

MOZAMBIQUE

EXECUTIVE SUMMARY

Mozambique is a constitutional democracy. In 2009 voters reelected President Armando Guebuza in a contest criticized by several national and international observers, including the EU and the Commonwealth, as lacking a “level playing field” and faulted for lacking transparency, integrity, impartiality, and independence. Domestic and foreign observers and local civil society 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 11 provinces. 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 were unlawful killings by security forces, harsh and life-threatening prison conditions including beating of prisoners, and domestic violence.

Other human rights problems included lengthy pretrial detention; an inefficient, understaffed, and inadequately trained judiciary influenced by the ruling party; and political and judicial decisions involving independent media outlets that constrained press freedom. Societal problems including domestic violence; discrimination against women; abuse, exploitation, and forced labor of children; trafficking in women and children; and discrimination against persons with HIV/AIDS remained widespread.

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 concerned border security forces and prison guards.

For example, in March police officers shot and killed a citizen in his home in Nampula while looking for his brother. There were no further developments by year's end.

There were no reports of criminal or disciplinary actions against members of the security forces who shot and killed between 13 and 18 protesters in September 2010 (see section 2.b.).

There were a few reports of death resulting from police abuse. For example, in July the director of Cagore Open Prison in Barue, Manica Province, was arrested for beating a prisoner so severely that the prisoner succumbed to his injuries 48 hours later. The director was subject to an internal disciplinary procedure but remained in his post.

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, 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, including several cases involving sexual abuse of women, beatings, and prolonged detention.

There were reports of beatings at several prisons. For example, in February, according to the weekly *Publico*, former inmates of a detention center in Sofala Province claimed to have been beaten and deprived of food, as well as forced to work for the financial benefit of the guards.

Prison and Detention Center Conditions

Prison conditions remained harsh and potentially life threatening; overcrowding, inadequate nutrition, substandard sanitation, poor health facilities, and prisons in poor physical condition remained serious problems.

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 October the Justice Ministry reported there were 16,304 prisoners, but the jails and prisons were designed to hold only 6,654 prisoners. Slightly more than 66 percent of prisoners had been convicted; the rest were awaiting trial. The National Prison Service spends approximately 3,600 meticaís (\$133) per month to house, feed, clothe, educate, and provide medical care for each prisoner.

Overcrowding remained the most serious problem. Prisons held more than twice as many prisoners as they were built for and prisoners often slept in bathrooms, standing up, or in shifts.

The Mozambican League of Human Rights (LDH) made numerous visits to prisons and detention facilities. Based on those visits, 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 their sentences.

In many cases prison officials did not provide even 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 them food. In the prisons visited, the LDH characterized the food provided by the prison authorities as “poor” and generally ignored by prisoners if their families were able to provide them with something better. It was reported that the prison food consisted mainly of corn meal, rice, and beans lacking in both quality and quantity.

Malaria, tuberculosis, cholera, and HIV/AIDS were commonplace among prisoners in nearly all prisons, and the Justice Ministry publicly acknowledged these problems. Other illnesses were caused by malnutrition, including paralysis and blindness. Both healthy and sick prisoners regularly were kept in the same cells. Provisions for sanitation, ventilation, temperature, lighting, basic and emergency medical care, and access to potable water were inadequate. Few prisons had healthcare facilities or the ability to transport prisoners to outside facilities. Prisons that do have healthcare 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 have been refurbished since, leaving many in an advanced state of dilapidation that puts the 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 and disease, at rates much higher than the general population.

International and domestic human rights groups had access to prisoners, although at the discretion of ministries of justice and interior. In 2009 the LDH entered into a memorandum of understanding with the Ministry of Justice allowing it to visit prisons unannounced. In exchange, the LDH would submit to the government copies of its findings prior to release, although it would be free to publish its own independent findings. There were delays in obtaining the required credentials to visit prisons, but the LDH confirmed that by the beginning of the year, these delays had been resolved, and these visitation rights continued during the year. However, there is no such agreement with the Ministry of Interior, which controls detention facilities in police stations, making visits to those facilities more difficult for the LDH as it requires formal requests to the Ministry of Interior and a commitment of scarce time and resources on the part of the LDH.

