

Mozambique 2023 Human Rights Report

Executive Summary

Mozambique experienced several incidents of serious violence and intimidation related to municipal elections in October. These included some violent police reactions to protests by opposition supporters angry due to credible reports of election malfeasance and harassment of media reporting on voting and tabulation processes.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; enforced disappearances; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious abuses in a conflict, including unlawful and widespread civilian deaths or harm, abductions, physical abuses, and conflict-related sexual violence or punishment; unlawful use of child soldiers by nonstate actors; serious restrictions on freedom of expression and media freedom, including violence and threats of violence against journalists and unjustified arrests or prosecutions of journalists; substantial interference with the freedom of peaceful assembly; serious government corruption; extensive gender-based violence and a lack of investigation of and accountability for such violence; and the existence of the worst forms of child labor.

The government took credible steps to investigate, prosecute, and punish

some officials who committed human rights abuses; however, impunity among state security force members, law enforcement officers, and civilian authorities remained a significant problem.

During the year, ISIS-Mozambique continued to perpetrate violent attacks against government security forces and civilian populations in Cabo Delgado Province. Through joint operations with Rwandan forces, and separately with Southern African Development Community forces, government and allied forces reclaimed territory seized by ISIS-Mozambique, allowing many displaced persons to return to their homes and some government services to resume. Nevertheless, attacks on civilian targets continued. ISIS-Mozambique fighters moved into the western districts of Cabo Delgado Province, thereby increasing the number of internally displaced persons from those areas. The government continued the process of reconstruction and facilitation of humanitarian assistance to displaced residents in reclaimed areas. Human rights organizations, media, and the government reported terrorists committed human rights abuses against civilians that included beheadings, kidnappings, and the unlawful use of child soldiers. ISIS-Mozambique abducted and forcefully displaced civilians, burned homes, and destroyed infrastructure. Security force abuses allegedly included arbitrary arrest and detention and extrajudicial killings. Authorities investigated some reports of abuses, but few persons were charged and prosecuted.

Section 1. Respect for the Integrity of the Person

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

There were reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year. Media reports attributed abuses to members of the security forces, including the Armed Defense Forces of Mozambique, National Police (PRM), the PRM Rapid Intervention Unit (UIR), and government-affiliated local militias in Cabo Delgado Province. The Attorney General's Office was responsible for investigating and prosecuting perpetrators of security force killings deemed unjustifiable; however, according to civil society groups, the government failed to investigate many reports of abuses.

In January in Tete Province, media reported three armed individuals kidnapped and killed Rafael Diquissone, a representative from opposition party Mozambican National Resistance (Renamo); a Renamo spokesperson claimed witnesses identified the perpetrators as wearing UIR uniforms. In July a dancer named Macassar Abacar died in police custody in Maputo; police attributed his death to drug use and a stroke, but his family and civil society advocates accused police of beating him to death.

b. Disappearance

There were reports of disappearances, including a few by or on behalf of civilian or military authorities.

There were multiple reports of kidnappings for ransom targeted at individuals linked to the business community, with some allegations that the perpetrators could have been abetted by law enforcement officers. In May the prime minister stated the government was setting up a specialized police unit to address kidnappings for ransom. She noted two National Criminal Investigation Service and two PRM officers were among those charged with kidnapping.

The government made some efforts to investigate and punish acts of forced disappearance by law enforcement officers. As of December the government had yet to identify a suspect or hold anyone accountable for the 2021 abduction of Rwandan opposition figure and asylum seeker Cassien Ntamuhanga.

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

Although the constitution and law prohibited such practices, there were credible reports authorities mistreated detainees and engaged in reprisals against civilians following terrorist attacks in Cabo Delgado Province.

There were multiple reports of police abuse, including in response to protests. In March activist youths organized marches throughout the country to honor deceased rapper and social activist Azagaia. Police disrupted many events with assaults on demonstrators using teargas. For example, during a demonstration police attacked a young demonstrator, causing the loss of an eye. Although President Nyusi accused demonstrators of planning to create disorder, he acknowledged police responded with disproportionate force. At a later demonstration on October 12 and 13, police reportedly shot and killed a least one protester and injured others when they fired at demonstrators protesting election results in Chiure, Cabo Delgado Province and Vilankulos, Inhambane Province.

According to human rights activists, impunity was a significant problem within the security forces, particularly forces operating in Cabo Delgado Province.

Prison and Detention Center Conditions

Prison conditions remained harsh and potentially life threatening in most areas due to gross overcrowding, inadequate sanitary conditions, and limited medical care.

Abusive Physical Conditions: Government officials and civil society organizations cited serious problems of overcrowding, poor nutrition, poor hygiene, and inadequate medical care. According to the Attorney General's

Office, prisons were at 245 percent capacity; 21,769 prisoners occupied space with a capacity of 8,873.

The Attorney General's Office conducted a survey of police station detentions that determined centers for undocumented immigrants were unsuitable and ordered the release and repatriation of 263 individuals and the hospitalization of detainees with untreated medical needs.

