

Report

International Fact-finding Mission

WOMEN'S RIGHTS IN MOZAMBIQUE

Duty to end illegal practices

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"Although prohibited by law (Article 30 of the Family Code bans marriage before the age of 18), early marriages remain widespread in rural areas. They are a major cause of school under-enrollment among girls, since girls are often taken out of school at puberty to be married. Once married, their husbands often forbid them from returning to school. It is not rare for girls to be married at twelve years of age.

This high rate of young marriages (in 2004, 21% of girls were married by age fifteen) causes the high number of pregnancies: 24% of women aged 15 to 19 already have two children; the same age group accounts for 13.4% of total pregnancies. This percentage is in large part composed of unwanted pregnancies".

[Extract of the report]

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Introduction

From March 11 to 18, 2007, an FIDH delegation composed of Sophie Bessis, Deputy Secretary General of FIDH, and Karine Appy, member of FIDH's International Secretariat, carried out an investigative mission in Mozambique on the situation of women's rights in that country. The mission's goal, in cooperation with the Mozambique Human Rights League (FIDH member organization in Mozambique) was to establish an alternative report to that of the Mozambique government. This State report will be examined by the UN Committee on the Elimination of Discrimination Against Women (Committee) on May 23, 2007. The Committee's mandate is to ensure the compliance by all States parties¹ to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which entered into force on September 3, 1981².

The FIDH mission met with many members of government, public administration, public institutions involved in women's and gender issues, and members of development and women's rights organizations³.

The mission would like to thank all the people with whom it met, both public officials and members of NGOs, all of whom were exceedingly generous with their time.

The mission allowed FIDH to recognize the main areas of progress in protecting women's rights as well as the principle obstacles to the concrete implementation of legislative progress.

1. Mozambique ratified the Convention on the Elimination of All Forms of Discrimination Against Women on April 16, 1997.

2. See the CEDAW website : http://www.unhchr.ch/french/html/menu3/b/e1cedaw_fr.htm

3. See annex for a list of people met by the FIDH delegation.

I- Overall Context

Mozambique gained its independence in 1975 after a thirteen-year war of liberation. Two decades of devastating civil war followed, with drastic consequences on living conditions. Since peace was established in 1992, Mozambique has been able to found a state based on democratic principles and re-start the development process, hobbled by over three decades of war.

While its partners praise its progress and its accelerating growth rate⁴, Mozambique still has far to go to lift its 20 million inhabitants out of mass poverty⁵ and provide decent living conditions. Extreme poverty affects one out of every two inhabitants. All social indicators⁶ attest to the economic vulnerability of the majority of the population and the work that remains to be done to improve their standard of living.

The country's large size (8002,000 km²) exacerbates the lack of infrastructure. This primarily affects people in rural areas, or 70% of the total population. Education and health infrastructures are practically non-existent in some regions; this marginalization of the rural population jeopardizes their development opportunities.

The high population growth rate (3.3% per annum)⁷ compromises efforts to provide basic equipment and infrastructure, since the economic growth rate is insufficient to support the rapidly growing population.

In all cases, women suffer the most in this situation, since they are doubly victimized by both discrimination against the poor and vulnerable segments of society, and discrimination resulting from gender inequality. And among women, poor women in rural areas are discriminated against the most.

Mozambican authorities seem to have become aware of their plight. They can be credited with having taken a number of measures over the past ten years to improve their situation. Public authorities, however, do not seem to have grasped the full extent of what remains to be done,

and too often point to the difficulty and great number of tasks at hand as an excuse for insufficient progress in improving women's lives. Considerable progress has been made on the legislative front but new laws are often not implemented in practical terms. The government seems unaware of the need for a more pro-active implementation policy.

Mozambique is also marked by a large number of non-governmental organizations that work to protect women's rights. The regime's post-1994 democratization sparked the development of community organizations, among which women's organizations play a prominent role. Besides their contribution to legislative progress in recent years, these women's organizations monitor government progress, or lack thereof, in improving the condition of women. A collective of several of these organizations addressed an alternative report to the CEDAW Committee. FIDH and these associations are both presenting complementary reports.

4. World Bank, World Development Report 2004.

5. Report of the government of Mozambique to the CEDAW Committee.

6. Idem.

7. Idem.

II- Main Legislation Concerning Women

1/ The Constitution

The Constitution clearly establishes total gender equality in all areas of society and prohibits all legislative, political, cultural, economic, and social discrimination (Articles 6, 67, and 69 of the Constitution of Mozambique).

It should be noted, however, that the Constitution does not define the term discrimination.

2/ The Family Code

Adopted in December 2004, the new Family Code is a clean break with the past and turns a new page in the lives of women. The previous Code was based on a purely patriarchal view of society and cemented inequality.

All associations met by the mission emphasized the progress made by the new Family Code, with a few rare caveats. They played a part in its adoption. In the face of stiff opposition, they fought a long and hard battle for the new law to be passed.

