

MOZAMBIQUE 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mozambique is a multiparty parliamentary democracy with a freely elected republican form of government. In 2019 voters re-elected as president Filipe Jacinto Nyusi of the ruling Front for the Liberation of Mozambique party with 73 percent of the vote in an election with many irregularities reported by observers. Several incidents of serious violence and intimidation occurred during the pre-election period; national and international observers considered voting generally orderly but expressed concerns regarding election irregularities.

The National Police, the National Criminal Investigation Service, and the Rapid Intervention Unit are responsible for law enforcement and internal security. They report to the Ministry of the Interior. The Border Security Force, responsible for protecting the country's international borders and for carrying out police duties within 24 miles of borders, also reports to the Ministry of the Interior. The National Penitentiary Service has financial and administrative autonomy but receives policy oversight from the Ministry of Justice. The State Intelligence and Security Service reports directly to the president and is responsible for intelligence operations. The Presidential Guard provides security for the president, and the Force for the Protection of High-level Individuals provides security for senior-level officials at the national and provincial levels. The Armed Defense Forces of Mozambique, consisting of the air force, army, and navy, are responsible for external security, cooperate with police on internal security, and have natural disaster and emergency response functions. The president is commander in chief of these forces. Civilian authorities at times did not maintain control over security forces. There were reports members of the security forces committed some abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; forced disappearance; 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, rape, sexual slavery, and unlawful use of child soldiers by nonstate actors; serious restrictions on free expression and media, 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; and lack of investigation of and accountability for gender-based violence.

The government took steps to investigate, prosecute, and punish some officials who committed human rights abuses and engaged in corrupt practices; however, impunity and corruption among state security forces, law enforcement officers, and civilian authorities remained a significant problem.

During the year violent attacks against government security forces and civilian populations perpetrated by ISIS-Mozambique that began in 2017 continued in Cabo Delgado Province. In June a series of attacks in southern Cabo Delgado Province increased the number of internally displaced persons. 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, ISIS-Mozambique continued conducting small-scale attacks against military and civilian targets, including in districts previously considered to be secured. The government continued the process of reconstruction and humanitarian assistance to its displaced residents in reclaimed areas. Human rights organizations and the government stated terrorists committed human rights abuses against civilians that included beheadings, kidnappings, and the unlawful use of child soldiers. ISIS-Mozambique continued to abduct and force the displacement of civilians, burn homes, and destroy infrastructure such as health clinics and schools. Security force responses to this violence were sometimes heavy handed, including

allegations of arbitrary arrest and detention and extrajudicial killings of both suspected terrorists and civilians. Authorities investigated some reports of abuses, but few led to prosecutions.

Section 1. Respect for the Integrity of the Person

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

There were several reports by media and international human rights organizations that the government or its agents committed arbitrary or unlawful killings. 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 is 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.

Police were accused of violent responses to protests. On March 8, media reported police in Zambezia Province killed two individuals and injured a third in response to a protest. According to local media, the PRM provincial commander stated the killings were unintentional.

ISIS-Mozambique terrorists in Cabo Delgado Province killed approximately 400 civilians as of December (see section 1.).

b. Disappearance

There were reports of disappearances 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 alleged involvement from law enforcement officers. In February, after the National Criminal Investigation Service (SERNIC) expelled officers for their involvement in kidnapping brigades, the Attorney General's Office filed charges against the former SERNIC officers. In July authorities detained two UIR officers in Nampula Province after they allegedly abducted two brothers and demanded payment for their release.

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 May 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

The constitution and law prohibit such practices, but international and domestic human rights groups reported mistreatment of detainees and reprisals against civilians following terrorist attacks in Cabo Delgado Province (see section 1.g.).

There were multiple reports of police abuse, including in response to protests. In August media reported police used live ammunition to disperse merchants in Manica Province blocking traffic while protesting market conditions. Police injured three protesters and arrested 21 individuals; the Manica Provincial Police Command defended the officers' use of live ammunition. On September 1, media reported police used tear gas to disperse vendors blocking traffic at the Maputo fish market during a protest.

As of October, the Maputo Public Prosecutor's inquiry continued had yet to file criminal charges regarding alleged sexual abuse and sex trafficking of women inmates at the Maputo Special Penitentiary for Women. Civil society

organizations reported the penitentiary had new leadership, but some prisoners allegedly faced retaliation for reporting abuse. The minister of justice also implemented prison reforms, including a requirement that only women guards work near women inmates.