Administration: Authorities conducted some investigations of credible allegations of mistreatment. Although no formal system specific to prisons existed for receiving or tracking complaints, prisoners were free to contact the Attorney General's Office, the national ombudsperson, and nongovernmental organizations (NGOs) with complaints. Members of civil society reported prisoners were reluctant to raise complaints of mistreatment during visits due to the presence of prison guards or other prison officials. According to the attorney general's *2022 Annual Report to the National Assembly*, the government issued guidance for inspections of penitentiary institutions aimed at improving organization and function. The report noted 175 disciplinary proceedings against prison guards in 2022 for unspecified offenses; the results included demotions, fines, firings, and criminal charges.

Independent Monitoring: International and domestic human rights groups had access to prisoners at the discretion of the Ministry of Justice, Constitutional, and Religious Affairs and the Ministry of the Interior. Access

was not always approved; however, the Mozambican Bar Association (OAM) and the National Human Rights Commission had a high degree of access to prisons run by the Ministry of Justice, Constitutional, and Religious Affairs. The Ministry of Justice reported it incorporated human rights into prison guard training related to the treatment of persons accused or convicted of terrorism.

d. Arbitrary Arrest or Detention

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements; however, civil society groups reported instances of arbitrary arrest or detention by police related to protests regarding municipal elections and deceased rapper and social activist Azagaia in Maputo and provincial capitals. On October 12, the Renamo mayor of Quelimane was arrested following nationwide municipal elections and released hours later without charge. On October 31, following largely peaceful protest marches by Renamo supporters in Maputo, police arrested 30 demonstrators they accused of violence. A court found no evidence to support charges of violence and released them later that day.

Arrest Procedures and Treatment of Detainees

Apart from operations countering terrorism in northern Cabo Delgado

Province, authorities generally did not detain suspects without judicial authorization. By law judges were required to first issue an arrest warrant unless a suspect was caught in the act of committing a crime. The maximum length of investigative detention was 48 hours without a warrant or four months with a warrant, during which time a detainee had the right to judicial review of the case. A person accused of a crime carrying a potential maximum sentence if convicted of more than eight years' imprisonment could be detained up to an additional two months without being formally charged while police completed their investigation. A court could approve a further six-month extension, up to a total of 12 months, in the case of exceptionally complex crimes. The detainee had to be released if no charges were brought within the prescribed period for investigation. The maximum period of detention prior to trial completion was 18 months, or 24 months on complex crimes charges, and 60 months on terrorism charges. Authorities, however, did not always respect these legal requirements. There were provisions for bail.

The law provided for citizens' right to access the courts and the right to legal representation, regardless of ability to pay for such services. The Institute of Sponsorship and Legal Assistance and the Mozambican Bar Association provided legal assistance and counseling to some indigent defendants; however, many received no legal representation due to a shortage of legal professionals willing to work without charge. There were no reports of suspects held incommunicado or under house arrest.

In April the prosecutor general reported the establishment of 32 magistrate groups to review arrest and detention records of individuals who alleged extralegal detention or procedural mistakes.

Arbitrary Arrest: There were credible reports that in some cases authorities arrested, tried, and convicted individuals for terrorism without sufficient evidence.

Pretrial Detention: Lengthy pretrial detention continued to be a serious problem due to a lack of judges and prosecutors and poor communication among authorities. In September OAM stated overly lengthy pretrial detention constituted a grave human rights abuse and contributed to prison overcrowding. According to OAM, changes to prescribed pretrial detention periods in the penal code were unconstitutional and could lead to indefinite pretrial detention for cases involving terrorism and complex crimes.

e. Denial of Fair Public Trial

The constitution and law provided for an independent judiciary, and the government generally respected judicial independence and impartiality. Some civil society groups asserted, however, the executive branch and ruling Front for the Liberation of Mozambique (Frelimo) party exerted influence on an understaffed and inadequately trained judiciary.

Trial Procedures

The constitution and law provided for the right to a fair and public trial and the judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibited arbitrary or unlawful interference with privacy, family, home, or correspondence; however, there were reports the government at times failed to respect the privacy of personal communications, particularly those of civil society activists and journalists. Some civil society activists stated government intelligence services and operatives of Frelimo monitored telephone calls and emails without warrants, conducted surveillance of their offices, followed opposition

members, used informants, and disrupted opposition party activities in certain areas.

i. Conflict-related Abuses

Terrorists affiliated with ISIS-Mozambique in Cabo Delgado Province reportedly committed acts of terrorism against civilians, including beheadings, rape, sexual slavery, kidnappings, and use of child soldiers. ISIS-Mozambique continued attacks in Cabo Delgado Province throughout the year. In February attacks in Montepuez District displaced approximately 11,000 residents. ISIS-Mozambique reportedly engaged in attacks that targeted and killed dozens of civilians.

Killings: There were allegations of unlawful killings by government forces fighting ISIS-Mozambique in Cabo Delgado Province. On June 9, members of the Defense and Security Forces allegedly killed a teacher in Mocimboa da Praia. On August 16, members of the Mozambican Armed Forces reportedly shot and killed a fisherman in Macomia District.

According to the Armed Conflict Location & Event Data Project, ISIS-Mozambique killed approximately 62 civilians as of mid-September, a significant decrease from 2022. Nevertheless, media continued to report numerous abuses. For example, media reported violent extremists launched a series of attacks in January and February in Mueda, Montepuez, and Meluco Districts, setting fire to houses and vehicles, beheading and

killing civilians, and abducting women.

