

Mozambique

The Government of Mozambique has participated in donor-funded projects to withdraw or prevent children from engaging in the worst forms of child labor.

However, gaps remain in its legal framework. Children can leave school as early as age 12. The law does not define hazardous work. Complaints of child trafficking routinely go uninvestigated. Current social protection programs raise awareness but do not address sectors where the majority of children work in hazardous conditions, such as agriculture.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Mozambique are exploited in the worst forms of child labor,³⁵³³ many of them in agriculture. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cotton, cashews, coconuts, copra (dried coconut meat), tea, and sugar.³⁵³⁴ Children also produce tobacco on farms and small plots known as *machambas*. Children's work in agriculture may involve activities that are unsafe or unhealthy, such as using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.³⁵³⁵

Children in Mozambique also herd livestock and perform domestic labor in third party homes. Child domestic labor may involve long hours of work, activities that risk their health and safety, and vulnerability to physical and sexual exploitation.³⁵³⁶ Children in Mozambique work on the streets, vending items and collecting scrap metal. Risks they may face

include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.³⁵³⁷ Children also work in restaurants and informal bars known as *barracas*.³⁵³⁸ Some girls employed in *barracas* also engage in prostitution.³⁵³⁹

Another worst form of child labor that occurs in Mozambique is the trafficking of children. Children are trafficked internally and to South Africa and Swaziland for commercial sexual exploitation and forced labor in agriculture, manual work, and domestic service.³⁵⁴⁰ Girls from Zimbabwe and Malawi are also trafficked to Mozambique for commercial sexual exploitation and forced domestic service. Boys are trafficked within the country and to South Africa to work on farms and in mines.³⁵⁴¹

In 2009, there were an estimated 1.2 million orphaned children in Mozambique, many having lost their parents to HIV/AIDS.³⁵⁴² In Mozambique, orphaned children are particularly vulnerable to engaging in the worst forms of child labor.³⁵⁴³

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law establishes the minimum age for employment at 15 and the minimum age for hazardous work at 18.³⁵⁴⁴ However, children between 12 and 15 may work with the approval of the Ministries of Labor, Health, and Education; these children are issued legal documents establishing the conditions under which they are allowed to work.³⁵⁴⁵ In addition, since children may leave school at 12, those from ages 12 to 14 are more vulnerable to begin working before they are legally eligible, and thus to be drawn into the worst forms of child labor.³⁵⁴⁶

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

The Labor Law also restricts the conditions under which minors between 15 and 18 may work and commits employers to provide for their education and professional training. Minors under age 18 are not permitted to work in unhealthy, dangerous, or physically taxing occupations; they must undergo a medical examination and be paid at least minimum wage.³⁵⁴⁷ However, the law does not prohibit children between the ages of 15 and 18 from working at night.³⁵⁴⁸ In addition, while the Labor Law upholds international conventions, such as ILO Convention 182, it does not specifically identify hazardous labor for children or define the worst forms of child labor.³⁵⁴⁹

The Constitution prohibits forced labor.³⁵⁵⁰ The Penal Code, Decree No. 417/71, and Act No. 6/99 provide penalties for child prostitution.³⁵⁵¹ Act 3/97 prohibits the use of children in the transport and sale of illegal drugs.³⁵⁵² The Penal Code also prohibits the trafficking of persons out of the country for sexual exploitation, but does not prohibit internal trafficking or trafficking for forced labor.³⁵⁵³ Although the Trafficking in Persons Law covers these gaps, the Government has not enacted implementing regulations, which are required before a law can be enforced.³⁵⁵⁴ The Law on Military Service sets the age for military conscription at 19 and voluntary recruitment at 18, which can be lowered in times of war.³⁵⁵⁵

Institutional Mechanisms for Coordination and Enforcement

To coordinate information on the worst forms of child labor, the Government uses the inter-agency commission on social issues led by the Ministry of Women and Social Action (MIMAS). This commission includes other ministries such as the Ministries of Labor (MITRAB), Justice, Education, Health, and Interior.³⁵⁵⁶ MIMAS receives less than 1 percent of the total government budget and relies on international organizations for office supplies and technical support; therefore, the sustainability and effectiveness of this commission is likely to be limited.³⁵⁵⁷