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

The National Human Rights Commission (CNDH) is mandated to investigate allegations of abuses. The CNDH, Ministry of Defense, and Ministry of Justice, Constitutional, and Religious Affairs participated in efforts to implement the Voluntary Principles on Security and Human Rights in collaboration with civil society, the private sector, and the international community. The government provided some training to security force members, prosecutors, and other judicial officials to increase respect for human rights and prevent abuses.

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 as serious problems overcrowding, poor nutrition, poor hygiene and medical care, the inclusion of juvenile prisoners in adult facilities, and convicted and untried prisoners sharing cells. Almost all prisons dated from the pre-1975 colonial era, and many were in an advanced state of dilapidation. The attorney general's 2021 annual report to parliament issued in April cited overcrowding and degradation of infrastructure as threats to the security, rehabilitation, and human rights of prisoners. The Attorney General's Office

acknowledged an acute shortage of prison facilities and that lack of adequate facilities contributed to the abuse of detainees. According to the Attorney General's Office, prisons were at 238 percent capacity; 20,517 prisoners occupied space with a capacity of 8,614.

Juvenile detainees were held in preventive detention with adult prisoners. Inmates with disabilities often shared cells with other prisoners.

In June media reported that a prison guard killed five inmates during a riot and escape attempt in a prison in Zambezia Province. The prison director stated the guard accidentally shot inmates when firing into the air. Media reports stated there was only one guard on duty to oversee 280 prisoners at the time of the incident. The minister of justice opened a commission of inquiry into the deaths.

Administration: 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. Authorities conducted some investigations of credible allegations of mistreatment. According to the attorney general's *2021 Annual Report to the National Assembly* issued in April, the government initiated disciplinary proceedings against 20 prison officials in 2021 that resulted in demotions, fines, firings, or 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, and permission to visit prisoners was sometimes granted. The Mozambican Bar Association and the CNDH had a high degree of access to prisons run by the Ministry of Justice, Constitutional, and Religious Affairs. The Ministry of Justice reported that it incorporated human

rights into prison guard training related to the treatment of persons accused or convicted of terrorism.

Improvements: During the year the Ministry of Justice reported that the government established a reporting mechanism to report human rights violations in prisons and created a commission of inquiry to investigate allegations of human rights abuses in prisons and hold officials accountable.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right to challenge the lawfulness of arrest or detention in court and for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements; however, civil society groups reported arbitrary arrest or detention by police related to protests in Maputo and the arrest and detention of persons in northern Cabo Delgado Province by security forces on unsubstantiated charges of involvement in extremist violence or property destruction. National Islamic organizations and media reported police arbitrarily arrested individuals in Cabo Delgado if they appeared to be Muslim. Civil society groups alleged arbitrary arrest or detention of protesters.

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 must first issue an arrest warrant unless a suspect is caught in the act of committing a crime. The maximum length of investigative detention is 48 hours without a warrant or four months with a warrant, during which time a detainee has 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 may be detained up to an additional two months without being formally charged

while police complete their investigation. A court may approve a further six-month extension, up to a total of 12 months, in the case of exceptionally complex crimes. The detainee must be released if no charges are brought within the prescribed period for investigation. The maximum period of detention prior to trial completion is 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 are provisions for bail. In June the government implemented a law that mandated pretrial detention and eliminated provisional and conditional release of persons suspected of terrorism.

The law provides for citizens' right to access the courts and the right to legal representation, regardless of ability to pay for such services. The 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.

Arbitrary Arrest: There were some reports of arbitrary or unlawful detention. For example, in June media reported soldiers detained a mobile money agent in Cabo Delgado Province and demanded access to his account. Soldiers released the agent after money agents protested his detention. Media alleged 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. On June 8, media reported more than 2,000 individuals were held beyond prescribed pretrial detention periods. The Mozambican Bar Association stated changes to prescribed pretrial detention periods in the revised 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 provide 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 party (Frelimo) party exerted influence on an understaffed and inadequately trained judiciary.

Trial Procedures

The constitution and law provide for the right to a fair and public trial without undue delay, and the judiciary generally enforced this right. Courts presume accused persons innocent, and defendants have the right to be informed promptly and in detail of the charges. By law defendants are entitled to a fair, timely, and public trial, and the right to be present at their trial. Defendants enjoy the right to communicate with an attorney of their choice, and the law specifically provides for public defenders for all defendants, although this did not always happen. While defendants have adequate time to prepare a defense, they often do not have adequate facilities to do so. Defendants also have the right to free interpretation as necessary, and authorities generally did not deny persons these rights. Convicted persons may appeal lower court decisions to a higher court.