Prisoners generally were allowed access to visitors and permitted religious observances. On several occasions during the year, prisoners and detainees submitted complaints about their treatment to their prison directors, the LDH, and other authorities, although no formal system or ombudsmen exists for entering complaints or following through to see them resolved. Complaints were also reported in the local press.

The Ministry of Justice and the National Prison Service acknowledged that pretrial detention, bail, and recordkeeping were inadequate and launched 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. These efforts were ongoing to improve prison conditions and reduce overcrowding, including the devotion of almost the entire annual leadership meeting of the Ministry of Justice in June to efforts to maintain prisoner's rights.

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 Criminal Investigative Police (PIC), the national police (PRM), and the Rapid Intervention Force (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 patrol 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.

Civilian authorities generally maintained control over the PIC, PRM, and FIR, 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.

There were unconfirmed reports of several deaths when FIR was unable to contain a protest by workers of a private security company in April (see section 7.a.).

Corruption by police was widespread (see section 4).

The most common reasons for disciplinary action, according to Maputo's police chief, were collaboration with criminals, extortion of goods and money, excessive alcohol consumption, and abandonment of post.

In January the daily *Diario de Mocambique* reported the arrest of five police officers for selling or renting out their guns and uniforms to criminals and being involved in robberies.

Implementation of the 2003-12 strategic plan of action and modernization of the PRM continued; seven of its nine "guiding principles" emphasize respect for human rights. While the plan acknowledges the problem of abuse of police powers, it made no specific provision for ensuring greater accountability for such abuses.

Arrest Procedures and Treatment While in Detention

Although the law provides that persons be arrested with warrants issued by a judge or prosecutor (except 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, 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. When a person is accused of a crime carrying a sentence of more than eight years, the individual 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 when the prescribed period for investigation has been completed and if no charges have been brought, the detainee must be released. In many cases the authorities either were unaware of these regulations or ignored them, often also ignoring a detainee's 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 that citizens have access to the courts, as well as 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.

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

Arbitrary Arrest: Arbitrary detention or false arrest occurred, although they were not commonplace. For example, in May a citizen in Nampula was handcuffed, taken to a police cell, and beaten by a police officer for allegedly disobeying orders by not responding to a question. The officer took the person's cell phone and money, told him to leave and that he would be shot if he looked back. The incident was confirmed to the press by the head of public relations at the Nampula Provincial Command Center, who also reported that the officer was interrogated by the PIC, would face disciplinary and likely criminal proceedings, as well as be made to return the goods and money and pay for the citizen's medical care. There were no further updates by year's end.

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 35 percent of inmates were in pretrial detention. The LDH reported in many cases authorities held inmates far beyond the maximum allowed under law before their trials began and that in the city and Province of Maputo alone in the first half of September there were 532 detainees that were being held beyond the legal limit. In August the Ministry of

Justice inaugurated a system of appeals courts with 25 judges, designed to reduce the burden on the Supreme Court, allow the court system to process cases more quickly, and reduce the length of pretrial detention.

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 lack of transparency and often did not comply with the principles of promotion and protection of human rights. Civil society organizations also asserted inadequate training and corruption in the ranks of the PIC resulted in such poor quality of some criminal case files that trial judges were unable to find sufficient evidence for judgment.

Alternative measures such as work brigades, conditional release for prisoners who have completed half of their sentences, and traveling tribunals continued to be employed.

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. Although the law specifically provides for public defenders for the accused, such assistance generally was not available in practice, particularly in rural areas. In some instances prisoners were required to pay their legal aid attorneys to persuade them to provide “free” legal assistance. The government entity in charge of providing this free legal aid, the Mozambican Legal Aid Institute, significantly expanded its presence to several remote areas during the year.