As required by Article 16 of the CEDAW, the new Code establishes total gender equality in family law, marriage, divorce, raising children, and the sharing of assets within marriage. It expressly bans all discrimination against women, be it through polygamy, inheritance, age at marriage, choice of children, the status of widows, etc. It requires husbands to pay child support in case of divorce. Husbands are no longer automatically considered the head of the family, with paternal authority being replaced by parental authority.

The law's advantages also include:

- Gender equality in property ownership. This measure is crucial, given that it applies to land ownership laws and thus directly impacts rural women's access to land ownership.
- The obligation to register customary or religious marriages with civil authorities. While civil marriages are not required, this registration of customary or religious marriages is necessary for them to be legally valid. This gives women who feel they have been disadvantaged in a customary or religious marriage access to justice.
- Legal equality of all children born to a married couple and those born outside the marriage, including for inheritance matters.

- Recognition of de facto marriages (common-law marriage).

This major legislative breakthrough can thus be welcomed.

Several women's associations, however, drew the mission's attention to a number of measures that can be disadvantageous to women. They criticized, among other things, the fact that a three-year waiting period is necessary after a divorce in order to remarry.

3/ Upcoming Legislation

Parliament is currently considering two bills that are of major importance for women.

A law to de-criminalize abortion. Women's associations are strongly supporting this bill, proposed by the Health Ministry, which, alerted by women's groups, is deeply concerned by the ravages of the rising number of illegal abortions. Performed under disastrous health conditions, they are a major cause of death among young women. According to the Health Ministry, abortions cause 11% of maternal deaths. Even when not directly leading to death, these procedures often have long-term health consequences, including vaginal problems and urinary incontinence. This crucial measure, slated for approval in the near-term, is part of an ongoing overall reform of the Penal Code.

A law banning domestic violence against women is likely to be adopted soon by Parliament. This upcoming reform is the result of a long lobbying and advocacy campaign by women's groups. These groups, often working collectively, have been running major awareness raising campaigns for years, denouncing this violence and explaining why it must be subject to prosecution. The 75 associations in the "Forum Mulher" have made this one of their priorities.

Domestic violence, in all its forms, is a widespread phenomenon and is one of the worst violations of women's rights in Mozambique. That is why, after years of hesitation, the Mozambican government has recognized the need for legislation in this area.

In addition, several other laws are currently being drafted or revised, including the Penal Code and inheritance laws. The Penal Code dates from the 19th century, with a few minor adjustments being adopted in the first half of the 20th century. It is deeply conservative and thus in great need of a revision.

4/ International Conventions

Mozambique has signed and ratified all normative international and regional texts regarding women's rights, notably the CEDAW in 1997 and the Protocol on women's rights to the African Charter on Human and Peoples' Rights in 2005. The mission was surprised, however, to note that Mozambique has not ratified the additional Protocol to the CEDAW, essential because it allows individuals to notify the CEDAW Committee of women's rights violations by States parties. According to the authorities, this is not a deliberate omission, but rather due to bureaucratic bottlenecks. The Ministry for Women and Social Action assured the mission that the Protocol would be ratified shortly.

III- Reality and the Law: A Permanent Disconnect

The head of one of the NGOs met by the mission stated, "The government and administration know how to churn out great reports, but that's all they know how to do." Without fully supporting the harshness of that assessment, it is clear that credible implementation of laws on the ground is lacking, and that the government's approach is too lax to be effective given the extent of the problems at hand. The challenge is immense, as people's mindsets do not change at the same pace as the legal framework. All associations met by the mission shared the view that the government has been far too slow in this regard. The authorities concur, but insist that change requires time, and that deep-rooted mentalities cannot be effaced overnight.

Below is an overview of the main violations of women's rights observed by the mission, largely due to traditional practices in a patriarchal culture.

1/ Early and Forced Marriages

Although prohibited by law (Article 30 of the Family Code bans marriage before the age of 18), early marriages remain widespread in rural areas. They are a major cause of school under-enrollment among girls, since girls are often taken out of school at puberty to be married. Once married, their husbands often forbid them from returning to school. It is not rare for girls to be married at twelve years of age.

This high rate of young marriages (in 2004, 21% of girls were married by age fifteen⁸) causes the high number of pregnancies: 24% of women aged 15 to 19 already have two children; the same age group accounts for 13.4% of total pregnancies⁹. This percentage is in large part composed of unwanted pregnancies.

The Ministry for Women and Social Action admitted in a meeting with the mission that no specific sanctions against forced marriages exist, and that the authorities have been focusing on community awareness raising instead. The mission feels that this is a patent violation of women's rights, as it is contrary to Article 16 (b) of the CEDAW Convention, which stipulates that the States parties pledge to ensure that men and women have "the same right freely to choose a spouse and to enter into marriage only with their free and full consent."