By law only judges or lawyers may confront or question witnesses. Defendants may present witnesses and evidence on their own behalf. The government generally upheld such rights. Defendants may not be compelled to testify or confess guilt.

Persons accused of crimes against the government, including treason or threatening

national security, are tried in open civilian courts according to standard criminal judicial procedures. Members of media and the public attended trials throughout the year; however, a judge may order a trial closed to media and the public in the interest of national security, to protect the privacy of the plaintiff in a sexual assault case, or to prevent interested parties outside the court from destroying evidence.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights abuses through domestic courts. By law citizens may file lawsuits through the Office of the Ombudsman, the CNDH, and the Mozambican Bar Association seeking cessation of human rights abuses, damages for abuses, or both. The country is a signatory to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights.

The Office of the Ombudsman is constitutionally designated as guarantor of citizens' legal rights in dealings with the government. Citizens may file complaints with the Ombudsman's Office. The Ombudsman's Office reviews complaints, and an investigation may be initiated if judged legitimate.

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

The constitution and law prohibit arbitrary or unlawful interference with privacy, family, home, or correspondence; however, there were reports the government at times failed to respect the privacy of personal communications, particularly those of civil society activists and journalists. There were no reports authorities entered

homes without judicial or other appropriate authorization. Some civil society activists stated government intelligence services and operatives of Frelimo monitored telephone calls and emails without warrants, conducted surveillance of their offices, followed opposition members, used informants, and disrupted opposition party activities in certain areas.

g. Conflict-related Abuses

Terrorists affiliated with ISIS-Mozambique in Cabo Delgado Province 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, expanding its reach to several previously safe southern districts. From late November 2021 to January 6, ISIS-Mozambique attacked several villages in eastern districts in Niassa Province. In August and September, ISIS-Mozambique attacked villages in northern Nampula Province.

Killings: Media reported that ISIS-Mozambique killed approximately 400 civilians during the year. There were numerous abuses reported by media. In June for example, media reported violent extremists launched a series of attacks in southern districts of Cabo Delgado, setting fire to houses, churches, and other community structures, beheading and killing civilians, and abducting women.

There were numerous allegations of unlawful killings by government forces fighting ISIS-Mozambique in Cabo Delgado Province. During the year local media reported abuses by government forces. For example, residents of several villages accused Rapid Intervention Unit officers of “torturing” three fishermen on March 30 on suspicion of terrorism after their boat strayed into a restricted area. Although Rwandan forces reportedly intervened to halt the abuse, two of the three tortured fishermen died.

Abductions: Terrorists affiliated with ISIS-Mozambique abducted civilians during raids on villages in Cabo Delgado Province. For example, on August 13, terrorists abducted at least six individuals in Nangade District while they were working in their fields. In December 2021 media reported ISIS-Mozambique in Cabo Delgado Province kidnapped and enslaved more than 600 women and girls since 2018, subjecting them to rape, forced marriage, and other forms of gender-based violence (GBV).

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

There were complaints of abuses by government security forces. On June 1, media reported traders in the town of Macomia protested kidnapping and extortion by soldiers of five traders in May. A National Police Command spokesperson stated it would investigate the complaints. On May 25, media reported civil society organizations stated there were some cases of displaced individuals complaining of abuse by government security forces.

Child Soldiers: In September 2021, Human Rights Watch reported ISIS-Mozambique abducted hundreds of boys as young as 12, trained them as combatants, and forced them to fight against government forces. The Ministry of Defense worked with UNICEF and the Dallaire Institute for Children, Peace Security in partnership with the Rwandan Ministry of Defense and its forces to develop procedures for handling children in armed conflict and trained security forces. Also see the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Other Conflict-related Abuse: There were reports of terrorist attacks on health-care facilities and forced displacement. In July the United Nations 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 June the minister of health reported terrorists had destroyed 31 of Cabo Delgado Province's 130 health centers.

Section 2. Respect for Civil Liberties

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

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

Freedom of Expression: There were no official restrictions on the ability of individuals to criticize the government or on the discussion of matters of public interest. 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. On August 15, prominent civil society figure Adriano Nuvunga found two bullets wrapped in a written death threat thrown into his front yard. The Attorney General's Office opened an investigation into the death threat.