The LDH reported that many citizens remained unaware of the right to a legal counsel and had no such access. Some NGOs, including the LDH, offered limited legal counsel at little or no cost to both defendants and prisoners. According to the law, only judges or lawyers may confront or question witnesses, although in practice members of the community occasionally were allowed to question witnesses. 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 national security cases, 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. For example, in Manica Province in February a community court sentenced an alleged thief to be tied to a tree and beaten; he subsequently died from the beating.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

While the law provides for an independent and impartial judiciary in civil matters, in practice the judiciary was subject to political interference. Although in theory 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 in practice. However, opposition party members alleged that government intelligence services and ruling party activists continued without warrants to monitor telephone calls and e-mails, conduct surveillance of their offices, follow opposition members, use informants, and disrupt party activities in certain areas.

By law police are required to be in possession of 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

Status of 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 these rights in practice.

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

Freedom of Press: By some estimates newspapers reached approximately one million of the country's 22.4 million citizens. The print media was published exclusively in Portuguese, making it inaccessible to a majority of the population. 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. Other publications reported news items critical of government policies.

Numerous private community and regional radio stations operated throughout the country. Radio Mocambique, which received 60 percent of its operating budget from the government, was the most influential media service, offering programming to the largest audience in at least 18 languages. Some commentators questioned the independence of Radio Mocambique due to majority government funding. Although it broadcast debates on important issues, Radio Mocambique tended to invite participants who were less critical of the government.

The government supplied more than half of the operating budget of TVM, the television station that contends with STV for the largest viewership. TVM's news coverage demonstrated a bias favoring the incumbent government and ruling party Frelimo.

Violence and Harassment: Some journalists reported receiving threats. While most were anonymous, some were overt, such as the February threat to a journalist in the city of Xai-Xai, Gaza Province, by three police officers after the journalist reported the officers' beating of a man. The provincial police commander condemned the actions of the officers following news reports of the threat. In August the Media Institute of Southern Africa (MISA) reported that a journalist from the weekly *Publico* received an undisclosed threat from the governor of the central bank, following *Publico's* report that the governor had been detained while

in transit at a Paris airport. MISA also reported that in May, unknown assailants attacked a Radio Mocambique journalist in Chimoio, Manhica Province, for no apparent reason. Police were investigating the matter. In January, also according to MISA and press reports, computer equipment belonging to a *Savana* journalist was stolen from his home, while all other valuables were left.

Censorship or Content Restriction: Many journalists reported self-censorship amongst media practitioners, while others were hesitant to report on sensitive topics. 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, and MISA noted that progovernment media received more advertising contracts from the government than 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. Such was the case in media reporting of the corruption case involving the then president of the constitutional court, Luis Mondlane, who later resigned from his position following extensive press coverage of the various charges against him.

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

Internet Freedom

Although there were no government restrictions on access to the Internet, opposition party members reported that government intelligence agents monitored e-mail. There were no confirmed instances of the government attempting to collect personally identifiable information. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail and through political blogs, as well as small-scale use of social media.

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. In February police stopped a peaceful demonstration by former workers of a private security company in Zambezia Province and arrested several of the protesters.

There were no reports of disciplinary or criminal proceedings resulting from police abuses during the September 2010 riots. Police used tear gas, rubber bullets, and live ammunition, and shot and killed between 13 and 18 persons protesting price increases in basic foodstuffs in several cities.

Freedom of Association

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

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 movement within the country, foreign travel, emigration, and repatriation, the government sometimes infringed upon these rights in practice. 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 officially approved a smaller processing or transit center in Palma at the country's northern border, as the UNHCR had requested.

In-country Movement: Traffic checkpoints are under the jurisdiction of traffic police. Checkpoints occasionally limited freedom of movement, and according to press reports, authorities 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.

Foreign Travel: There are no requirements to obtain exit permits or reports of discriminatory issuance of passports.

Emigration and Repatriation: Locally based UNHCR officials reported that individuals living in Mozambican-heritage communities in South Africa, Zimbabwe, and other neighboring countries would have difficulty returning to Mozambique because they lacked identity documents. The government, however, had not placed restrictions on return of citizens.