8. According to the Mozambican Ministry of Education and Culture.

9. Report of the government of Mozambique to the CEDAW Committee.

2/ Polygamy

Despite the fact that Article 16 (2) of the Family Code formally stipulates that marriage is "monogamous", polygamy remains common throughout the country. Most polygamous marriages occur in the countryside, but no precise data are available. The mission recalls that, according to article 5 a) of the CEDAW, "States Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. "

3/ Property Ownership

This is one of the most worrisome issues for women, not just widows, but rural women especially, for whom land is a source of livelihoods. This is one of the areas in which, due to the tremendous weight of tradition, resistance to legislation is strongest. It is truly a major economic issue. While the law provides for equality, in practice, it is the husband who often owns the household's assets.

Between 2001 and 2003, civil society organizations staged a major campaign for equal land ownership, as part of the advocacy campaign for a reform of the Family Code. This movement, however, has so far had little effect.

Gender inequality in inheritance is also the de facto norm since inequality is at the very heart of social customs throughout the country. As the inheritance laws have not yet been revised, they are currently in contradiction with the new Family Code.

These laws violate Article 16 (h) of the CEDAW Convention, according to which the Parties must ensure equality between "spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration."

4/ The Situation of Widows

**Personal story heard on 13/03/07, during a visit to the Association of widows and single mothers (AVIMAS):
Maria de Açuçano Magaia - 49 years old - widow**

Maria de Açuçano lost her first husband on July 8, 2006. She has four children: a 25-year-old son, a 21-year-old married son, and two daughters, aged 17 and 8, both attending school. Four other children died at the ages of six months, 2, 4, and 10 years. (Symptom: "stomach aches").

Maria de Açuçano dropped out of school after the fifth grade and did not take her final exams. She then worked in a paper factory for several years. She has been unemployed for three years. After the death of her husband, she went to live with her new companion, and the family of her deceased husband housed her children. Her companion, like her late husband, has affairs with other women. She is completely dependent on him financially. He is only rarely at home and no longer supports her. She came to AVIMAS hoping to find work.

Personal stories heard on 17/03/07, during a visit to the Kindlimuka association, Boane district:

"Widows have a lot of problems. Their own children, who don't understand why their mother is with a new man, reject them. I know one son who sold his mother's belongings without her permission."

"All of my children are dead. My grandchildren accuse me of being a witch and having caused their death." According to the Kindlimuka association, this type of case is very frequent.

"I am an HIV-positive widow. I know I have a right to my husband's inheritance. Despite that my late husband's family disowns me and prevents me from seeing other men. I only survive thanks to the Kindlimuka association."

"I was disowned by my husband's family after his death. They left me the house but took my other belongings and tried to sell my animals. I don't know what my rights are in this case."

Mozambique has a high proportion of widows in the overall population¹⁰, largely due to two factors: the devastating civil war and the high HIV/AIDS rate, which heavily affects young male adults.

Widows are very vulnerable - traditional customs strip them of most of their rights, especially in the areas of property ownership and inheritance. While the Land Ownership Code establishes gender equality in access to land ownership, widows are usually pushed aside when their husband's assets are shared out. Worse, widows are sometimes even expelled from their in-laws' home after the husband's passing. "Their husbands die, they lose everything," summarizes one representative of the Mozambique Human Rights League in denouncing their plight. The League informed the mission that widow's issues are among the leading problems facing women in the country.

The mission observed that there is no support provided for war widows, and no care services or rehabilitation are provided for women who suffered sex-specific violence

during periods of conflict. Authorities seem to have thrown up their hands in this area, leaving society as a whole, and associations in particular, the task of caring for this very vulnerable group of women. In general, violations of widow's rights are rarely prosecuted at present, even though the law theoretically protects widows.

It is single-parent households led by women (the reverse is practically non-existent) that have the highest rates of extreme poverty.

5/ Awareness of Rights and Access to Justice

- The vast majority of women are not informed of their rights

All associations met by the mission highlighted this fact. Many of them have made providing legal counsel to women in difficulty one of their main priorities (The Human Rights League, Muleide, WLSA, Association of Women in Legal Careers). Many associations also work to provide

10. Idem.

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poor women with information about their rights. Poor women are often unaware of their rights because of illiteracy¹¹.

It should be noted that the government has scarcely been involved in outreach efforts and awareness raising to educate people about women's rights. The Ministry for Women and Social Action recognizes that more must be done to inform Mozambicans about women's rights. Again, associations complain that the Ministry has shifted one of its own responsibilities onto their shoulders.

- Acces to justice is also a grave problem for women whose rights have been violated

The formal legal system has a total of 240 judges for a total population of over 18 million. It is composed of the Supreme Court, ten provincial tribunals, and, according to the Ministry of Justice, 128 district tribunals. Judicial districts coincide with the country's administrative districts; their mapping thus does not correspond to population distribution and does not reflect local needs. The system is inadequate, and many areas have no tribunals whatsoever.

To cope with the dire lack of judges, Mozambique has created an informal judicial network comprised of 1500 community tribunals whose members are chosen by the local community. Their purpose is to relieve backlogs in the formal court system by treating less serious matters. All persons whose cases are heard in community tribunals may, however, appeal to the formal court system if they wish to challenge a ruling.