Abductions: Terrorists affiliated with ISIS-Mozambique abducted civilians during raids on villages in Cabo Delgado Province. In 2021 media reported ISIS-Mozambique subjected hundreds of abducted women and girls to rape, forced marriage, and other forms of gender-based violence (GBV).

Physical Abuse, Punishment, and Torture: Local communities complained of abuses against civilians by government security forces in Cabo Delgado Province. Militia known as Naparamas allegedly harassed travelers, particularly women, at vehicle checkpoints in certain districts. On June 19, media reported the attempted rape by three government security force members of a woman in Mocimboa da Praia. On July 24, police detained a government security force member for the alleged rape of a woman in Nangade.

ISIS-Mozambique committed widespread physical abuse, indiscriminate punishment, rape, and torture of noncombatants in Cabo Delgado Province.

Other Conflict-related Abuse: There were reports of authorities forcing or coercing the return of internally displaced persons (IDPs) to their homes in some districts in Cabo Delgado by threatening to limit access to relief services. There were also reports of ISIS-Mozambique attacks on health-care facilities. In July 2022, the UN secretary-general's *Children and Armed Conflict Report* designated Mozambique a situation of concern due to the

number of children killed and wounded in Cabo Delgado Province and reports of sexual violence, abductions, attacks on hospitals, and denial of aid.

In January a video circulated on social media purporting to show South African National Defence Force and other unidentified troops allegedly burning terrorist corpses in the north of the country. The South African Defence Force and Southern African Development Community Mission in Mozambique issued statements condemning these abuses and promising investigations, but the government remained silent. No findings of accountability were announced by year's end.

Section 2. Respect for Civil Liberties

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

The constitution and law provided for freedom of expression, including for members of the press and other media. The government did not always effectively protect or respect these freedoms. Academics, journalists, opposition party officials, and civil society organizations reported an atmosphere of intimidation and fear that restricted freedom of speech, the press, and other media. Journalists expressed concern regarding government intimidation by security forces, especially police, and stated

they practiced self-censorship due to fear of official retaliation.

Freedom of Expression: There were no official restrictions on the ability of individuals to criticize the government or on the discussion of matters of public interest. Nevertheless, journalists and opposition and civil society members complained they feared reprisal when they criticized the government.

Violence and Harassment: Journalists were subjected to violence, harassment, or intimidation due to their reporting and stated they practiced self-censorship.

The Committee to Protect Journalists reported five border police officers in Zambezia Province in January beat radio journalist Rosario Cardoso with batons after he accused them of eliciting bribes. Cardoso also alleged officials at the local police station initially refused to register his complaint but eventually relented.

The Media Institute of Southern Africa in Mozambique (MISA) reported the mayor of the city of Nampula, a member of opposition party Renamo, in June refused to allow two reporters from state-affiliated broadcaster TV Mozambique whom he accused of bias to attend a municipal event. The mayor also confiscated the cellphone of a *Wampula Fax* newspaper journalist he accused of being “a spy.”

On October 11, during municipal elections, a police officer in Beira allegedly

assaulted a reporter from Televisao Academica and in Quelimane a police officer seized the microphone and cell phone of a Radio Zambezia journalist reporting on alleged ballot box stuffing.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Media outlets and individual journalists regularly reported on a broad range of topics and criticized the government, Frelimo, and prominent political figures. Most critical articles did not result in retaliation from the government or Frelimo. Civil society organizations and journalists, however, stated the government and Frelimo exerted substantial pressure on media and took retaliatory action when unspecified limits were crossed, particularly related to investigations on sensitive topics, such as Cabo Delgado Province and corruption.

Civil society leaders alleged the government influenced the management of community radio stations through threats and coercion. One activist claimed under government pressure some television stations censored the content of interviews concerning the March demonstrations honoring deceased rapper and social activist Azagaia.

Libel/Slander Laws: By law conviction of defamation and slander was punishable by imprisonment of up to one year and a fine. The laws were enforced.

In June the National Criminal Investigation Service investigated television

journalist Leonardo Gimo on charges of criminal defamation following his reporting on alleged police corruption in Nampula Province. Gimo was also charged with child endangerment for allegedly disseminating a video on corruption deemed detrimental to the wellbeing of three children who appeared in it. Although the court acquitted Gimo on child-endangerment charges, defamation charges remained at year's end.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content; however, there were reports the government or Frelimo operatives monitored social media and private online communications without appropriate legal authority. For example, members of civil society reported government intelligence agents monitored email and used false names to infiltrate social network discussion groups; internet freedom advocates believed the intelligence service monitored online content critical of the government.

MISA-Mozambique reported an increase in cyberattacks on independent news outlets. For example, in May the newsroom computers and LinkedIn pages of independent newspaper *Profundus* were hacked and in June the Facebook pages of TV Sucesso and Grande Media TV were interrupted temporarily.

There were interruptions of online access during the October municipal

elections. On October 11, during the vote tabulation process, WhatsApp was blocked for most users nationwide. On October 14, the Facebook page of a prominent Renamo candidate was blocked for more than an hour and the independent newspaper *Ikweli's* website was down for approximately one hour.

b. Freedoms of Peaceful Assembly and Association

While the constitution and law provided for the freedom of peaceful assembly and association, the government limited these freedoms.