In August the Media Institute of Southern Africa in Mozambique (MISA-Mozambique) reported four SERNIC officers attacked two television journalists covering the funeral of a police officer and confiscated the cameras' memory cards

before destroying them. The Committee to Protect Journalists alleged the officers threatened to shoot the journalists as they left. The reporters were treated for bruises and filed a complaint with police, which SERNIC stated it would investigate. At year's end, there was no update on the status of SERNIC opening an investigation.

In October police arrested journalist Arlindo Chissale in Balama District of Cabo Delgado Province and detained him for five days. The provincial prosecutor accused Chissale of collecting information for terrorist acts, but the Balama District Court subsequently dismissed the terrorism charge and granted Chissale provisional release while he awaited trial for a minor charge punishable with a fine.

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.

Libel/Slander Laws: The law considers defamation and slander as crimes, punishable with imprisonment of up to one year and a corresponding fine.

National Security: In June the government implemented an antiterrorism law that provides for two to eight years' imprisonment for persons convicted of making false public statements verbally or in writing regarding terrorism and that create panic and insecurity. Some civil society organizations stated the law was too vague and would restrict freedom of the press.

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 for criticism of the government 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.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association. The government did not always respect these rights.

Freedom of Peaceful Assembly

By law protest organizers do not require government authorization to demonstrate peacefully; however, they must notify local authorities of their intent in writing at least four business days in advance. Civil society leaders reported police intimidation when delivering petitions to government offices.

Activists reported police limited their right to peaceful assembly, sometimes using COVID-19 prevention measures as an excuse to limit the right to demonstrate. For example, in January media reported police blocked a local human rights organization's press conference and briefly detained the organizer and blocked a subsequent press conference.

Security forces sometimes responded to demonstrations with violence and arrests. On August 3, Maputo city government authorities sent police with dogs to scatter young protesters demanding more job opportunities outside the Municipal Council.

Local civil society organizations earlier filed a petition with the Attorney General's Office to hold police accountable for suppressing a December 2021 demonstration against domestic violence by briefly arresting 19 women's rights activists.

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.

Civil society organizations expressed alarm that a draft law to regulate nonprofit organizations, if approved by the National Assembly, would make it easier for the government to dissolve NGOs.

c. Freedom of Religion

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

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

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

e. Protection of Refugees

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in

providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. Nevertheless, the disappearance in the country of former Rwandan opposition figure and asylum seeker Cassien Ntamuhanga and killings of Rwandan businessman and refugee Revocant Karemangingo in 2021 and in July the killing of Rwandan asylum seeker Selemani Masiya, alarmed refugees and civil society organizations.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Approximately 11,500 refugee-status-determination cases dating to 2011 awaited final processing. Although the government 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 refugees expressed concern regarding their safety due to the presence of Rwandan security forces in Cabo Delgado Province and after Rwandan asylum seeker Cassien Ntamuhanga disappeared. On July 7, unknown assailants killed Rwandan opposition figure and asylum seeker Masiya in Nampula City. Police reportedly opened an investigation but made no arrests by year's end.

Durable Solutions: The government worked closely with UNHCR to implement a local integration program for refugees, primarily in urban communities, and at the Maratane Camp in Nampula Province. Refugees may apply for citizenship after five years in the country during which they may leave and return to the country. UNHCR referred a limited number of refugees for third-country resettlement. UNHCR facilitated the voluntary return of 167 refugees to Rwanda, the Democratic Republic of the Congo, Somalia, and Cote d'Ivoire.

f. Status and Treatment of Internally Displaced Persons

As of October the International Organization for Migration estimated there were

approximately 950,000 internally displaced persons (IDPs) in the country due to the violence in northern Mozambique and 130,000 IDPs due to several catastrophic cyclones since 2019.

Civil society NGOs continued to report local officials and security officers demanded sex or money from IDPs in exchange for food and humanitarian assistance. On November 2, a spokesperson for the Attorney General's Cabo Delgado Province office stated it recorded 25 cases of sexual abuse by humanitarian and civil society workers during the year. The spokesperson said the Attorney General's Office would provide special training for prosecutors and other justice officials on GBV to address the issue. 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 subscribes to the safe, voluntary, dignified return, resettlement, or local integration of IDPs, and its policies are in line with the UN Guiding Principles on Internal Displacement. Nevertheless, authorities did not always follow government policy, and there were incidents of the movement or relocation of IDPs inconsistent with the UN guiding principles. Authorities limited access to some areas of Cabo Delgado Province.