The MITRAB is the federal agency responsible for enforcing child labor laws.³⁵⁵⁸ Within the MITRAB, the Labor Inspection Office employs 130 labor inspectors who primarily inspect commercial establishments, even though the Labor Law covers home work, domestic service, and work in rural areas.³⁵⁵⁹ As most children do not work in commercial establishments, but rather in small-scale agriculture, they may not be protected by enforcement efforts. Reportedly, this office routinely lacks vehicles to conduct inspections.³⁵⁶⁰ In 2008, the most recent period for which such data are available, 5,000 inspections were conducted, during which more than 8,000 infractions were found, but only 30 percent were prosecuted. It is unknown whether any of these cases were related to child labor.³⁵⁶¹

The Anti-Trafficking Brigade within the Ministry of the Interior and the police's Child Protection Units are responsible for enforcing criminal laws relating to the

worst forms of child labor, including trafficking.³⁵⁶² In Mozambique, there are 184 help desks located in police stations called *gabinetes de atendimento* where trafficking victims can file complaints and get assistance.³⁵⁶³ Although the Government created a hotline to receive reports of trafficking in persons in 2009, it did not investigate these complaints.³⁵⁶⁴ During the reporting period, the police and border guards received training on how to identify trafficking cases and assist victims.³⁵⁶⁵

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the worst forms of child labor. However, Mozambique signed the Community of Portuguese Speaking Countries (CPLP) Declaration against child labor, which calls for a CPLP Plan of Action and sets the goal to eliminate the worst forms of child labor by 2016.³⁵⁶⁶ The Government also adopted the Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children in the Southern African Development Community (SADC) at an Inter-Ministerial Conference in 2009.³⁵⁶⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In Mozambique, social programs specifically designated to eliminate child labor are a recent

development with the majority of interventions being internationally donor-funded initiatives. In the past, many child-centered interventions only indirectly contributed to the elimination of child labor, such as programs targeting children affected by HIV/AIDS.³⁵⁶⁸ However, the Government did participate in a 3-year, \$3 million project funded by USDOL, which withdrew or prevented 2,177 children from engaging in exploitative work in agriculture, domestic work, street work, and commercial sexual exploitation.³⁵⁶⁹

Currently, the Government mainly combats the worst forms of child labor through awareness raising. For instance, Mozambique participated in a \$3.46 million, 9-year Global Campaign to Raise Awareness and Understanding on Child Labor, funded by Italy through March 2009.³⁵⁷⁰ The Government also raised awareness on trafficking in communities throughout Mozambique during the reporting period.³⁵⁷¹

Other efforts to combat the worst forms of child labor include the 2-year, \$300,000 project to strengthen trafficking legislation in collaboration with the NGO Rede Came and the 4-year regional project funded by Brazil at \$200,000 to combat the worst forms of child labor in Lusophone countries in Africa.³⁵⁷²

However, the Government is not currently involved in social programs to eliminate the worst forms of child labor in sectors where the majority of children work, such as in agriculture and domestic service.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Mozambique:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Law to prohibit children from working at night, to identify hazardous labor for children, and to define the worst forms of child labor.
- Raise the compulsory education age to 15.
- Amend the Penal Code to prohibit all forms of trafficking, including internal trafficking and trafficking for forced labor.
- Adopt implementing regulations for the Trafficking in Persons Act.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Allocate sufficient resources to the Ministry of Women and Social Action to coordinate information on the worst forms of child labor.
- Allocate sufficient resources to the Labor Inspection Office and target sectors such as agriculture with a high incidence of child labor.
- Investigate complaints of child trafficking.
- Gather and make publicly available information about enforcement.

IN THE AREA OF POLICY:

- Adopt and implement a National Action Program on the Elimination of Child Labor.
- Make available to the public information about the implementation of national policies to combat child labor.

IN THE AREA OF PROGRAMS:

- Develop social protection programs that assist children working in sectors such as agriculture and domestic service.

³⁵³³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

³⁵³⁴ U.S. Embassy- Maputo, *reporting*, February 6, 2010. See also U.S. Department of State, “Country Reports on Human Rights Practices- 2010,” Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135967.htm>. See also American Institutes for Research, *RECLAIM: Reducing Exploitive Child Labor in Mozambique*, Project Document, September 2005, 4.

³⁵³⁵ U.S. Embassy- Maputo, *reporting*, February 6, 2010,

para 2. See also U.S. Department of State, “Mozambique,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135967.htm>. See also U.S. Embassy- Maputo, *reporting*, January 16, 2009. See also American Institutes for Research, *RECLAIM, Project Document (September 2005)*, 4.

