its own past practice, the CC did not provide the rejected candidates with notice or an opportunity to respond.

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

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

Political Parties: Frelimo continued to dominate the political process, and its influence continued to grow. Opposition political parties could operate but were sometimes subject to restrictions, including unlawful arrest, and other interference by the ruling party and the government. Membership in the ruling Frelimo party was widely perceived to confer advantages.

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 women or specific ethnic groups were excluded from participation in the political process. Eight of the 29 ministers were women. Women held 100 of the 250 seats in the National Assembly. The National Assembly also had an office dedicated to raising awareness of women's issues, including family law, domestic violence, and trafficking in persons. One of the seven Supreme Court justices, the justice minister, and 101 of the 299 judges were women.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for official corruption, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Some internationally respected organizations, including

the World Bank in its most recent worldwide governance indicators, indicated corruption was a serious problem. Petty corruption by low-level government officials to supplement low 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 July the president signed two important anticorruption bills into law: the Law on Public Integrity and the Witness and Victims Protection Act. Key provisions in the Law on Public Integrity, which entered into force on November 15, include a prohibition on public office holders, including deputies in the National Assembly, from holding outside salaried jobs or being members of the boards of other than charitable and educational institutions. The Witness and Victims Protection Act allows a witness to anonymously report a crime and introduces a witness protection program for qualifying witnesses that provides for a new identity and relocation. Robust public debate continued throughout the year on anticorruption issues.

On February 7, Carlos Amade was arrested for embezzlement of government funds. He was the district administrator of Angoche, in Nampula Province, until 2009, when citizens denounced him during a public meeting with President Guebuza.

On May 2, the attorney general acknowledged a popular perception that corruption went unpunished, a perception “rooted in the fact there are still officials in the public administration who torment citizens with demands for bribes.” He discussed government efforts in 677 cases of corruption or theft of state property in 2011, 214 of which resulted in filing of charges, and of those 81 cases were tried in court. He noted, however, that from 2006 until May 2012, only 163 people had been convicted of corruption or theft of state funds.

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 expected demands for bribes and a lack of confidence the police would help. Corruption largely resulted from a lack of checks and balances, minimal accountability, and a culture of impunity. Local NGOs, such as the CIP, and media groups continued to be the main civic forces fighting corruption by reporting on and investigating numerous corruption cases.

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

The Central Office for Preventing and Combating Corruption functions as an autonomous unit under the Attorney General's Office with its own state budget. It investigates theft of state funds in the central government and in provincial administrations. It operated independently but lacked enough resources to be effective.

There are no laws providing for public access to government information, and in practice the government failed to respond to citizens' requests for or restricted citizens' access to government information.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although at times slow, government officials often were cooperative and responsive to the views of domestic and international human rights groups. Activities of foreign NGOs were subject to governmental regulation. Some foreign NGOs and religious groups reported the registration process regularly required several months. The government generally had good relations with human rights NGOs, including both local NGOs, such as the LDH, and international NGOs, such as CARE and Save the Children, and was willing to work with them. However, some NGOs continued to express 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 abuses, including human rights violations. In May the parliament elected an independent ombudsman for the first time. Although the office was not fully staffed and set up,

public awareness campaigns to introduce ombudsman services and responsibilities were underway by year's end.

The National Human Rights Commission, created by law in 2009, had no members until September 5, when the president swore in the 11 representatives chosen by the political parties, civil society, the prime minister, and the Mozambican Bar Association. The mandate of the National Human Rights Commission is 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. However, the commission lacks authority to prosecute and must refer cases to the judiciary. The commission had no budget and was not operational at year's end.

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

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

Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape, but was not effectively enforced; the law was largely unknown in rural areas where the majority of rapes took place. Penalties range from two to eight years' imprisonment if the victim is 12 years of age or older and eight to 12 years' imprisonment if the victim is under the age of 12. According to NGO reports, many families preferred to settle such matters through community courts or privately through financial remuneration rather than through the formal judicial system. While spousal rape was rarely reported, it was regarded as a common problem. There were few reports of successfully prosecuted rape cases during the year since few cases were filed, and among those filed, poor police work and lack of sufficient evidence led to even fewer successful prosecutions. Judges commonly exercised strict confidentiality regarding rape cases, accounting for limited media reporting on this issue.