Freedom of Peaceful Assembly

Although by law government authorization was not required to demonstrate peacefully, local authorities required notification at least four business days in advance of a planned demonstration. Civil society leaders reported instances of police intimidation when delivering petitions to government offices.

Security forces sometimes responded to peaceful demonstrations with violence and arrests. In March citizens demonstrated peacefully throughout the country to commemorate popular rapper and social activist Azagaia. Police responded with intimidation, crowd dispersal with teargas, detentions of some demonstrators, and in some cases, violence.

In July 2022 police prevented civil society representatives from holding a

vigil for Macassar Abacar, a man who died in police custody in Maputo. Authorities contended the vigil could have led to public disorder.

Freedom of Association

At year's end the Ministry of Justice, Constitutional, and Religious Affairs had not acted on the request for registration of the Mozambican Association for the Defense of Sexual Minorities (LAMBDA), the country's largest lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) advocacy NGO. LAMBDA's registration request had been pending since 2008.

c. Freedom of Religion

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

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

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

e. Protection of Refugees

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. Nevertheless, the 2021 disappearance in the country of former Rwandan opposition figure and asylum seeker Cassien Ntamuhanga and the killings in 2021 and 2022 of Rwandan businessman and refugee Revocant Karemangingo and Rwandan asylum seeker Selemani Masiya alarmed refugees and civil society organizations.

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had established a system for providing protection to refugees. As of August, UNHCR reported 30,000 refugees and asylum seekers in the country. Approximately 25,000 refugee-status-determination cases awaited final processing. The government had not resolved new cases in more than 10 years; however, the National Institute for Refugee Support stated the country gave asylees the same rights and privileges as refugees. Asylum seeker status did not confer the same level of international protections as holding refugee status. Although the government maintained an exception to the UN refugee convention relating to freedom of movement for refugees and the ability to work lawfully, those exceptions were not enforced.

Rwandan refugee representatives expressed concern regarding their safety due to the presence of Rwandan security forces in Cabo Delgado Province and after Rwandan asylum seeker Cassien Ntamuhanga disappeared. In July 2022 unknown assailants killed Rwandan opposition figure and asylum seeker Selemani Masiya in Nampula City. Police reportedly opened an investigation but had yet to provide findings or make arrests at year's end.

Freedom of Movement: Some refugees complained the government refused to renew travel documents, preventing them from leaving the country. Asylum seekers applying for refugee status alleged the government prevented travel by refusing to process their applications.

Durable Solutions: The government worked closely with UNHCR to implement a local integration program for refugees, primarily in urban communities, but also at the Maratane Camp in Nampula Province. Refugees could apply for citizenship after five years in the country; however, some refugees complained of unexplained and indefinite delays in the processing of naturalization petitions. UNHCR referred some refugees for third-country resettlement; however, the lack of a final decision on refugee status limited the number of individuals eligible for resettlement. As of August, UNHCR facilitated the voluntary return of 65 refugees to Rwanda, the Democratic Republic of the Congo, and Burundi.

f. Status and Treatment of Internally Displaced Persons

(IDPs)

As of June the International Organization for Migration estimated there were approximately 834,300 IDPs in the country due to violence in northern Mozambique and approximately 313,000 persons who remained displaced due to catastrophic cyclones since 2019.

NGOs continued to report displaced women and girls remained at high risk of GBV. Reports of abuses included transactional sex with local officials and security officers in exchange for food and other essential commodities. International organizations supporting IDPs stated women reported increased aggression and violence from male partners because they were cut off from social protection systems.

The government subscribed to the safe, voluntary, dignified return or local integration of IDPs, and its policies were in line with the UN Guiding Principles on Internal Displacement. Nevertheless, authorities did not always follow government policy, and there were incidents of the movement or relocation of IDPs that was not safe, voluntary, and dignified. Authorities limited access to some areas of Cabo Delgado Province.

For further information regarding IDPs in the country, please see the materials of the Internal Displacement Monitoring Center at <https://www.internal-displacement.org>.

Section 3. Freedom to Participate in the Political Process

The constitution and law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage; however, civil society organizations and opposition parties stated citizens did not enjoy equal access to political processes.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: In 2019 the government held national elections for president, parliament, and the provincial assembly. Domestic and international observers noted voting-day procedures were generally orderly but lacked transparency and accountability during vote tabulation. The EU, the Commonwealth of Nations, and civil society organizations reported significant irregularities, including the arrest and intimidation of some opposition observers; intentional spoiling of ballots; vote falsification; and inordinately high voter turnout in some districts that indicated ballot-box stuffing. Opposition parties and civil society complained of acts of violence, intimidation, and bias by the government and Frelimo operatives.

The two major opposition parties, Renamo and the Democratic Movement

of Mozambique, protested the election results, but the Constitutional Council, while acknowledging irregularities, certified the re-election of President Nyusi with 73 percent of the vote and affirmed Frelimo won more than two-thirds of parliamentary seats, the vast majority of the provincial assembly seats, and all 10 provincial governorships.