Protection of Refugees

Access to Asylum: The country's laws provide 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 government cooperated with UNHCR and other humanitarian organizations in assisting several thousand recognized refugees and asylum seekers.

The government continued to work closely with 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 did not officially authorize a transit camp in Palma to screen potential asylum seekers, claiming that migrants arriving at the northern border were mostly or entirely economic migrants, so an additional transit camp was unnecessary.

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 UNHCR in providing assistance and protection to this group.

Nonrefoulement: There were no reports of the government forcing asylum seekers to return to countries where their freedom may be threatened. While the government did not officially close its borders to asylum seekers, there were numerous reports that police patrols near the Tanzanian border refused entry to migrants, forced thousands of migrants that were already in Mozambique over the border into Tanzania, or forced them to return in potentially life-threatening conditions at sea and in the wilderness borderlands. UNHCR called on Mozambican authorities to stop deporting asylum seekers, who included women, children, and elderly men.

Refugee Abuse: 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, if authorized, they are free to settle elsewhere in the country.

Durable Solutions: The government in practice allowed refugees from third countries to resettle, though it did not facilitate extensive integration efforts.

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 in practice through periodic elections held on the basis of universal suffrage. The 2009 national elections were widely criticized for numerous irregularities and lack of transparency, including exclusion of several presidential and parliamentary candidates. The December 2011 special elections for mayors of three cities were boycotted by the largest opposition party, Renamo, but other opposition parties participated. There were concerns regarding use of government resources in support of Frelimo candidates, voter registration, and lack of transparency, but candidates were allowed to run freely.

Elections and Political Participation

Recent Elections: In the 2009 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, controlling approximately 80 percent of all seats. Frelimo gained a sufficient majority in the National Assembly to amend the constitution without the support of other parties.

The main opposition parties, Renamo and the Democratic Movement of Mozambique (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 provocative acts and that Frelimo candidates suffered no such impediments during their campaigns. Independent reporting corroborated opposition parties' accusations that Frelimo used state funds and resources for campaign purposes, in violation of electoral law.

In November 2009 the National Elections Commission (CNE) announced that Armando Guebuza of the ruling Frelimo party had been reelected president in the October general elections. While domestic and international observers noted that voting-day procedures generally followed international norms, they also documented irregularities during voter registration, the campaign, and in the vote count.

The Electoral Institute for Sustainability of Democracy in Southern Africa questioned the transparency, integrity, impartiality, and independence of the CNE, noting that 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 commentary in the media. Also the Constitutional Council (CC) 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 various actions by the CC and the CNE, local NGO the Center for Public Integrity (CIP) called for an independent audit of electoral processes while highlighting several significant flaws. The government granted MDM

formal status in the National Assembly, which entitled its eight members of parliament to certain financial and logistical support, as well as the right to speak during parliamentary plenary sessions. The government also announced a two-year legislative process to amend the electoral code and began consultations with civil society organizations as part of this process.

Political Parties: Frelimo continued to dominate the political process, and its influence continued to grow. Opposition political parties were permitted to 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 that women or specific ethnic groups were excluded from participation in the political process. Eight of the 29 ministers were women. Women held 98 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. While there were no women on the Supreme Court, the justice minister, two of the six assistant attorneys general, and 91 of the 279 judges were women.

Section 4. Official Corruption and Government Transparency

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. Corruption in the executive and legislative branches was generally perceived to be widespread. Some internationally respected organizations indicated that 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.

Under the governance initiatives introduced in March 2010, the government agreed to the adoption of a comprehensive set of anticorruption laws. Robust public debate continued throughout the year on anticorruption issues.

On February 26, the former transport and communications minister was sentenced to 20 years in prison for embezzling 54 million meticaís (\$2 million) from the

Mozambican Airport Company. In May the sentence was reduced to four years and five months.

On March 22, Almerino Manhenje was sentenced to two years in prison for embezzlement of government funds while he was the interior minister from 1996 to 2005.

In March Luis Mondlane, the former chairman of the Constitutional Council, resigned under pressure from the other judges on the council, as well as from the press and local NGOs, for abuse of office funds, including using them to pay the mortgage on his house.