10% of the community tribunals' members¹² are women, which seems far too low a proportion to ensure adequate defense of women's rights. This is all the more grounds for concern given that the community tribunals often base their rulings more on customary law than on modern civil and penal law.

The legal aid provided to poor women by a great number of women's organizations only partly compensates this absolution of government responsibility.

Women's groups note that once women do indeed have access to a tribunal, they are often able to properly defend

their rights, but that only a miniscule percentage of women actually make it that far.

Lack of access to the justice system is "a violation of human rights" according to the Association of Women in Legal Careers. The director of the High Council on Social Communication (a woman), points to language as a key issue, affirming that individuals should have a right to use their native language. Low school enrollment rates among girls mean that they often do not speak Portuguese, the country's official language. Languages other than Portuguese are rarely used in an official context, apart from public radio, making it difficult for illiterate women to be informed about their rights and argue their cases in court. The mission was able to confirm this, observing that in many villages about 30 km outside the capital, a majority of women, including many young school-age girls, do not understand Portuguese and only speak their native language.

Under Article 2 (c) of the CEDAW Convention, the Parties are under the obligation "to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination". Concerning literacy, the Convention's Article 10 (e) calls for States to guarantee "The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women". Under Article 10 (f), the Parties also pledge to adopt all necessary measures for "the reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely".

6/ Resistance to Change

Representatives from both the authorities and women's groups emphasized resistance to change with regards to women's rights. Opposition to change is present not just among the poor and illiterate, but among the educated, as well. Reasons given for this opposition include the safeguarding of traditions as a way of preserving "Mozambican identity". Many Mozambicans see these traditions as the very foundation of Mozambican culture

11. Idem.

12. According to the Mozambican Justice Ministry.

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and consider that they should therefore be strengthened, not weakened. Finally, some feel that women must be prevented from abandoning their role as the guardians of these traditions.

Besides these considerations, the political and economic implications of women's liberation are not to be ignored. Male opposition to any genuine change in gender relations is often explained by a fear of female "competition" in the public and political arena.

The Mozambican regime, initially influenced by Marxist ideology, has a secular tradition and its policy regarding women is barely influenced by religious principles. Nevertheless, according to several organizations, religious figures in the country have played a negative role in this domain. Government and associations both concede that working with religious groups is necessary given their very real influence on the people. Associations, however, regret the "macho" tone of much religious rhetoric. They are particularly troubled by the campaigns against abortion law reform and against contraception led by some churches. The latter also advocate AIDS prevention through abstinence - NGO representatives, however, state that pro-abstinence policies will only serve to isolate women at home, without decreasing male promiscuity.

Representatives of religious communities and tribal leaders have been known to attack women's rights activists for promoting immorality and "wanting to destroy the family".

IV- Socio-Economic Obstacles to Improving Women's Lives

Significant legislative progress has been made, although practical implementation remains insufficient. However, protection of women's social and economic rights is sorely lacking. The government recognizes the situation but claims that it is incapable of effecting change, because this shortfall, according to the government, is a result of the country's overall poverty and a lack of public funds to take action. The director of the High Council on Social Communication sees protecting women's social and economic rights as an uphill battle largely because of the endemic poverty in Mozambique.

All players dwell on the catastrophic effects of the civil war on the country's health and education infrastructure, in part not yet rebuilt. Natural disasters in 2000, 2001, and 2007 (in particular serious flooding) further contributed to weakening this infrastructure.

1/ Education

The difficulties faced by Mozambican women in accessing education are a serious hindrance to any policy aimed at improving their lives and their rights. Female illiteracy remains staggering and the female school enrollment rates are far too low. The male enrollment rate is also far from satisfactory but there is severe gender inequality in this area. Education needs are colossal, as almost half the population is under the age of fifteen. Schooling is theoretically compulsory for the duration of the primary school curriculum (seven years), and education accounts for 20% of the annual state budget and 3-4% of GDP¹³. Nevertheless, only 40% of Mozambican children receive an education, according to estimates - lower than those from official sources - provided by WLSA NGO.

General gender inequality is exacerbated by inequalities between different regions of the country and between urban and rural areas. Female school enrollment, for example, has made huge strides in Maputo, where a majority of girls of primary school age attend primary school, but remains insufficient in rural areas, which, once again, account for more than two thirds of the total population. The Center and North have lower enrollment

rates than the rest of the country.

Widespread under-enrollment in rural areas, which particularly affects girls, can be explained by a number of factors. First, there is the lack of infrastructure. Students must often walk ten kilometers or more to school, which is impossible for very young children. Schooling often ends prematurely because in rural areas, it is often only provided up to the fifth school year. Female under-enrollment is also due to the fact that girls are called on at a very young age to help with household chores: cooking and cleaning, fetching water, caring for younger siblings. Many families in some areas do not even plan on enrolling girls at all, but hope to send at least one son to school. Lastly, as mentioned above, marrying at a young age often causes girls to drop out.