³⁵³⁶ Rui Benfica, Julieta Zandamela, Arlindo Miguel, and Natércia de Sousa, *The Economics of Smallholder Household in Tobacco and Cotton Growing Areas of the Zambezi Valley of Mozambique* Ministry of Agriculture, August, 2005, 15; available from <http://www.aec.msu.edu/fs2/mozambique/wps59E.pdf>. See also Save the Children UK, *Visitors from Zimbabwe: A Preliminary Study Outlining the Risks and Vulnerabilities Facing Zimbabwean Children who have Crossed Illegally into Mozambique*, May 24, 2006, 8-9; available from <http://www.reliefweb.int/library/documents/2006/sc-zim-24may.pdf>. See also UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 2001:*

Mozambique, prepared by Government of Mozambique, pursuant to Article 44 of the Convention on the Rights of the Child, March 23, 2009, para 356; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/412/30/PDF/G0941230.pdf?OpenElement>.

³⁵³⁷ U.S. Embassy- Maputo, *reporting*, January 16, 2009, para 3.

³⁵³⁸ Integrated Regional Information Networks, “Mozambique: Exploitation and abuse awaits Zimbabwe’s migrants”, IRINnews.org, [online], May 25, 2006 [cited April 18, 2010]; available from <http://www.irinnews.org/report.aspx?ReportId=39621>. See also Save the Children UK, *Visitors from Zimbabwe*, 9.

³⁵³⁹ Save the Children UK, *Visitors from Zimbabwe*, 7 and 9. See also Integrated Regional Information Networks, “Mozambique: New bridge puts children at risk”, IRINnews.org, [online], November 7, 2006 [cited January 30, 2009]; available from <http://www.irinnews.org/report.aspx?ReportId=61502>.

³⁵⁴⁰ UNODC, *Global Report on Trafficking in Persons*, February 2009; available from http://www.unodc.org/documents/Global_Report_on_TIP.pdf. See also Integrated Regional Information Networks, “Exploitation and abuse awaits Zimbabwe’s migrants”. See also U.S. Department of State, “Mozambique (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 10, 2010. <http://www.state.gov/documents/organization/143187.pdf>. See also U.S. Department of State official, E-mail communication to USDOL official, January 22, 2009. ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation: Mozambique*, 2007, 12; available from http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-MOZAMBIQUE.pdf. See also The United Nations Office on Drugs and Crime (UNODC) and the Southern African Development Community (SADC), *Situational Assessment of Human Trafficking: A 2005 situational assessment of human trafficking in the SADC region: A survey of South Africa, Zimbabwe and Mozambique*, December, 2007, 37-46; available from http://www.ungift.org/docs/ungift/pdf/knowledge/3332_UNODC_Situational_Assessment_HT.pdf.

³⁵⁴¹ U.S. Embassy- Maputo, *reporting*, February 26, 2009, para 1. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation: Mozambique*.

³⁵⁴² UNICEF, *Child Protection*, [online] 2009 [cited April 7, 2010]; available from <http://www.unicef.org/mozambique/protection.html>. See also UNICEF, *Providing care and support for orphaned and vulnerable children*, [online] 2009 (estimated) [cited April 7, 2010]; available from http://www.unicef.org/mozambique/hiv_aids_2971.html.

³⁵⁴³ UN Committee on the Rights of the Child, *Second*

Periodic Reports of States Parties, para 358.

³⁵⁴⁴ *Lei n.º 23/2007 Lei do Trabalho*, Lei n.º 23/2007, (October 2007); available from <http://www.mitrab.gov.mz/Documentos/Legislacao/Lei%20do%20Trabalho.pdf>.

³⁵⁴⁵ *Labour Law*, (October 2007), articles 248 and 249; available from http://www.arbitrationmz.com/data/docs/Labour_Law_nr_232007.eng.pdf.

³⁵⁴⁶ *Lei do Trabalho*. See also UNESCO, *EFA Global Monitoring Report 2009: Overcoming inequality: why governance matters*, Oxford University Press, Paris, 2008, 298; available from <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>.

³⁵⁴⁷ *Mozambique Labour Law*, article 276. See also U.S. Department of State, “Mozambique,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119015.htm>.

³⁵⁴⁸ *Lei do Trabalho*.

³⁵⁴⁹ *Ibid.*, article 13.

³⁵⁵⁰ *Constituição da República*, (November 2, 1990), article 84(3); available from <http://www.mozambique.mz/pdf/constituicao.pdf>.