After Mozambican and Rwandan forces secured the northern town of Palma in 2021, approximately 60,000 IDPs returned during the year. The government approved a 189-billion-metical (\$300 million) *Plan for Recovery and Reconstruction in Cabo Delgado* initiated in 2021 and a 157 billion metical (\$2.5 billion) *Program for Resilience and Integrated Development for Northern Mozambique* approved during the year to prepare areas in Cabo Delgado Province for the return of IDPs by addressing underlying drivers of instability. Both plans were supported by donors.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

In 2019 the government and the main opposition party, the Mozambican National Resistance party (Renamo), signed cessation of hostilities and a peace agreement that the National Assembly enacted into law, formally ending decades of civil war and sporadic conflict.

Elections and Political Participation

Recent Elections: In 2019 the country held national elections for president, parliament, and provincial assemblies. Domestic and international observers noted voting-day procedures were generally orderly but lacked transparency and accountability during vote tabulation. The EU, Commonwealth, and civil society organizations reported significant irregularities. These included discrepancies between the number of voters registered and the number of eligible voters, particularly in Gaza and Zambezia Provinces; delays in observer credentialing; nonregistration of more than 3,000 independent and opposition observers; the arrest and intimidation of some opposition observers; late release of campaign funding to political parties; intentional spoiling of ballots; vote falsification; and inordinately high voter turnout in some districts that indicated ballot-box stuffing.

The two major opposition parties, Renamo and the Democratic Movement of Mozambique, did not recognize the election results as legitimate, and opposition-party members of the National Election Commission voted to reject certification of the provisional results. The Constitutional Council acknowledged irregularities but stated they did not substantially alter the election outcome. The council certified the re-election of President Nyusi with 73 percent of the vote and that Frelimo won

in every district of the country, including more than two-thirds of the parliamentary seats, the vast majority of the provincial assembly seats, and all 10 provincial governorships.

Election-related violence occurred throughout the pre-election campaign period, including shootings, stabbings, and beatings. Opposition parties and civil society complained of increased acts of violence, intimidation, and bias by the government and Frelimo operatives.

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

Participation of Women and Members of Minority Groups: No law limits participation of women or members of minority groups in the political process, and they did participate. Women and members of many ethnic groups held key political positions. Frelimo used quotas to provide for female representation on its central committee; women held one-half of presidential cabinet positions and 42 percent of seats in parliament. Persons with disabilities faced barriers to participating in democratic processes, including a lack of access to information and election infrastructure.

Section 4. Corruption and Lack of Transparency in Government

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

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

There were numerous allegations of corruption by security forces in Cabo Delgado Province. In July more than 30 soldiers were expelled from the military for their involvement in looting bank branches in the town of Palma in Cabo Delgado Province following a March 2021 ISIS-Mozambique attack.

There were several cases of public corruption involving active and former government officials arrested and charged with crimes. In July the Maputo City Court convicted former Labor Minister Maria Helena Taipo of embezzlement and misuse of public funds and sentenced her to 16 years' imprisonment. In May the Maputo City Court concluded its trial of 19 defendants in the "hidden debts" scandal, which involved bribes and kickbacks orchestrated by political elites in connection with more than two billion dollars in illicitly obtained sovereign loans during the administration of former President Armando Guebuza. On December 7, 11 of the 19 defendants were convicted, including the son of the former president, the former president's personal secretary, and the former head of the State Information and Security Service. They received sentences of between 10 to 12 years' imprisonment and fines and seizure of assets.

The loans were signed by then Finance Minister Manuel Chang, and their existence was not disclosed to the public or parliament until 2016. In 2018 Chang was arrested in South Africa. During the year the government continued to appeal a South African court's decision to extradite Chang to the United States in response to a successful motion filed by Mozambican civil society organizations to stop Chang's extradition to Mozambique. As of December he remained in South

Africa.