The Supreme Court reported that from 2010 until October 2011 disciplinary proceedings were started against 12 judges. Two of the cases were dismissed for lack of evidence, two were ongoing, and the remaining eight cases resulted in penalties ranging from an official warning to dismissal.

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 that 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, reporting on and investigating numerous corruption cases.

The law requires that all members of the government declare and report their assets to the Constitutional Council, but it does not require that such information be made available to the general public.

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.

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 that registration regularly required several months. The government generally had good relations with human rights NGOs, including both local NGOs, such as LDH, and international NGOs, such as CARE and Save the Children, and was willing to work with them. However, some NGOs were concerned with an increase in government registration requirements of mainly foreign NGOs operating in the country, which the government claimed were intended to prevent duplication of efforts.

UN and Other International Bodies: In February Mozambique presented its report for the Universal Periodic Review Mechanism on Human Rights to the UN Human Rights Council in Geneva, and in October it hosted a public presentation and discussion of the report in Maputo.

Government Human Rights Bodies: Despite a 2005 constitutional amendment creating an independent ombudsman position to investigate allegations of abuses, including human rights violations, no person had been named to the position by 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 in practice discrimination persisted against women and persons with HIV/AIDS.

Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape, but it was not effectively enforced, and 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. While there were no official estimates as to the extent of spousal rape, it was regarded as a common problem.

According to NGO reports, many families preferred to settle such matters privately through financial remuneration rather than through the formal judicial system. There were few reports of rape cases successfully prosecuted during the year. Judges commonly exercise strict confidentiality regarding these sorts of cases, accounting for limited media reporting of 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. The LDH reported that a few cases were being investigated at year's end but that there had been no arrests or formal charges.

Domestic violence against women, particularly spousal rape and beatings, remained widespread, and despite the domestic violence law, a 2008 Multiple Indicators Cluster Survey (MICS) by UNICEF, the Ministry of Health, and the National Statistics Institute indicated that 36 percent of women believed it was acceptable for their husbands to beat them, with greater acceptance in rural areas than urban. Cultural pressures discouraged women from taking legal action against abusive spouses. A national plan approved in 2008 to combat violence against women had been announced but not yet 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 the radio and television to fight physical and sexual violence, as well as to educate women about the law and their rights. The messages were broadcast regularly, including at prime times.

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. Among Muslims, the bride's family usually paid for the wedding and provided gifts. Some believed that these exchanges contributed to violence against women and other inequalities, due to the perception that the women subsequently were "owned" by their husbands.

The government and NGOs often worked together to combat domestic violence. The PRM operated special women's and children's units in 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. In addition all police squadrons in the country were in the process of installing "green lines" (toll-

free telephone lines) to receive complaints of violence against women and children.

Sexual Harassment: Sexual harassment is illegal; however, it was pervasive in business, government, and schools. Although no formal data existed, the media reported numerous instances of harassment during the year. The relevant 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 and timing of their children. Health clinics and local NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Women and Social Action. There were no restrictions on the right to contraceptives, but the continued high rate of HIV/AIDS suggested that they were not sufficiently used. The 2008 MICS estimated that 12 percent of married women between the ages of 15 and 49 used some form of contraception. There were few doctors and nurses in the country, but according to this survey, nearly 90 percent of women received at least some prenatal care.

The 2008 MICS estimated the maternal mortality ratio (the ratio of the number of maternal deaths per 100,000 live births) to be 500 and that while approximately 55 percent of births in the previous two years were attended by skilled personnel, only 2 percent were attended by doctors. Factors in this high rate of maternal mortality included a severe lack of doctors and nurses in the country, especially in rural areas; poor infrastructure; a high HIV/AIDS rate; and a near total lack of ambulances outside of the major cities, resulting in medical care often being days away.

Men and women received equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination: The 2005 Family Law eliminated husbands’ legal status as heads of family, and legalizes civil, religious, and common-law unions. While 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, more than five years after taking effect, 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 have no rights to inherit an interest in land.