The authorities are trying to combat this inequality with several awareness raising campaigns. The Education Ministry has produced radio advertisements to encourage families to enroll their children in school, especially their daughters. It has adopted a "spokesperson" approach, relying on national and regional celebrities and religious leaders of different beliefs to rally grassroots support for school enrollment.

The Ministry also tries to favor girls and the youngest children when enrollment numbers have to be capped. In secondary education, several dormitories have been built to house girls whose homes are too far from the school. It should be pointed out, however, that female enrollment in secondary and higher education remains negligible and that the government has directed most of its efforts towards primary education.

Numerous NGOs, meanwhile, have been trying to ease the burden on women in order to allow their daughters to go to school. Drilling wells and distributing corn mills may be decisive in improving girls' access to education.

Low enrollment rates lead to massive illiteracy among adults. Yet again, gender inequality is the rule, and efforts undertaken to improve the situation are woefully

13. The official report to the CEDAW Committee contains all available official statistics for health and education, which we have chosen not to reproduce here.

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inadequate. The government grasps the extent of the problem, but community groups who spoke with the mission are discouraged by government involvement in fighting female illiteracy, which has been lackluster despite the widely known fact that raising female enrollment rates has positive effects on society as a whole. Infant mortality rates decrease in inverse proportion to the length of the mother's schooling, as do fertility rates.

2/ Health

In addition to the general inadequacy of the healthcare system - only 52% of the country's territory is covered by the health care infrastructure and approximately 60% of the population relies on traditional medicine - the situation for women is worse than that for men. Women suffer not only from the health problems plaguing the country as a whole, but also must face problems relating to maternal health, sexual and reproductive health, and AIDS. Conditions for childbirth remain dangerous, and maternal death remains high at 480 per hundred thousand¹⁴, although the Health Ministry claims that this figure has been halved over the past decade. Official figures do put the rate at 900 per hundred thousand in 1997. The current official figure seems overly optimistic, however, given the relative rarity of prenatal care and medically supervised childbirths. That is why the government's new policy of free prenatal care has had only limited effects as of yet. Infant mortality reaches a rate of 150 per thousand¹⁵, which reflects unsatisfactory health and hygiene conditions as well as the poor health of breast-feeding mothers.

Mozambique is also handicapped by shortcomings in sexual and reproductive health. We have already shown that illegal abortions claim thousands of young girls' lives each year. Family planning, a related area, is still at an embryonic stage, while birth rates and fertility rates (at 5.2 children per woman) are among the highest in the region. Frequent pregnancies, often unwanted among teenagers, are a major cause of maternal death. Only 5% of married women use modern contraceptive methods and only 1% of women aged 15-19

do, compared to 9% of 35 to 39 year olds¹⁶. As in other areas, the urban/rural divide is severe: the prevalence rate of contraceptives in urban areas is 15%, against only 3% in rural areas¹⁷. The lack of sexual health awareness among rural women means that only 8%, compared to 24% of urban women¹⁸, request family planning care. This divide is worsened by widespread female illiteracy - requests for family planning rise with education levels. Finally, men in rural areas reportedly often oppose their spouse's request for using contraception.

In this crucial area, the government does not appear to have an overall strategy and has only undertaken limited efforts. Sex education and information on sexual and reproductive health are not provided in schools.

Moreover, women are particularly exposed to the ravages of AIDS. Their lack of autonomy leads them to accept risky sexual practices from men, practices which are a major vehicle for spreading sexually transmitted diseases, especially AIDS. The WLSA association emphasizes the fact that AIDS disproportionately affects women in societies marked by gender inequality. Mozambicans, however, are aware of AIDS: 94% of men and 82% of women have heard of it¹⁹.

There is a worrying increase of the virus among pregnant women. Although prevention and outreach efforts have made progress, the vast majority of women who need treatment lack access. According to the Health Ministry, 50,000 pregnant women were given treatment in 2006. Data from the Directorate General for Women's Affairs are somewhat different, stating that 44,000 AIDS patients are treated in Mozambique, and half of them are women, meaning about twenty thousand. Mozambique has about 500,000 AIDS orphans.

3/ Work

Half of the agricultural workforce is female. In cities and towns, two thirds of women work in the informal sector, especially in small shops, meaning women work in sectors with little job security.

14. Figures from the Mozambican Health Ministry.

15. Idem.

16. Idem.

17. Idem.

18. Idem.

19. Report of the government of Mozambique to the CEDAW Committee.

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With a few rare exceptions, women remain at the lower rungs of hierarchy in the public sector and administration. Although law guarantees equal pay for equal work, unequal pay remains the norm and the law does not provide for sanctions in case of violations.

Many organizations try to help women escape this economic and career vulnerability, in agriculture as well as in the urban odd-job sector, by creating what are known as "revenue-generating activities". Donors strongly encourage these activities, but their impact is limited, because they often restrict women to low-skill jobs with little economic potential (growing vegetables, sewing, embroidery, dyeing, ceramics, and soap-making). The rapid spread of these small-scale projects has saturated the goods markets and discourages women from trying to enter it. Microcredit has not been a success because loan conditions are too restrictive and interest rates too high.