Municipal elections held on October 11 were largely peaceful, but marred by significant irregularities and lack of transparency, which ultimately prompted widespread protests. Following allegations of manipulation to limit numbers of opposition voters during the voter registration process, election day saw additional accusations of irregularities, including ballot box stuffing, repeat voting and “ghost” voting under assumed names, police intimidation, improprieties by poll workers, substitution of fraudulent vote counts for legitimate ones, and limits on some media coverage of vote tabulations.

Political Parties and Political Participation: Frelimo dominated the political process since the country’s independence in 1975. Opposition political parties could legally operate, yet there were occasional restrictions on meetings, and other forms of interference and harassment by the government.

Opposition parties and civil society organizations complained that authorities manipulated procedures to favor Frelimo and disenfranchise opposition supporters, including through the voter registration process and

misuse of voter registration equipment.

Participation of Women and Members of Marginalized or Vulnerable

Groups: Persons with disabilities faced barriers to participating in democratic processes, including a lack of access to information and election infrastructure.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. During the year there were numerous reports of corruption in all branches and at all levels of government.

Corruption: Corruption, including extortion by police, remained widespread. Police regularly stopped vehicles for alleged infractions solely to extort bribes. Some police and immigration officials demanded payment at control points and border crossings. Public prosecutors faced threats due to their efforts to investigate and prosecute corruption.

There were several cases of public corruption involving active and former government officials arrested and charged with crimes. In April the prosecutor general reported 1,639 corruption cases were registered in 2022, a 28 percent increase from 2021.

The government continued to appeal a South African court's decision to extradite former Finance Minister Manuel Chang to the United States on charges related to a two billion dollar "hidden debts" bribe and kickback scheme during the administration of the previous president. On July 12, Chang was extradited to the United States. Following their convictions in December 2022, 11 other defendants in the case, including the son of a former president, began serving sentences of 10 to 12 years' imprisonment.

For additional information regarding corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which included information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were somewhat cooperative and responsive to the views of these groups. The government had yet to act on the registration request pending since 2008 of a local LGBTQI+ rights advocacy organization. The government denied or

delayed NGO access to areas where credible allegations of abuses by security forces occurred, particularly in Cabo Delgado Province. Human rights activists in Cabo Delgado Province reported harassment and intimidation by police in gaining access to and interviewing IDPs.

Government Human Rights Bodies: The National Human Rights Commission (CNDH) was mandated to promote and defend the human rights provisions of the constitution and law. Its stated priorities included addressing cases of police violence and torture, judicial corruption, and abuses of prisoner rights. The CNDH lacked authority to prosecute abuses and had to refer cases to the judiciary. Commission members were chosen by political parties, civil society, the prime minister, and the Mozambican Bar Association. Although the CNDH was an active human rights advocate, its lack of resources and formal staff training in human rights hindered its effectiveness.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape regardless of gender or sexual orientation, including spousal and domestic or intimate partner rape and other forms of domestic and sexual violence including so-called corrective rape of LGBTQI+ persons. Penalties for conviction ranged from two to eight years' imprisonment if the survivor was age 12 or older

and 20 to 24 years' imprisonment if the survivor was younger than age 12. The government did not effectively enforce domestic abuse law.

Conviction of abuse of a spouse or unmarried partner, regardless of gender, was punishable by no less than one to two years' imprisonment. Survivors often decided not to file charges or perpetrators fled arrest. Many cases of domestic violence were not reported to authorities. According to NGO and media reports, many families preferred to settle rape allegations through informal community courts or privately through financial remuneration or marriage rather than through the formal judicial system.

NGOs stated domestic violence against women remained widespread. International organizations and NGOs supporting the IDP population in Cabo Delgado Province reported rape, sexual exploitation and abuse, and other forms of GBV, including reports of GBV perpetrated by ISIS-Mozambique, and of women and girls fleeing from attacks or abductions. Human rights NGOs alleged some community leaders and individuals involved in humanitarian assistance programs engaged in the sexual exploitation of women IDPs in exchange for providing food and shelter support.

Government agencies and NGOs implemented public outreach campaigns to combat violence against women nationwide. In March 2022 the Maputo City Department of Gender, Children, and Social Action published a guide on reporting GBV in collaboration with MISA-Mozambique and women rights organizations. Police and NGOs worked together to combat domestic

violence. The PRM operated special women and children's units within police precincts that dealt with survivors of domestic violence, sexual assault, and violence-against-children cases.

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

Other Forms of Gender-based Violence or Harassment: The practice of "purification," whereby a widow was obligated to have unprotected sex with a member of her deceased husband's family, occurred, particularly in rural areas, despite campaigns against it.

In August the National Assembly updated labor law to include additional penalties for workplace sexual harassment. Accordingly, an employer determined to have sexually harassed an employee would be liable to pay the employee compensation equal to 20 times the minimum wage.

Discrimination: While the law provided the same legal status and rights for women as for men, the government did not enforce the law effectively. The law required equal pay for equal work and prohibited discrimination based on gender in hiring, although the government did not always enforce the law. The law included provisions limiting excessive physical work or night-shift requirements during pregnancy.

Women generally received lower wages than men and faced cultural and

legal barriers in accessing the judiciary and inheritance. According to World Economic Forum estimates, the average income for women amounted to 77 percent of that of men.

Women experienced economic discrimination. Gaps in education and income between men and women remained high. In some regions, particularly in the north, women had limited access to the judicial system for enforcement of rights provided by the civil code and instead relied on customary law to settle disputes.