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

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The government had yet to act on the registration request pending since 2008 of a local LGBTQI+ rights advocacy organization (see section 6). 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 CNDH is mandated to promote and defend the human rights provisions of the constitution and law. Its stated priorities include cases of law enforcement violence and torture, judicial corruption, and abuses of prisoner rights. The CNDH lacks authority to prosecute abuses and must refer cases to the judiciary. Commission members are chosen by political parties, civil society, the prime minister, and the Mozambican Bar Association. Although the CNDH was an active human rights advocate, its lack of resources and formal staff training in human rights hindered its effectiveness.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of adults and children

regardless of gender, including spousal rape, and domestic violence. Penalties for conviction range from two to eight years' imprisonment if the survivor is age 12 or older and 20 to 24 years' imprisonment if the survivor is younger than age 12.

Conviction of abuse of a spouse or unmarried partner, regardless of gender, is punishable by one to two years' imprisonment or longer if another crime is also applicable. The government did not effectively enforce domestic abuse law.

Survivors often decided not to file charges or perpetrators fled arrest. Many cases of domestic violence were not reported to authorities. In addition according to NGO and media reports, many families preferred to settle rape allegations through informal community courts or privately through financial remuneration or marriage rather than through the formal judicial system.

NGOs stated domestic violence against women remained widespread and increased due to the COVID-19 pandemic state of emergency due to restricted movement and confinement in place with male partners. International organizations and NGOs supporting the IDP population in Cabo Delgado Province reported concerns regarding 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 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

high numbers of survivors of domestic violence, sexual assault, and violence-against-children cases.

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

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

Sexual Harassment: Sexual harassment remained pervasive in business, government, schools, and society. By law any person in a position of authority convicted of sexual harassment of a subordinate may be sentenced to up to two years’ imprisonment and a fine.

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

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

According to the *2011 Mozambique Demographic and Health Survey*, the maternal mortality rate was 408 deaths per 100,000 births. The main factors were the lack of access to and availability of quality prenatal health care and emergency care of complications, such as hemorrhage, hypertensive disorders, and sepsis during childbirth. The adolescent fertility rate (births per 1,000 girls and women between

ages 15 and 19) in 2018 was 146. Women in poor communities, typically in remote, rural areas with limited access to health care, had a higher maternal mortality rate.

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 is 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 reproductive and sexual health care. Women and girls displaced due to the violence in Cabo Delgado and climate-related disasters faced high barriers to access reproductive health services.

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

In October 2021, 40 civil society organizations denounced violence and poor treatment of pregnant women in hospitals and called for accountability and investigation of reported abuses; however, as of September authorities had yet to hold any individual accountable for alleged abuses. During the year the Ministry of Health conducted a campaign against obstetric violence with civil society and other stakeholders.

Discrimination: The law provides the same legal status and rights for women as for men; however, the government did not enforce the law effectively. The law requires equal pay for equal work and prohibits discrimination based on gender in

hiring; however, the government did not always enforce the law. The law contains provisions that limit excessive physical work or night shift requirements during pregnancy. The law contains special provisions to protect women against abuse, although these provisions were rarely enforced.

Women experienced economic discrimination. Gaps in education and income between men and women remained high. In some regions, particularly in the north, women had limited access to the formal judicial system for enforcement of rights provided by the civil code and instead relied on customary law to settle disputes. Enforcement of laws that protect women's rights to land ownership in the formal economy remained poor. Women typically could not inherit land under customary law.

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.

Systemic Racial or Ethnic Violence and Discrimination

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

Children

Birth Registration: Citizenship is obtained by birth within the country or birth to at least one citizen parent outside the country. Failure to register a child's birth may result in the child's inability to attend school and may prevent a person from obtaining public documents, such as identity cards, passports, or "poverty certificates" that enable access to free health care and free secondary education. Birth registration was often delayed in rural areas. Cultural practice 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.

Education: By law education is compulsory, universal, and free of tuition through primary school and grades seven through nine of secondary school. Nevertheless, school costs for supplies remained beyond the means of many families, especially in rural areas. According to the government *Education Sector Development Plan*, in 2018 only 49 percent of children completed primary school education. Girls had lower literacy and school completion rates. For example, only one in 10 girls in Nampula Province completed secondary school.

Child Abuse: The Child Protection Law provides for protection against physical and sexual abuse; removal of children from parents who are unable to protect, assist, and educate them; and juvenile courts to deal with matters of adoption, maintenance, and regulating parental power. Juvenile courts have wide discretion regarding sentencing, but the law requires a minimum of 16 to 20 years' imprisonment for conviction of trafficking in persons.

Most child-abuse cases involved sexual or physical abuse. Sexual abuse in schools and in homes was a problem. NGOs remained concerned certain male teachers used their authority to coerce female students into sex. Orphans, girls working in domestic service, and other vulnerable children remained at high risk of abuse.