V- Violence Against Women

1/ A Widespread Plague

"Women are often beaten by their companion or husband but rarely report to the police. Going to the police station has no point; it only exposes the woman to reprisals from her husband. To settle disputes, it is better to have the man discuss with a group of women."

- Statements of five women heard during a visit to a section of the MBEU Campoane, Boane District, Maputo province.

All associations met by the mission cited domestic violence, along with AIDS and widows' issues, as the leading cause of legal aid requests from women. This shows the severity of a problem whose full extent is only beginning to come to light. According to the ONG WLSA, *"domestic violence is widely accepted by society, legitimized by a patriarchal ideology which grants the husband the authority to use force to resolve marital disputes."*²⁰ Rape accounts for half of all recorded violence in the country. All women's groups, especially those belonging to the Forum Mulher collective, have led campaigns for several years in favor of a specific domestic violence law complemented by strong support measures. MPs are being extensively lobbied to ensure that the law passes without significant opposition.

The law on domestic violence against women, scheduled to be adopted shortly, is a big step forward in recognizing the problem, but must be combined with information and awareness raising to be effective. Women's groups insist that the law must extend the definition of rape, notably to include the concept of marital rape.

Anti-violence policies are already being implemented. An anti-domestic violence unit, for example, has been created within the Interior Ministry. It is, however, so underfunded that it can barely function. Local police stations are beginning to create special teams to focus on violence against women and children, and police are beginning to cooperate with NGOs in this area. The WLSA, for example, provides police stations with the necessary forms to register charges of domestic violence. The Organization of Mozambican Women (OMM), a branch of the ruling Frelimo party and Mozambique's biggest women's organization, runs shelters for battered women, but emphasizes marital "reconciliation" and tries to serve as conflict mediator. It does, however, refer the most serious cases to the police.

Associations are pleased with this nascent cooperation and hope to strengthen it in the future, but bemoan the fact that police all too often send victims straight to the associations - exactly the reverse of what should occur. Directors of associations repeatedly criticize the government for dodging its responsibilities by shifting them to the associations.

2/ Sexual Abuse and Harassment

"Sexual abuse by male teachers is common. Young girls often become pregnant, and when that happens they are doubly victimized because they usually have to drop out. The teacher, if disciplined at all, is simply transferred to a different school."

Representative of an association.

²⁰ *Reconstruindo vidas : estratégias de mulheres sobreviventes de violência doméstica*, Maria José Arthur, Margarita Mejia , WLSA, Maputo 2006.

Sexual abuse and harassment are a major aspect of violence against women and girls.

Sexual abuse at schools and harassment of female students by male teachers is on a worrying upward trend. Blackmailing students by threatening to withhold good grades and exam scores is a tactic increasingly employed by teachers who want sexual favors from their students. According to WLSA, a "cloak of silence" among teachers unfortunately minimizes the perceived impact of this phenomenon. Sexual abuse also occurs among students, as male students will harass their female classmates for sexual favors.

This sexual abuse greatly contributes to teenage pregnancies. Pregnant girls are not allowed to attend school. Instead, they are shifted to evening classes in order to, according to the Education Ministry, protect their "morals" and those of their classmates. Education officials assured the mission that these girls are permitted to return to mainstream classes after giving birth. Often, however, the girl is pulled out of school entirely, either because the father's family pays the girl's family for her to stay at home, or because the teacher is forced to marry her. While the latter arrangement preserves "honor", such marriages contribute to polygamy, since teachers who sexual abuse students are usually already married. These marriages also contribute to the spread of AIDS within the educational system.

Sexual violence at school is punishable by law, but the challenges facing those who seek legal redress have already been demonstrated. Moreover, if charges are indeed filed, the girl's parents often withdraw their suit under pressure. The Education Ministry claims to be aware of the seriousness of the situation and to have implemented monitoring mechanisms to limit cases of abuse. But those found guilty of such violations have hitherto only been transferred to different schools.

Associations are increasingly becoming aware of, and denouncing, sexual abuse in the family. Under current law, incest is an aggravating circumstance in rape cases. The new Penal Code is expected to stiffen penalties against incest. There are no specific government programs, though, against this specific form of inter-family violence.

3/ Prostitution

Prostitution is not prohibited permitted by law, which specifies only that prostitution by minors is explicitly illegal. The law goes largely unenforced, however, and prosecutions are very rare.

According to several organizations, including AVIMAS, prostitution is on the rise in Mozambique. It is particularly frequent in large towns and near highway interchanges, where trucks frequently pass by. Increased national and cross-border transportation of merchandise has fueled prostitution. Prostitutes are generally young girls fleeing rural poverty. Nearly 20% of them use prostitution to support their families. Associations say that it is difficult to help them, since the only effective help would be to find them a job.

Besides the violence of prostitution itself, prostitutes are exposed to specific forms of violence. They are reportedly often raped and blackmailed by police officers and government officials.

According to AVIMAS, prostitutes are particularly at risk for AIDS, since the cost of protected sexual intercourse is lower than that of unprotected intercourse.