Enforcement of laws that protected women's rights to land ownership in the formal economy remained inadequate. For example, under customary law women typically did not inherit land.

Women with disabilities faced additional barriers to education, employment, and the judicial process, in part due to a lack of access to information and the government's limited capacity to provide necessary accommodations. Women with disabilities were particularly vulnerable to GBV and other types of abuse.

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

Couples and individuals had limited access to sexual and reproductive health information and family planning services. Additionally, social and cultural norms, including early marriage and childbearing, families with many

children, and stigmatization of discussion of sexual topics with adolescents, hindered effective access. Although there was no legal requirement for a spouse or family member to authorize access to reproductive health services, women often relied on male partners to make health-care decisions for them. Lesbian and bisexual women reported discrimination in accessing sexual and reproductive health care. Women and girls displaced due to the violence in Cabo Delgado Province and climate-related disasters faced high barriers to access reproductive health services.

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

According to a February report from the Citizens' Health Observatory, 41 percent of women ages 25 to 35 who gave birth in public health facilities in Maputo, Inhambane, and Sofala provinces had suffered obstetric violence. The report identified gaps in knowledge regarding obstetric violence among patients and failures of medical practitioners to follow public health guidance and best practices.

According to the National Institute of Statistics *2023 Mozambique Maternal Mortality Report*, the maternal mortality rate was 654 deaths per 100,000 births. The main factors were the lack of access to and availability of quality

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

In some areas of the country, sociocultural barriers regarding menstruation limited girls' autonomy, and a lack of access to menstrual hygiene management in schools contributed to absenteeism.

Systemic Racial or Ethnic Violence and Discrimination

The constitution and law prohibited discrimination based on race or ethnicity, and the government enforced the law effectively.

Children

Birth Registration: Failure to register a child's birth could result in the child's inability to attend school and could prevent a person from obtaining public documents, such as identity cards, passports, or "poverty certificates" that provided for access to free health care and free secondary education. Birth registration was often delayed in rural areas. Cultural practice sometimes prevented a woman, especially in rural areas, from exercising her legal right to register a child without the presence of the child's father.

Child Abuse: The Child Protection Law provided for protection against physical and sexual abuse; removal of children from parents unable to protect, assist, and educate them; and juvenile courts to deal with matters of adoption, maintenance, and regulating parental power. Juvenile courts had wide discretion regarding sentencing. The law required a minimum of 16 to 20 years' imprisonment for conviction of trafficking in persons. The government generally enforced the law, but a lack of investigation capacity and victim services limited effectiveness.

While the government stressed the importance of children's rights and welfare, significant problems remained. In September 2022 the government disseminated findings from the *Mozambique Violence Against Children and Youth Survey* and convened stakeholders to develop a national action plan to combat child abuse. The government established a coordination mechanism at the national, provincial, and district levels to prevent and respond to child abuse; nonetheless, NGOs reported significant underreporting of child abuse cases due in part to a lack of trust in the legal referral aspect of the mechanism.

Child, Early, and Forced Marriage: By law the minimum age of marriage for men and women was 18. NGOs reported limited public awareness and poor enforcement of the law. Nevertheless, officials arrested and sentenced some individuals for involvement in child marriages. The government conducted awareness campaigns and trained some Ministry of Gender,

Children, and Social Action officials on gender equality and GBV.

The United Nations reported terrorists in Cabo Delgado Province kidnapped girls and subjected them to forced marriages.

Sexual Exploitation of Children: The minimum age for consensual sex was 16. The law prohibited the commercial sexual exploitation of children and child pornography. According to civil society organizations, due to limited law enforcement capacity, exploitation of children and child trafficking remained a problem. Girls experienced sexual exploitation and human trafficking in bars, roadside clubs, and restaurants. NGOs stated trafficking of children was most prevalent in the provinces of Maputo Nampula, Sofala, Gaza, and Manica; in border towns; and at overnight stopping points along key transportation routes. Media reported the incidence of child sex trafficking increased in 2022, citing rising living costs, poverty, lack of employment opportunities, and corruption.

Antisemitism

The country had a small Jewish community. There were no known reports of antisemitic incidents.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Forced Organ Harvesting

According to NGOs AlbiMoz and Amor a Vida, which advocated for persons with albinism, assailants kidnapped, maimed, or killed persons with albinism to sell their body parts to traditional healers. In some cases assailants were relatives of the victims.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No law criminalized consensual same-sex sexual conduct between adults, nor were any seemingly neutral laws enforced disproportionately against LGBTQI+ persons.

Violence and Harassment: There were no media or civil society reports police or other government agents incited, perpetrated, condoned, or tolerated violence or harassment against LGBTQI+ individuals or those reporting such abuse. There were reports of violence or harassment by nonstate actors against LGBTQI+ persons or those reporting such abuse. For example, LGBTQI+ organizations reported some lesbian, bisexual, and transgender women were survivors of “corrective rape,” and that many LGBTQI+ youth experienced family violence. No hate-crime laws or other criminal justice mechanisms existed to aid in the prosecution of bias-

motivated crimes against LGBTQI+ persons.