While the government stressed the importance of children's rights and welfare, significant problems remained. On June 16, the government disseminated findings from the *Mozambique Violence Against Children and Youth Survey*, and in September the government convened stakeholders to begin developing 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; however, 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 is 18. In 2019 parliament outlawed marriage for children younger than age 18; the minimum age was previously 16 with parental consent. 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 is 16 for boys and girls. The law prohibits the commercial sexual exploitation of children and child pornography. Authorities partially enforced the law, but exploitation of children and child trafficking remained a problem and worsened during the COVID-19 pandemic, according to civil society organizations. Girls experienced sexual exploitation and human trafficking in bars, roadside clubs, and restaurants. 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 during the year, citing rising living costs, poverty, lack of employment opportunities, and corruption.

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

Displaced Children: As of August the International Organization for Migration estimated 56 percent of the population displaced due to violence in Cabo Delgado were children, including more than 2,100 unaccompanied children. Civil society and international organizations reported displaced children often lacked shelter,

food, and schooling. Several government agencies, including the Ministry of Health and the Ministry of Gender, Children, and Social Action, conducted programs to provide health-care assistance and vocational education for orphans from HIV or AIDS and other vulnerable children.

Antisemitism

The country has a small Jewish community. There were no reports of antisemitic acts.

Trafficking in Persons

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

Organ Harvesting

NGOs AlbiMoz and Amor a Vida, which advocates for persons with albinism, documented cases in which assailants kidnapped, maimed, or killed persons with albinism to sell their body parts to traditional healers. For example, in July police detained a man and his brother in Tete for allegedly trying to sell his three children with albinism to an intermediary who intended to sell their organs.

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

Criminalization: There is no law criminalizing consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: There were no media reports of bias-motivated attacks on LGBTQI+ persons; however, LGBTQI+ organizations

reported some LGBTQI+ women were survivors of “corrective rape.” No hate-crime laws or other criminal justice mechanisms exist to aid in the prosecution of bias-motivated crimes against LGBTQI+ persons.

Discrimination: Antidiscrimination laws protected LGBTQI+ persons only from employment discrimination. The *Fifth National Action Plan to Combat HIV/AIDS (2021-2025)* denounced discrimination based on gender identity and sexual orientation for the first time.

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 does not provide for individuals to change their gender identity marker or name on legal and identifying documents to bring them into alignment with their gender identity.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: Cases of “corrective” rape were reported by LGBTQI+ advocacy organizations, but not cases of unnecessary surgeries on 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 (see section 2.b.). In 2017 the Constitutional Court ruled LAMBDA and other groups could not be precluded from registration based on “morality” but did not direct the government to grant official recognition to LAMBDA. The organization resubmitted its application to the Administrative Tribunal, the highest jurisdiction for administrative matters, specifically seeking to compel the government to respond to its registration request. As of December the tribunal had not responded. Other LGBTQI+ organizations reported similar barriers to registration.

Persons with Disabilities

The constitution and law prohibit discrimination against citizens with disabilities; however, the law does not differentiate among physical, sensory, intellectual, and mental disabilities regarding access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services.

Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. While the law recognizes the right to education for persons with disabilities, the government did not effectively protect against discrimination and exclusion of persons with disabilities. Although the law specifies accessibility standards for public institutions and private institutions that serve the public, public buildings are often not accessible to persons with disabilities. The law allows individuals to request that the government provide information in an accessible format, but public institutions were not generally equipped to do so. Through a partnership with TV Surdo, the government incorporated sign language interpreters in the broadcasting of some official statement. There are no laws providing for access to transportation for persons with disabilities, and NGOs reported that individuals

were often charged for transporting their wheelchairs when using public transportation. NGOs also reported that persons with disabilities faced discrimination and harassment at airports.

NGOs alleged that a lack of access to appropriate services led some individuals to chain or imprison relatives with psychosocial disabilities to supposedly 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 instance, according to a local civil society organization, some employees at the state-run Infulene Psychiatric Hospital in Maputo who physically or verbally abused patients did not face criminal liability after complaints were filed.

Discrimination in private-sector and government employment, access to health care, and the provision of other services was common. Observers often cited unequal access to employment as one of the biggest problems. Doctors reported many families abandoned family members with disabilities at the country's only psychiatric hospital. The Mozambican Association of Persons with Disabilities reported access to equipment, such as wheelchairs, was a challenge due to lengthy and complicated import procedures.