4/ Human Trafficking

Mozambique has ratified the Convention Against Trafficking in Human Beings and a bill is currently being drafted to transpose it into national law. No country in southern Africa currently has a law banning human trafficking.

The Rede Came organization claims that one thousand minors are illegally "exported" to South Africa every year, where "brothels" for minors are numerous. South Africa is the prime destination for regional trafficking networks, which specialize in exploiting child labor and prostitution. They take advantage of the fact that South Africa has been an emigration destination for decades, attracting people from across the region.

Besides actual trafficking, cross-border migration is increasingly becoming clandestine as a consequence of South Africa's stricter migration policy. Women, who compose 40% of migrants²¹, are victims of rape by people smugglers and border guards.

21. According to Rede Came.

VI- Women, Institutions, and Public Life

1/ Official Women's Organizations

The authorities have created a number of bodies that are supposed to address women's issues. Additionally, each ministry is supposed to have a "gender" unit and coordinate its policies with that of other ministries. The main official bodies are:

- The Ministry for Women and Social Action, which replaced the Ministry for Coordinating Social Action in 2000
- The Directorate General for Women's Affairs, which serves as the Ministry's implementing body
- The National Council for Promoting Women, which includes official organizations, NGO representatives, private sector participants, and religious officials

A national plan for the advancement of women is in existence.

The associations that the mission met with are on the whole critical of these official bodies and feel that their policies are not truly complementary. According to the associations, the official bodies' programs are too scattershot to be effective. Essentially, they criticize the government for not having a coherent plan for the advancement of women, and for its empty rhetoric.

2/ Public and Political Life

Women in Mozambique are better represented in politics than in many other African countries - 35.6% of MPs are women²². The Prime Minister, 24 ministers, two vice-ministers, and two provincial governors are women.

Mozambique is far from having achieved gender equality in public life, despite government claims that it applies an affirmative action policy by giving women applicants priority over equally qualified men for public-sector jobs. Senior-level civil service positions remain heavily male-dominated.

Association representatives met by the mission lament the female MPs' lack of activism for women's issues and the fact that they do not push beyond the official positions of their parties. Partisan politics, it appears, trumps efforts to

improve women's lives.

Furthermore, association representatives criticize the political class as a whole. They claim that the thirty-odd political parties in the country "only talk about women during elections".

Indeed, women's issues are not a priority for any major political party.

3/ The Image of Women; Women and the Media

Combating sexist stereotypes is the neglected stepchild of government policy. Hardly anything is done to change mindsets in this crucial area. Images based on traditional gender roles are omnipresent and nothing seems to be done to change representations of women in the media.

Media

Radio covers 100% of the country in geographical terms, respectively. National radio broadcasts in 23 languages, thus reaching the entire population. These two media could drive a change in mindsets, but they have so far not been up to the task. Worse, many associations state that not only do state-owned media outlets not try to change the image of women, they continue to broadcast images that are outright discriminatory. Many of them want to have gender issues included in programming decisions and accuse the state of deserting its responsibilities in the matter.

Women's groups are given airtime to broadcast their own programming, but the programs produced by state media itself are of very poor quality. While a high proportion of journalists are women, few of them have risen to executive-level positions. A "women and media" NGO is trying to remedy the situation.

The Image of Women in Educational Materials

The Education Ministry has begun a revision of school textbooks to weed out sexist stereotypes. New schoolbooks including gender issues were introduced in

22. Official data.

WOMEN'S RIGHTS IN MOZAMBIQUE
Duty to end illegal practices

2004, and work is currently underway at the secondary level. Civics classes now include gender issues in their curricula.

The conclusion to be drawn is thus that Mozambique is no longer a purely traditional society and that serious change in women's lives is afoot. Speeding those changes, however, remains a challenge. The government has made real efforts in this area, but does not have an overall strategy to change gender relations, undertaking only isolated programs that are not complementary. In order to promote an overall strategy, women's issues must be linked to human rights in general. All too often, Mozambique's politicians see women's rights as a kind of minor form of human rights.

VII- Recommendations

Following the fact-finding mission, FIDH and the Mozambique Human Rights League are able to confirm significant change in the legal status of women, even if these changes do not yet affect all areas of women's lives. However, they criticize the long delays in applying new legislation and the government's lack of determination in changing hearts and minds.