The law prohibits violence against women and nonconsensual sex, including between married individuals. The law also provides penalties of up to 12 years' imprisonment for engaging in sexual activity while knowingly infected with a

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

Domestic violence against women, particularly spousal rape and beatings, remained widespread. Abuse of a spouse or unmarried partner is punishable with one to two years in prison, or a greater penalty if another crime is applicable in addition to domestic violence. A 2008 Multiple Indicators Cluster Survey (MICS) by UNICEF, the Ministry of Health, and the National Statistics Institute revealed 37 percent of women with either no education or only a primary school education thought it was justifiable to beat a woman under certain circumstances. A quarter of those with a secondary education or higher sometimes viewed beatings as justifiable. A 2007 UN Development Fund for Women report, *Violence against Women in Mozambique*, found only approximately 10 percent of all cases of violence were reported to the police. The main reason was that violence against women was considered a domestic matter to be dealt with privately. The Ministry of Interior's centers for women and children who are victims of violence, abuse, and exploitation registered 10,000 cases of violence in the first six months of the year compared with approximately 12,000 cases in all of 2011.

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

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

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

A 2008-12 national plan to combat violence against women was being implemented in five provinces -- Niassa, Tete, Sofala, Inhambane, and Gaza -- and in Maputo City but was generally unknown in the rest of the country. During the year the Ministry of Women and Social Action carried out a national campaign on

radio and television to combat domestic violence, as well as to educate women about the law and their rights. The messages were broadcast regularly, including at prime times, and included the participation of former president Chissano and many religious leaders.

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

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

Reproductive Rights: The government generally recognized the right of couples and individuals to decide the number, spacing, and timing of their children. Health clinics and local NGOs could operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on access to family planning; however, according to UN estimates, just 12 percent of married women and girls between the ages of 15 and 49 used a modern method of contraception.

The country continued to have a very high maternal mortality rate (490 deaths per 100,000 live births in 2010), and a woman's lifetime risk of maternal death was one in 43. This was mainly due to poor clinical capacity for obstetrical emergencies, such as hemorrhage and obstructed labor, and to a severe lack of doctors--fewer than 900 for the whole country--and nurses, especially in rural areas. Other reasons included poor infrastructure, a high HIV/AIDS rate, and poor accessibility to health facilities often resulting in delays in providing medical care.

However, the country made progress on the 2015 Millennium Development Goal 5 target for maternal mortality, reducing the rate from 910 to 490 deaths per 100,000 between 1990 and 2010. According to the Ministry of Health and the 2011 MICS, skilled health personnel attended approximately 55 percent of births in the previous

two years, and nearly 90 percent of pregnant women and girls received at least some prenatal care.

Discrimination: The 2005 Family Law eliminated husbands' legal status as heads of family and legalized civil, religious, and common-law unions. The law does not recognize new cases of polygamy; it grants women already in polygamous marriages full marital and inheritance rights. The law more precisely defines women's legal rights with regard to property, child custody, and other issues. However, many women remained uninformed about the law.

Women continued to experience economic discrimination and were three times less likely than men to be represented in the public and formal private employment sectors. They often received lower pay than men for the same work and were less likely to have access to credit. Customary law was practiced in many areas. In some regions, particularly the northern provinces, women had limited access to the formal judicial system for enforcement of rights provided under the civil code and instead relied on customary law to settle disputes. Under customary law women typically have no rights to inherit an interest in land.

Women held less than 5 percent of government, public enterprise, and private-sector salaried jobs, and they had correspondingly lower social security benefits and less access to higher-paying occupations than did men. The remainder worked as casual laborers or in the informal sector, primarily in subsistence agriculture. Enforcement of laws that protect women's right to land ownership was poor.

The practice of "purification," whereby a widow is obligated to have unprotected sex with a member of her deceased husband's family, continued, particularly in rural areas. A Save the Children report on inheritance practices noted 60 percent of women cited discrimination in the inheritance process and highlighted cases in which women lost inheritance rights for not being "purified" following the death of their husbands.

Children

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

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

Child Abuse: Most child-abuse cases involved sexual or physical abuse. Sexual abuse in schools was a growing problem. There were media and NGO reports during the year of large numbers of high school-age girls coerced into having sex by their teachers in order to pass to the next grade. In November Beatriz Muhoro, president of the National Teachers Association, appealed to teachers to stop demanding sex or money from pupils to help them pass exams. The LDH reported there were many court cases and several convictions for sexual harassment and abuse by teachers during the year but could not provide numbers.

While the government continued to stress the importance of children's rights and welfare, significant problems remained. A 2008 law on child protection contains sections dealing with protection against physical and sexual abuse; removal from parents who are unable to protect, assist, and educate them; and the establishment of minors' courts to deal with matters of adoption, maintenance, and regulating parental power. These specialized courts have not been established outside Maputo. Juvenile courts resolved many cases regarding support for children after divorce or the end of a relationship.