The government trained some health workers in sign language. Children with disabilities attended school through the secondary level at a lower rate than other children, and NGOs reported that 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.

In December the CNDH established a unit focused on persons with disabilities' matters.

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

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

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. Reports continued of many women expelled from their homes and abandoned by their husbands and relatives because they were HIV-positive. Family or community members accused some women widowed by 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 on conducting public awareness campaigns to reduce stigma and discrimination against persons with HIV or AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide for workers, with limited exceptions, to form and join independent trade unions, conduct legal strikes, and bargain collectively. The

law requires government approval to establish a union. By law the government may take up to 45 days to register unions, a delay the International Labor Organization deemed excessive. By law the government, political parties, and religious institutions may not interfere with the organization and direction of trade union associations. The law provides for the right of workers to organize and engage in collective bargaining.

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

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 members are prohibited from unionizing and striking. Other public-sector workers may 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. On July 4, the government mobilized riot police but peacefully resolved a widespread strike by minibus drivers protesting high fuel prices. On December 12, the Mozambican Network of Human Rights Defenders stated some doctors striking for higher salaries experienced threats, intimidation, and initiation of disciplinary proceedings.

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

The law prohibits most forms of forced or compulsory labor. Forced or compulsory labor was among legal penalties for conviction of crimes. Defendants sentenced to fewer than three years' imprisonment for conviction of negligent and other nonserious crimes may have their punishment converted to unpaid labor that benefits the community.

The government did not enforce the law effectively, and forced labor occurred. There was evidence of forced labor and forced child labor in the mining, domestic service, and agricultural sectors. Girls and women from rural areas were lured to cities with false promises of employment or education and exploited in domestic

servitude and sex trafficking. Similarly, boys from rural areas were lured to cities with false promises of employment and exploited in informal street vending.

Migrant workers from bordering countries were vulnerable to forced labor, including exploitation in domestic servitude and informal commerce. There were reports the Cuban government forced some Cuban medical professionals to work in the country.

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

c. Prohibition of Child Labor and Minimum Age for Employment

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

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation based on race, religion, national origin, color, sex, ethnicity, social status, political ideology, disability, sexual orientation, and HIV, AIDS, or refugee status. The law did not prohibit discrimination based on age.

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

Discrimination in hiring against persons with disabilities was common, and access to employment was one of the biggest problems facing persons with disabilities.

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

discrimination by employers. There were no public reports of individuals dismissed because of their HIV-positive status.

Women generally received lower wages than men and faced cultural and legal barriers in accessing the judiciary and inheriting land. The World Economic Forum estimated the average income for women amounted to 77 percent of the average income for men.

There were multiple media reports of the Ministry of Labor suspending the contracts of irregular foreign workers. Some foreign workers reported harassment by Ministry of Labor inspectors after disputes with Mozambican coworkers and being forced to pay bribes for work permits or leave the country. In 2017, however, the Constitutional Council ruled it was unconstitutional for the government to expel foreign workers without judicial approval.

e. Acceptable Conditions of Work

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

There were some complaints of violations of wage laws in mining and private security. In July media reported the Ministry of Labor started an investigation into wage law violations in the private security sector in response to complaints.

Occupational Safety and Health: The government sets occupational safety and health (OSH) standards that were up to date and appropriate for the main

industries. Workers have the right to clean and safe workplaces, including good physical, environmental, and moral conditions. Workers have the right to be informed of safety risks and instruction on how to follow the regulations and improve safety, including the right to protective clothing and equipment, first aid, health exams, and compensation for workplace injuries or sickness. Workers have the right to remove themselves from dangerous situations without jeopardy to their employment. OSH officers are responsible for identifying unsafe working conditions, but workers may file complaints regarding unsafe situations.

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, is responsible for enforcing the minimum wage rates and OSH standards in the private sector, and the Ministry of Finance does so in the public sector. The labor inspectorate has 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.

Informal Sector: In 2021 the National Institute of Statistics estimated 13.5 million persons, or 85 percent of the economically active population, worked in the informal sector, primarily in agriculture, domestic service, mining, and commerce.

The Ministry of Labor did not effectively enforce minimum wage, hours of work, and OSH standards in the informal economy because the Ministry of Labor applied the law only in the formal sector. The government provided some social protections for informal economy workers through subsidy and direct-support programs.