³⁵⁵¹ Government of Mozambique, “Legislation of Interpol Member States on Sexual Offences against Children,” 2006; available from <http://www.interpol.int/public/children/sexualabuse/nationallaws/default.asp>. See also *Notas Explicativas [regarding the Penal Code]*, (August 31, 2006), sec II arts 391-394 available from http://www.portaldogoverno.gov.mz/Legisla/legisSectoros/judiciaria/codigo_penal.pdf.

³⁵⁵² ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Mozambique (ratification: 2003)*, [online] 2009 [cited April 7, 2010]; available from <http://www.ilo.org/ilolex/english/ilolex.htm>.

³⁵⁵³ *Notas Explicativas*, sec IV, article 405A. See also ILO Committee of Experts, *CEACR: Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Mozambique (ratification: 2003) Submitted: 2006*, [online] 2006 [cited April 7, 2010]; available from <http://www.ilo.org/ilolex/english/ilolex.htm>.

³⁵⁵⁴ Maputo News, *Crime: Human Trafficking Law for Mozambique*, May 2008; available from http://maputo.wantedinafrica.com/news/news.php?id_n=4445. See also U.S. Embassy- Maputo, *reporting*, February 22, 2010, para 3. See also U.S. Embassy- Maputo, *reporting*, February 6, 2010, para 3.

³⁵⁵⁵ Coalition to Stop the Use of Child Soldiers, “Mozambique,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=145>.

³⁵⁵⁶ U.S. Embassy- Maputo, *reporting, February 6, 2010*, para 7.

³⁵⁵⁷ *Ibid.*, para 8.

³⁵⁵⁸ *Ibid.*, para 1. See also U.S. Department of State, “Country Reports- 2009: Mozambique.”

³⁵⁵⁹ U.S. Embassy- Maputo, *reporting, February 6, 2010*, para 4-5. See also *Lei do Trabalho*, article 3.

³⁵⁶⁰ U.S. Embassy- Maputo, *reporting, February 6, 2010*, para 4-5.

³⁵⁶¹ U.S. Embassy- Maputo, *reporting, February 6, 2010*, para 5.

³⁵⁶² *Ibid.*, para 6. See also UNODC, *Global Report*, 125.

³⁵⁶³ UNODC, *Global Report*, 125.

³⁵⁶⁴ U.S. Embassy- Maputo, *reporting, February 6, 2010*, para 6.

³⁵⁶⁵ UN Committee on the Rights of the Child, *Written Replies by the Government of Mozambique to the List of Issues (CRC/C/MOZ/Q/2) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Second Periodic Report of Mozambique (CRC/C/MOZ/2)** September 29, 2009, para 52; available from <http://tb.ohchr.org/default.aspx>.

³⁵⁶⁶ ILO, *Come and join a Round Table discussion on the Ministerial Declaration and Plan of Action against child labour of the Community of Portuguese Speaking countries, ILC, Palais des Nations, Room XI, 8th June 2006, 6:15 - 7:45 pm*, Geneva, 2006; available from <http://www.ilo.org/ipeinfo/product/editSearchProduct.do>.

³⁵⁶⁷ UN Committee on the Rights of the Child, *Written Replies by the Government of Mozambique*, para 43. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Concluding observations of the Committee on the Rights of the Child: Mozambique*, November 4, 2009, para 86; available from <http://tb.ohchr.org/default.aspx>.

³⁵⁶⁸ UNICEF, *Country Programme 2002-2006*, [online] [cited September 24, 2010]; available from http://www.unicef.org/mozambique/overview_2127.html.

³⁵⁶⁹ American Institutes for Research, *RECLAIM, Project Document (September 2005)*, 1-4, 7. See also American Institutes for Research, *RECLAIM: Reducing Exploitive Child Labor in Mozambique*, Final Report, September 2008, 6.

³⁵⁷⁰ ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC Geneva official, E-mail communication to USDOL official, April 16, 2009.

³⁵⁷¹ UN Committee on the Rights of the Child, *Written Replies by the Government of Mozambique*, para 52.

³⁵⁷² USDOS, *USG FUNDS OBLIGATED IN FY 2008 FOR TIP PROJECTS*, 2009; available from <http://www.state.gov/documents/organization/121804.pdf>. See also ILO-IPEC Geneva official, E-mail communication to USDOL official, July 17, 2010.