Discrimination: The law did not prohibit discrimination by state or nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics, except in employment. Nevertheless, labor rights advocates stated noncompliance with the employment regulations was widespread, and enforcement poor. The law did not recognize LGBTQI+ couples or their families and did not grant them rights equal to rights of other persons.

The *Fifth National Action Plan to Combat HIV/AIDS (2021-2025)* denounced discrimination based on gender identity or sexual orientation, a policy human rights advocates stated would decrease stigma.

Civil society organizations reported some discrimination in public medical facilities and schools. Medical staff sometimes refused to provide treatment or chastised LGBTQI+ individuals for their LGBTQI+ status when they sought treatment. Lesbian and bisexual women reported discrimination in accessing reproductive and sexual health care. NGOs stated discrimination against LGBTQI+ students was widespread and contributed to lower school completion rates among LGBTQI+ students.

There were reports of societal discrimination based on sexual orientation and gender identity, including family members evicting LGBTQI+ individuals from their homes.

Availability of Legal Gender Recognition: The law did not permit individuals

to change their gender identity marker on legal and identifying documents to bring them into alignment with their gender identity.

Involuntary or Coercive Medical or Psychological Practices: Cases of “corrective” rape were reported by LGBTQI+ advocacy organizations. Civil society did not report unnecessary surgeries on nonconsenting intersex persons or other involuntary or coercive medical or psychological practices.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: LAMBDA continued to be unsuccessful in its effort to legally register as an NGO. In 2017 the Constitutional Court ruled LAMBDA and other groups could not be precluded from registration based on “morality” but did not direct the government to grant official recognition to LAMBDA. At year’s end the Administrative Tribunal, the highest jurisdiction for administrative matters, had not responded to LAMBDA’s request specifically seeking to compel the government to act on its registration application. Other LGBTQI+ organizations reported similar barriers to registration.

Persons with Disabilities

The constitution and law prohibited discrimination with respect to disability. The law did not differentiate among physical, sensory, intellectual, and mental disabilities regarding access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services. Discrimination in hiring against

persons with disabilities was common, and access to employment continued to be a serious problem.

The government generally enforced applicable law. Penalties for violations were not commensurate with laws relating to other civil rights matters.

Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. While the law recognized the right to education for persons with disabilities, the government did not effectively prevent discrimination and exclusion of persons with disabilities. Although the law specified accessibility standards for public institutions and private institutions that serve the public, public buildings were often not accessible to persons with disabilities. The law provided for individuals to request the government dispense information in an accessible format, but public institutions were not generally equipped to do so. There were no laws providing for access to transportation for persons with disabilities, and NGOs reported individuals were often charged for transporting their wheelchairs when using public transportation. NGOs also reported persons with disabilities faced discrimination and harassment at airports.

NGOs alleged a lack of access to appropriate services led some individuals to chain or imprison relatives with psychosocial disabilities ostensibly to keep them safe. Women and girls with disabilities remained vulnerable to rape and sexual abuse, and NGOs reported such cases rarely led to arrest and

prosecution. For example, according to a local civil society organization, some employees at the state-run Infulene Psychiatric Hospital in Maputo accused of physical or verbal abuse of patients did not face criminal liability.

Discrimination was common in private-sector and government employment, access to health care, and the provision of other services. Observers often cited unequal access to employment as one of the biggest problems.

Doctors reported many families abandoned family members with disabilities at the Infulene Psychiatric Hospital. The Mozambican Association of Persons with Disabilities reported access to equipment, such as wheelchairs, was a challenge due to lengthy and complicated importation procedures.

Children with disabilities attended school through the secondary level at a lower rate than other children, and NGOs reported some public and private schools did not accept students with disabilities, leading some parents to homeschool children with disabilities such as autism.

Media and civil society organizations reported persons with disabilities faced barriers to participating in political processes.

Other Societal Violence or Discrimination

The government denounced violence against persons with albinism. Courts tended to sentence those convicted of the kidnapping and murder of persons with albinism more harshly than those convicted of similar crimes that did not involve persons with albinism. In February a court in Nampula

Province sentenced five defendants convicted of the July 2022 murder of a person with albinism to terms of eight to 30 years' imprisonment. According to the CNDH, from 2014 through 2022 approximately 114 persons with albinism disappeared. Authorities opened criminal cases against more than 55 individuals accused of involvement in these disappearances.

Both civil society and authorities reported occurrences of violence against the elderly, along with complaints of abandonment and mistreatment. In 2022 the government issued its *National Action Plan for the Elderly 2022-2029* to reduce discrimination and protect the rights of the elderly.

The law prohibited discrimination with respect to employment and occupation based on race, religion, national origin, color, sex, ethnicity, social status, political ideology, disability, sexual orientation, and HIV, AIDS, or refugee status. The law did not prohibit discrimination based on age. Ministry of Labor generally intervened in cases of perceived discrimination against workers with HIV or AIDS status by employers. There were no public reports of individuals dismissed because of their HIV-positive status.

Nonetheless, HIV-related stigma and discrimination, social exclusion, and abuse were prevalent, including in employment, housing, access to education, and health care. Stigma and discrimination prevented some individuals from using HIV and AIDS prevention and treatment services. Many women were reportedly expelled from their homes and abandoned by their husbands and relatives because they were HIV-positive. Family or

community members accused some women widowed by AIDS of being witches who purposely infected their husbands to acquire belongings; as retribution, they deprived the women of all possessions. The government trained health workers to conduct public awareness campaigns to reduce stigma and discrimination against persons with HIV and AIDS.