“Purification,” whereby a widow is obligated to have unprotected sex with a member of her deceased husband’s family, continued to be practiced, particularly in rural areas. A Save the Children report on inheritance practices noted that 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 can be obtained by birth either in the country or birth to a citizen parent. Particularly in rural areas, births often were not registered immediately. Children who wish to start school at age six must be registered. Failure to register can also prevent one from obtaining health care and public documents, such as identity cards or passports.

Education: Education is compulsory through completion of primary school, grades one to seven. However, primary school completion remained beyond the reach of many families, especially in rural areas, as geographical coverage of upper primary school (grades six and seven) does not match the almost full national coverage of lower primary school (grades one to five). While public primary school education is officially free, there are indirect costs associated with supplies and uniforms. Despite joint government-NGO initiatives in some localities and districts to improve girls’ school attendance, it continued to be significantly lower than for boys, especially at the secondary and higher levels.

Child Abuse: UNICEF noted that child abuse was a growing concern. Most child abuse cases involved sexual abuse, physical abuse, or negligence. Several cases of fathers sexually abusing their daughters were reported. Sexual abuse in schools was a growing problem. There were press reports during the year about the large numbers of high school-age girls coerced into having sex by their teachers in order

to pass to the next grade. In July, in response to these abuses, the Ministry of Women and Social Action launched a nationwide radio campaign against sexual abuse of children, with influential members of society calling for an end to the abuse of minors. The LDH reported that 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 defend, assist, and educate them; and the establishment of minors' courts to deal with matters of adoption, maintenance, and regulating parental power. The LDH reported successful resolution of cases in juvenile courts regarding support for children after divorces or the end of relationships and that the courts, in the LDH's estimation, had ruled according to the rights and best interests of the children.

The Network against the Abuse of Minors continued its efforts to put into practice the child protection law's provisions. It maintained a hotline call center and responded to hundreds of calls but lacked the resources to deliver meaningful assistance on a large scale.

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. Local custom, primarily in the northern provinces and in Muslim and South Asian communities, allowed underage marriage. According to UNICEF data collected between 2000 and 2009, approximately 38 percent of women between the ages of 20 and 24 were married before the age of 18.

Sexual Exploitation of Children: Without specifying prison terms or fine amounts, 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 is 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 was growing in the Maputo, Beira, Chimoio, and Nacala areas, which had highly mobile populations and a

large number of transport workers. Child prostitution also was reported in Sofala and Zambezia provinces. Some NGOs provided health care, counseling, and training in other vocations 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 their 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 stipulate that citizens with disabilities shall fully enjoy the same rights as all other citizens. However, the government provided few resources to implement this provision, and persons with disabilities frequently could be seen begging at traffic intersections. There were an estimated 300,000 persons with disabilities in the country. Discrimination was common against them in employment, education, access to health care, and the provision of other state services. Unequal access to employment was often cited as one of their biggest concerns. The law does not mandate access to buildings for persons with disabilities, and although the Ministry of Public Works and Habitation worked to ensure that public buildings in Maputo city provided access for persons with disabilities, progress has been very slow. Electoral law provides for the needs of voters with disabilities in the polling booths.

Concerns of persons with disabilities included lack of access to socioeconomic opportunities and employment, limited access to buildings and transportation, and a lack of wheelchairs. Facilities with special access were rare. There were few job opportunities for persons with disabilities in the formal sector.

The country's only psychiatric hospital was overwhelmed with patients and lacked the means to guarantee basic nutrition, medicine, or shelter. Doctors at the hospital also reported that many families abandoned members with disabilities.

Veterans with disabilities continued to assert non-receipt of pensions.

The Ministry of Women and Social Action is responsible for protecting the rights of persons with disabilities. The four-year National Action Plan in the Area of Disabilities announced in 2006 had not received any financing for implementation by year's end.

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

National/Racial/Ethnic Minorities

There were reports of discrimination by police against Zimbabwean and Somali 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 occasional reports of discrimination based on sexual orientation, and the LDH reported cases of discrimination against gay men and lesbians in the courts. The Workers Law includes an article that prevents discrimination in the workplace based on a number of factors, including sexual orientation.