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

Child Marriage: The 2005 Family Law sets the minimum age of marriage for both genders at 18 for those with parental consent and 21 for those without it. However, legal permission to marry at age 16 may be granted with parental consent if

“circumstances of recognized public and family interest,” such as pregnancy, exist. Local custom, primarily in the northern provinces and in Muslim and South Asian communities, allows underage marriage. The 2008 MICS found that 17.7 percent of girls were married before age 15.

Sexual Exploitation of Children: Without specifying prison terms or fines if convicted, the law prohibits pornography, child prostitution, and sexual abuse of children under 18; however, exploitation of children below the age of 18 and child prostitution remained problems. While the law on protecting children was being implemented, regulations for many sections of the law had not been fully drafted by year’s end. For example, during the year there were prosecutions for sexual abuse of children, although no prosecutions for pornography or child prostitution were reported. Child prostitution appeared to be most prevalent in Maputo, Nampula, Beira, at border towns, and at overnight stopping points along key transportation routes. Child prostitution reportedly grew in the Maputo, Beira, Chimoio, 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: Zimbabwean children, many who had entered the country alone, continued to face labor exploitation and discrimination. They lacked protection due to inadequate documentation and had limited access to schools and other social welfare institutions, largely due to lack of resources. Coercion, both physical and economic, of Zimbabwean girls into the sex industry was common, particularly in Manica Province.

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

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

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

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

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The constitution and law prohibit discrimination against citizens with disabilities but does not differentiate between physical, sensory, intellectual, and mental disabilities. However, the government provided few resources to implement this provision. The government has not effectively implemented programs to provide access to information and communication for persons with disabilities. Persons with disabilities frequently engaged in begging at city street intersections. There were an estimated 475,000 persons with disabilities. Discrimination in employment, education, access to health care, and the provision of other state services was common. Observers often cited unequal access to employment as one of the biggest concerns. The law requires access to public buildings for persons with disabilities, and although the Ministry of Public Works and Habitation worked to fulfill that goal in Maputo city, progress was very slow. Educational opportunities for disabled children were generally poor, especially for those with developmental disabilities, although the government sometimes referred parents of children with disabilities to private schools with more resources to provide for their children. Electoral law provides for access and assistance to voters with disabilities in the polling booths, including the right for the disabled to vote first.

According to the Committee to Protect Journalists, the parents of a wheelchair-bound fourth grader at the Beira International Primary School claimed the school expelled their child in retaliation for their complaints that it did not have a handicapped access ramp, as required by law.

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

Veterans with disabilities continued to report nonreceipt of pensions.

The Ministry of Women and Social Action is responsible for protecting the rights of persons with disabilities. The 890.6 million meticaís (\$30.1 million) 2012-19 National Action Plan in the Area of Disabilities received approval in September. The plan is intended to provide funding, monitoring, and assessment of implementation by various organizations that support people with disabilities. Implementation had not begun by year's end.

The city of Maputo offered free bus passes to persons with disabilities.

National/Racial/Ethnic Minorities

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

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

There are no laws criminalizing consensual same-sex sexual activity. However, 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 had met with Lambda representatives several times.

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

Other Societal Violence or Discrimination

The law prohibits discrimination against workers because of HIV/AIDS status, and the Ministry of Labor generally intervened in cases of perceived discrimination by

employers. With an increased public awareness of this law, there were no public reports of individuals dismissed because of their HIV status.

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

Because some traditional healers assert that body parts of persons with albinism contain special curative or sexual powers, such persons could be subjected to violent attacks that resulted in mutilation or death.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide that workers are free to form and join independent trade unions, conduct legal strikes, and bargain collectively, with some exceptions. Public-sector workers require government permission to form unions, which has not been granted, although a number of employee associations existed, and these organizations presented grievances and pursued the interests of their members. The government has 45 days in which to register an employers' or workers' organization, which the International Labor Organization deemed excessive. Compulsory arbitration is permitted, although not required, and it has not been used for a wide range of sectors that the government has deemed essential, including the two Special Economic Areas and one Free Industrial Area. Sectors deemed essential must also provide a minimum level of services during a strike. Strikes must be announced at least five days in advance, and the announcement must include the expected duration of the strike, although the government interprets this to allow indefinite strikes. Strikes may be ended by mediation and arbitration bodies, not just by the unions and workers themselves. The law prohibits antiunion discrimination. No group of workers is excluded from these legal protections. The government did not effectively enforce many of its labor laws, largely due to lack of resources to investigate abuses, although the government occasionally made efforts to do so, including fines for companies that violated labor laws and regular expulsion of foreign workers for abuses. Penalties for violations of labor laws were not common and were not sufficient to deter violators. There were occasionally lengthy procedural delays and appeals.