There were multiple media reports of the Ministry of Labor suspending the contracts of irregular foreign workers. Some foreign workers reported harassment by Ministry of Labor inspectors after disputes with Mozambican coworkers and being forced to pay bribes for work permits or leave the country.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provided for workers, with limited exceptions, to form and join independent trade unions, conduct legal strikes, and bargain collectively. The law required government approval to establish a union. By law the government could take up to 45 days to register unions, a delay the International Labor Organization deemed excessive. By law the government, political parties, and religious institutions could not interfere with the organization and direction of trade union associations. The law

provided for the right of workers to organize and engage in collective bargaining.

The law did not allow strike action until complex conciliation, mediation, and arbitration procedures were exhausted, which typically took two to three weeks. Sectors deemed essential had to provide a “minimum level” of service during a strike. Workers’ ability to conduct union activities in workplaces was strictly limited. The law provided for voluntary arbitration for “essential services” personnel monitoring the weather and fuel supply, postal service workers, export-processing-zone workers, and those loading and unloading animals and perishable foodstuffs. The law required strikes be announced at least five days in advance, and the announcement had to include the expected duration of the strike, although the government interpreted this to allow indefinite strikes. Mediation and arbitration bodies, in addition to the unions and workers themselves, could end strikes. The law prohibited antiunion discrimination; however, it did not explicitly provide for reinstatement of workers terminated for union activities. An employee fired with cause did not have a right to severance, but employees terminated without cause did.

Workers in defense and security services, tax administration, and the fire brigade, along with prison workers, judges and prosecutors, and the Office of the President’s staff were prohibited from unionizing and striking. Other public-sector workers could form and join unions but were prohibited from

striking.

Authorities and employers generally respected freedom of association and the right to collective bargaining, although workers were not able to fully exercise these rights. Collective bargaining contracts covered less than 5 percent of the workforce. The government did not effectively enforce the law. Government efforts included fining companies that violated labor laws and the expulsion of foreign supervisors who allegedly did not follow the law. Inspection and prosecution were not sufficient to enforce compliance. Penalties for conviction were not commensurate with those for similar denials of civil rights. Penalties were sometimes applied against violators.

The government sometimes responded to strikes with force against or detention of union members. In December 2022 the Mozambican Network of Human Rights Defenders stated some doctors during a one-month strike for higher salaries and better working conditions experienced threats, intimidation, and initiation of disciplinary proceedings. In July the doctors resumed their strike, and the government took a harder line. In August police shut down a health fair organized by striking doctors in Maputo. The governor of Manica Province called for punitive measures against those striking. Some officials suggested striking doctors could be dismissed and replaced with contract workers, a move civil society observers stated would be illegal.

The largest trade union organization, the Organization of Mozambican

Workers, was perceived as biased in favor of the government and Frelimo. There were no independent unions or labor-focused NGOs.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The government-mandated minimum wage varied by sector and was above the official poverty line. After consultations with trade unions and the private sector, in 2022 the government raised the minimum wage. The standard legal workweek was 40 hours but could be extended to 48 hours. Overtime pay was mandated for hours worked more than 48 hours at 50 percent above the base hourly salary. These legal protections also applied to foreign workers holding work permits.

There were some complaints of violations of wage laws in extractive industries and private security. In January a district administrator in Inhambane Province stated he had confirmed reports of labor violations at a Chinese logging company, including the withholding of wages and contracts, lack of personal protective equipment, and unsanitary conditions.

Additionally, a media outlet alleged mistreatment of workers at a Chinese heavy sands mining company in Gaza Province, including withholding of wages and time off; the outlet accused government officials of protecting companies accused of such violations.

Occupational Safety and Health: The government set occupational safety and health (OSH) standards that were up to date and appropriate for the main industries. Workers had the right to clean and safe workplaces, including good physical, environmental, and moral conditions. Workers had the right to be informed of safety risks and instruction on how to follow the regulations and improve safety, including the right to protective clothing and equipment, first aid, health exams, and compensation for workplace injuries or sickness. Workers had the right to remove themselves from dangerous situations without jeopardy to their employment. OSH officers were responsible for identifying unsafe working conditions, but workers could file complaints regarding unsafe situations.

Civil society NGOs reported agricultural and mining workers were among the most vulnerable to poor work conditions.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce minimum wage, overtime, and OSH laws. Penalties for conviction were not commensurate with those for similar offenses. Penalties were sometimes applied against violators. The General Labor Inspectorate, a Ministry of Labor office, was responsible for enforcing the minimum wage rates and OSH standards in the private sector, and the Ministry of Finance did so in the public sector. The labor inspectorate had the authority to make unannounced inspections and initiate sanctions, but the ministries usually investigated violations of minimum wage rates and OSH standards only after workers submitted a complaint. The number of labor inspectors was not sufficient to enforce compliance. Despite the relatively low number of inspectors, some businesses reported frequent visits by labor inspectors citing capricious violations and threats of substantial monetary fines to exact bribes. Labor law applied only to the formal sector, leaving workers in the informal sector unprotected; more than 80 percent of workers were employed in the informal sector.