The government does not track and report discrimination or crimes against individuals based on sexual orientation or gender identity, nor were such abuses reported in the media.

Other Societal Violence or Discrimination

The law prohibits discrimination against workers on the basis 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 have been no public reports of people being dismissed because of their HIV status.

Reports continued of many women expelled from their homes and/or 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, and in retribution they were deprived of all possessions.

Because some traditional healers assert that the body parts of persons with albinism contained special curative or sexual strength, 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 all workers are free to form and join a trade union of their choice without previous authorization, or excessive requirements as well as to conduct legal strikes and bargain collectively. Public sector workers require government permission to form unions, which has not been granted, although a number of employee associations do exist, and these organizations present grievances and pursue the interests of their members. The law prohibits antiunion discrimination. Unions were responsible for negotiating wage increases. No group of workers is excluded from these legal protections.

Workers exercised some of these rights in practice. For example, concerted work actions, such as strikes, were infrequent but did occur. In April the PRM was unable to contain a protest by workers of a private security company over unpaid wages and overtime, as well as improper deductions from wages. Some of the strikers engaged in violent acts including destruction of company property, resulting in the FIR being called in and subsequently beating several workers and attempting to obstruct the work of reporters at the scene. There were unconfirmed reports of several deaths. These actions were later condemned by the interior minister, who reported that the FIR had received no instructions from their commanders to employ excessive force and that several officers would be disciplined.

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 work force. Furthermore, there were reports that many companies continued to engage in antiunion discrimination by replacing people at the end of contracts, dismissing workers for striking, and not abiding by collective bargaining agreements.

The country's leading trade union organization, OTM-Central Sindical, was widely perceived to be biased in favor of the government and the ruling party, Frelimo, but during the year it acted more independently than in the past. For example, in April OTM-Central Sindical criticized the government for not consulting with it on plans for measures to alleviate the rising cost of living, despite the organization's membership in the tripartite forum on cost of living issues.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including that of children. Nonetheless, forced labor of adults and children occurred. 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 migrate to Mozambique 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

Child labor remained a problem. In the formal economy, the minimum working age without restrictions is 18 years of age. The law permits children between ages 15 and 18 to work, but the employer is required to provide for their education and professional training and ensure that conditions of work are not damaging to their physical and moral development. Children between the ages of 12 and 15 are permitted to 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.

Although the law prohibits forced and bonded labor by children, it was a common problem, especially in rural areas. Out of economic necessity, especially in rural areas, parents often forced their children to work, particularly in commercial agriculture, as domestic employees, or in prostitution.

Children, including those under age 15, commonly worked on family farms in seasonal harvests or on commercial plantations, where they picked cotton, tobacco, or tea leaves and were paid on a piecework basis for work completed rather than 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.

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 making 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 receive low wages, making them vulnerable to bribes. The inspectors often do not have the means to travel to sites independently and are

therefore reliant on the company that they are 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. 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

Trade unions estimated that a minimum livable monthly wage to provide for a family of five was 7,250 meticaís (\$268). The minimum wage varies by sector from 1,681 meticaís (\$62) to 5,320 meticaís (\$197). In April the government updated the minimum wage for various sectors, however, many employers had not implemented these minimum wages by year's end. For example, there were threats of a strike in July by employees of state-owned Radio Mocambique and a government public transport company, TPM, who complained they had not yet received the increases. The strike was called off after negotiations and an agreement for future raises, dependent on economic performance.

Although the industrial sector frequently paid above minimum wage, there were few industrial jobs outside of the Maputo area. 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.

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. Workers generally received benefits, such as transportation and food, in addition to wages. 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. Overtime is limited by law 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.

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.

In the small formal sector, health and environmental laws were in place to protect workers, but the Ministry of Labor did not effectively enforce these laws, and the government only occasionally closed firms for noncompliance. There continued to be significant violations of labor laws in many companies and services.

In theory 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.