Therefore, they recommend that the Mozambican authorities:

- Amend the Penal Code and inheritance laws as soon as possible to eliminate all discriminatory provisions, and notably decriminalize abortion
- Amend the new Family Code to allow remarriages after divorce before the three-year waiting period
- Pass a law on domestic violence as soon as possible providing a broader definition of rape that includes marital rape; carry out information and awareness raising campaigns
- Increase funding for the anti-domestic violence unit in the Interior Ministry
- Pass a law banning sexual trafficking in accordance with the Convention Against the Trafficking of Human Beings, ratified by Mozambique
- Establish sanctions against forced and early marriages
- Train and inform police and justice officials on women's rights legislation
- Strengthen anti-domestic violence teams in local police stations
- Adopt stronger policies to change mindsets about women (women's images in the media and school textbooks, etc.) and engage in outreach efforts on women's rights among the general public
- Devote far more effort to combating illiteracy and promoting girls' school enrollment
- Adopt a credible sexual and reproductive health policy
- Take all necessary measures to ensure women's access to formal sector jobs, credit, and training
- Sanction employers who practice wage discrimination against women
- Implement coordinating structures at the highest level to ensure inter-ministerial cooperation in women's rights
- Take all necessary steps to ensure that women who are victims of discrimination and violence have access to justice
- Guarantee reparations and rehabilitation for women who suffered sex-specific violence during the civil war
- Endorse Article 34.6 of the Protocol to the African Charter creating an African Court of Human and Peoples' Rights, allowing individuals and NGOs to take up cases of discrimination and women's rights violations by the Mozambican government directly with the Court
- Invite to Mozambique the United Nations Special Rapporteur on trafficking in persons, especially in women and children, as well as the United Nations Special Rapporteur on violence against women, including its causes and consequences
- Support civil society initiatives on gender issues
- Address women's rights in political dialogue with international bodies, such as the African Union or the European Union
- More generally, take all effective measures to ensure that rights guaranteed by the CEDAW Convention and the women's rights Protocol to the African Charter, both ratified by Mozambique, are protected in concrete terms
- Ratify the optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women
- Apply the Solemn Declaration on Gender Equality adopted by the African Union in 2004, and inscribe an exact definition of the term "discrimination" in the national constitution, in accordance with Article 1 of the CEDAW.

Annex - Persons met by the mission

Public Authorities

- Armando Guebuza, President of the Republic of Mozambique.
- Virgínia Matabele, Minister for Women and Social Action.
- Angelo Sithole, General Secretary of the Justice Ministry.
- Célia Buque Armando, legal counsel for the Ministry for Women and Social Action.
- Josefa Vitória Lopes Langa, director of the Women's National Directorate.
- Dra Ana Lofort, gender issues advisor, Women's National Directorate.
- Aida Theodomira N. Libombo, vice-minister of Health.
- Leonardo Simbine, legal advisor for the Supreme Court.
- Manuela Mapungue, administration and finances department of the Organization of Mozambican Women (OMM)
- Cristina Tomo, general director of the national education system. Was also present for meetings with the deputy national director, head of special programs, and head of gender programs.
- Thierry Viteau, French ambassador to Mozambique.
- José da Costa, attaché for cooperation at the French Embassy in Mozambique.

Associations

- Dra Osvalda Joana, president of the Association of Mozambican Women in Legal Careers.
- Dra Toânia Waty, general secretary of the Association of Mozambican Women in Legal Careers.
- Maria José Arthur, coordinator of the Women and Law in Southern Africa Association (WLSA).
- Graça Samo, executive director of the Forum Mulher (coordination for women and development).
- Carlos Manjate, coordinator of the association Rede Came (specialized in fighting the abuse of minors).
- Elsa Eugenio Tuzine, general coordinator of the association of widows and single mothers (AVIMAS).
- Darcisio Tembe, activities director of the youth program of AVIMAS.
- Amade falume, youth program coordinator for AVIMAS.
- Carlos Mauricio, coordinator of the Association for the Promotion of the Economic and Social Development of Women (MBEU).
- Guillermina Zucula, project director for MBEU.
- Rafa Machado, executive director of Women, Law, and Development (Muleide).
- Kindlimuka Association, Boane region, focused on the protection of widows, abandoned women, and orphans.
- Julieta Langa, director of the High Council on Social Communication.
- Olga Mutemba, producer of women's radio programs, Cooperatives' Union (UGC).
- Artemisa Piedade, head of logistics for the health center of the UGC.



Fédération internationale des ligues des droits de l'Homme
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The **International Federation for Human Rights (FIDH)** is an international non-governmental organisation for the defence of human rights as enshrined in the Universal Declaration of Human Rights of 1948. Created in 1922, FIDH brings together 155 human rights organisations from 120 countries. FIDH has undertaken over a thousand missions of investigation, trial observations, and trainings in more than one hundred countries. It provides its members with an unparalleled network of expertise and solidarity, as well as guidance to the procedures of international organisations. FIDH works to:

- a) Mobilise the international community
- b) Prevent violations, and support civil society
- c) Observe and alert
- d) Inform, denounce, and protect

FIDH is historically the first international human rights organisation with a universal mandate to defend all human rights.

LIGA MOÇAMBICANA DOS DIREITOS HUMANOS (LDH)

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The **Mozambique Human Rights League (LDH)**, is a locally based advocacy organisation, which plays a key role in the protection and promotion of human rights in the Mozambican society.

The LMDH seeks to affirm human dignity and equality irrespective of gender, ethnicity, religion, sexual orientation, social status, or political convictions. In pursuit of this mission, it seeks to educate, research, counsel, and mediate on issues of human rights, with specific reference to the marginalised and disempowered.

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