Freedom of association and the right to collective bargaining were generally not respected, and workers exercised few of these rights in practice. While unions occasionally engaged in negotiating wage increases and organizing concerted work actions, such as strikes, such activities were infrequent. The leading trade union organization, OTM-Central Sindical, was widely perceived to be biased in favor of the government and the ruling party, Frelimo. Similarly, although the law provides for the right of workers to organize and engage in collective bargaining, such contracts covered less than 2 percent of the workforce. In the private sector, employers continued to renege on collective agreements.

Furthermore, there were reports companies continued to engage in antiunion discrimination by replacing prounion workers at the end of their contracts, dismissing workers for striking, and failing to abide by collective bargaining agreements. For example, a construction company in Maputo allegedly dismissed 38 workers for protesting during a May Day event. The case was reportedly referred to the Ministry of Labor; however, no resolution regarding reinstatement of the workers or the legality of the firing was made by year's end.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including that of children. 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, including the formation of provincial "reference groups" to coordinate local action on trafficking, including the forced labor of children at border towns. For example, in September the Moamba District chief organized a workshop, in conjunction with an NGO and a faith-based organization, to bring together all local government officials to discuss forced child labor at the Ressano Garcia border with South Africa. Results of this workshop included a public awareness campaign at the border, including a public march, banners, speeches by local officials, and public service announcements on community radio.

There were numerous reports of 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 as well as forced into prostitution. Women and girls from Zimbabwe and Malawi who voluntarily migrated to the country were subsequently exploited in domestic servitude.

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

c. Prohibition of Child Labor and Minimum Age for Employment

In the formal economy, the minimum working age without restrictions is 18. The law permits children between ages 15 and 18 to work, but the employer is required to provide for their education, training, and conditions of work that are not damaging to their physical and moral development. Children between the ages of 12 and 15 may work under special conditions authorized jointly by the Ministries of Labor, Health, and Education. For children under the age of 18, the maximum workweek is 38 hours, the maximum workday is seven hours, and they are not permitted to work in occupations that are unhealthy, dangerous, or require significant physical effort. Children must undergo a medical examination before beginning work. By law children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher.

The Ministry of Labor regulates child labor in both the informal and formal sectors. Labor inspectors may obtain court orders and use police to enforce compliance with child labor provisions. However, there were no mechanisms in place for submitting complaints about hazardous and forced child labor. Violations of child labor provisions are punishable with fines ranging from one to 40 months of the minimum wage salary. Enforcement mechanisms generally were adequate in the formal sector but remained poor in the informal sector.

The labor inspectorate and police forces lacked adequate staff, funds, and training to investigate child labor cases, especially in areas outside the capital where a majority of the abuses occurred. There were 130 labor inspectors, none of whom specialized in child labor issues. Inspectors received low wages, making them vulnerable to bribes. The inspectors often did not have the means to travel to sites independently and were therefore reliant on the company that they were investigating for committing violations to provide travel to the site of an alleged violation. Although the government provided training for police on child prostitution and abuse, there was no specialized child labor training for the labor inspectorate. The government disseminated information and provided education about the dangers of child labor to the general public, although lack of resources constrained these efforts.

The government made few new efforts to prevent and eliminate child labor during the year. Efforts to prevent child labor included public awareness campaigns and increased training of law enforcement officials in recognizing and combating child labor and trafficking.

Child labor remained a problem. Although the law prohibits forced and bonded labor by children, it was a common problem, especially in rural areas. Mothers who did not complete secondary school were more likely to have children involved in child labor. Out of economic necessity, especially in rural areas, children worked particularly in commercial agriculture, as domestic employees, or in prostitution, to supplement family income.

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

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

Minimum wages varied by sector from 2,300 meticaais (\$78) to 6,171 meticaais (\$208) and were increased to these levels in April. Workers generally received benefits, such as transportation and food, in addition to wages. Trade unions estimated that a minimum livable monthly wage to provide for a family of five was 7,900 meticaais (\$267). The standard legal workweek is 40 hours but can be extended to 48 hours. After 48 hours overtime must be paid at 50 percent over 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 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. Violations

of minimum wage rates usually were investigated only after workers registered a complaint.

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

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

Although the industrial sector frequently paid above minimum wage, there were few industrial jobs outside of the Maputo area. The country's two Special Economic Areas and one Free Industrial Area have special fiscal incentives such as exemption from value-added taxes and customs duties and have some 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. There were no reports of violations of wage, overtime, or occupational safety and health standards in these special economic zones. In addition, less than 10 percent of workers held salaried positions, and the majority of the labor force worked in subsistence farming. Many workers used a variety of strategies to survive, including holding a second job, maintaining their own gardens, or depending on the income of other family members.

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

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

In the first half of the year, there were 195 registered workplace accidents, five of which resulted in the deaths of workers.