Mozambique

The Government of Mozambique has participated in projects to combat trafficking in persons. However, gaps remain in its legal framework, complaints of child trafficking routinely go uninvestigated, and current social protection programs raise awareness but fail to address sectors such as agriculture and domestic service where the majority of children work.

Statistics on Working Children and School Attendance

| Children | Age | Percent |
|---------------------------|-----------|-------------|
| Working | 5-14 yrs. | Unavailable |
| Attending School | 5-14 yrs. | Unavailable |
| Combining Work and School | 7-14 yrs. | Unavailable |



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Mozambique are engaged in the worst forms of child labor, 4050 many of them in agriculture and domestic service. 4051 Children work in the production of tobacco. Reportedly, children also labor in the production of cotton, cashews, copra (dried coconut meat), seaweed, tea and sugar on farms and small plots known as *machambas*. 4052 Children's work in agriculture involves long hours, often with no pay. 4053 Children perform domestic labor in third party homes. 4054 Some domestic servants work up to 15 hours per day and are subject to physical abuse, including burns. 4055

Children in Mozambique herd livestock hunt and work in the fishing industry. They also work in mining and carpentry. Children work on the streets, vending items, collecting scrap metal and begging. Children working on the streets may be exposed to multiple dangers including severe weather, vehicle accidents and criminal elements. Some children in Mozambique are subject to debt bondage. Children also work in restaurants

and informal bars known as *barracas*. 4060 Girls, including some who are employed in *barracas*, also engage in prostitution. 4061 Child prostitution is especially prevalent in rural areas, border towns and in the regions of Maputo, Beira and Nacala. 4062

Mozambique is a source, destination, and transit country for child trafficking. 4063 Children are trafficked internally and to South Africa and Swaziland for commercial sexual exploitation and forced labor in agriculture, mines and domestic service. 4064 Girls from Zimbabwe, Zambia and Malawi are trafficked to Mozambique for commercial sexual exploitation and forced domestic service. 4065

Access to quality education is a critical component in preventing the economic exploitation of children. 4066 Access to education in Mozambique is limited by teacher shortages, indirect schooling costs, a lack of schools and sanitation facilities and disparities in access to education among provinces. 4067 Additionally, despite government efforts, some children risk losing access to school because they do not have the birth records needed

for enrollment. 4068 There is also a significant prevalence of verbal, physical and sexual abuse in schools, including teachers demanding sex as a condition for advancement to the next grade. This abuse is a factor in children's, especially girls', withdrawal from school. 4069 Finally, an estimated 1.2 million orphaned children are in Mozambique, many of whom lost their parents to HIV/AIDS. 4070 These children are particularly vulnerable to poor school attendance and to engaging in the worst forms of child labor. 4071

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. Labor laws apply to the informal sector including home work, domestic service and work in rural areas. 4072 Children between ages 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. 4073 The Labor Law also restricts the conditions under which minors between ages 15 and 18 may work. 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. 4074 Although the Labor Law does not prohibit children between ages 15 and 18 from working at night, this protection is provided for in the Child Protection Act. 4075 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. 4076

The Constitution guarantees the right to education for all. 4077 The Child Protection Act provides for progressively free and compulsory education through primary school. 4078 However, evidence suggests this goal has not been met. 4079 Primary school covers a period of 6 years and begins at age 6.4080 This standard makes children ages 12 to 14 vulnerable to the worst forms of child labor as

they are not required to be in school but are below the minimum age to work.

| 6243 | C138, Minimum Age | √ |
|------|---|----------|
| AIIO | 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 Constitution prohibits forced labor. The Law on Military Service sets the age for military conscription at 18, which can be lowered in times of war. Act 3/97 prohibits the use of children in the transport and sale of illegal drugs. 4083

Existing laws do not protect children from sexual exploitation, although the Trafficking in Persons Act does protect children from being trafficked for sexual exploitation. 4084 Otherwise, despite enactment of the Child Protection Act, the laws relating to child prostitution, child pornography and child sex-tourism are not consistent with international legal standards. 4085 For example, although children are protected from exposure to pornography, it is not prohibited to use, procure or offer children under age 18 for the production of pornography or pornographic purposes. 4086 While the Child Protection Act does not provide protection from the sexual exploitation of children, the Act requires the Government to adopt legislation protecting

children from all forms of sexual exploitation. However, legislation has not yet been adopted to meet this requirement. Additionally, although the Child Protection Act was passed in 2008, the implementation procedures and regulatory frameworks to operationalize the law have not yet been implemented.

Although child prostitution is not illegal under the Penal Code, the Code does provide penalties for rape and corruption of the morals of a minor. The Penal Code also prohibits the trafficking of persons out of the country for sexual exploitation. However, it does not prohibit internal trafficking or trafficking for forced labor. The Government is in the process of revising the Penal Code; provisions to protect children from all forms of trafficking are expected to be included in the revised Penal Code. It is unknown whether provisions to protect children from sexual exploitation will be included.

The Trafficking in Persons Law covers trafficking-related gaps in the Penal Code; police have enforced anti-trafficking laws found in the Trafficking in Persons Law. Despite police enforcement, the law lacks implementing regulations. While prosecutions are conducted under the law, it is unclear whether implementing regulations are required for prevention and protection efforts. Implementing regulations would also clarify the roles and responsibilities of the ministries involved in anti-trafficking efforts.

Institutional Mechanisms for Coordination and **Enforcement**

Although the Government of Mozambique does not have a specific mechanism to coordinate policy on the worst forms of child labor, it uses the National Council on the Rights of the Child (CNAC), an interagency commission led by the Ministry of Women and Social Action (MIMAS), to coordinate the welfare of children. The Council is comprised of religious and civil society representatives and the Ministries of

Labor (MITRAB), Justice, Education, Health, Interior and Youth and Sports. Created in 2009, the commission met for the first time in July 2010. 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. 4096

MITRAB is responsible for the enforcement of hazardous child labor laws. 4097 Within MITRAB, the Labor Inspection Office employs 130 labor inspectors. Labor inspectors primarily inspect commercial establishments. 4098 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. 4099 Research found no information regarding the number of inspections conducted during the reporting period. There is no mechanism in place to publicly report labor law violations. 4100

The National Police Force, the Criminal Investigation Branch (PIC) and the Labor Inspectorate General share responsibilities for the enforcement of all criminal laws, including forced child labor, child trafficking, the commercial sexual exploitation of children and the use of children for illicit activities. 4101 The Government of Mozambique has established special gendersensitive police units. 4102 In addition, the PIC has a seven-person unit devoted to anti-trafficking, and there is a system in place for reporting instances of the sexual exploitation of children. 4103 However, evidence suggests a lack of procedures to identify victims of child trafficking as well as a lack of services for child victims of commercial sexual exploitation.4104 Nevertheless, the Government maintains approximately 231 help desks called gabinetes de atendimento where trafficking victims can go to police stations and file complaints and receive assistance. 4105 During the reporting period, members of the police basic training program

received 30 hours of UNICEF training on child abuse, as well as training on trafficking. 4106 Despite these efforts, the Ministries of Justice and Interior, including the police, reportedly have insufficient financial and human resources to improve their effectiveness in enforcing laws pertaining to children. 4107

During the past two years, 230 cases of trafficking were reported throughout Mozambique. Of those cases, 140 were uncovered by the PIC.⁴¹⁰⁸ Twenty-eight of the 230 cases have been resolved and the rest remain under investigation.⁴¹⁰⁹ During the reporting period, 53 arrests were made, and 34 trafficking related convictions were handed down. All convictions received the appropriate penalties according to the anti-trafficking law.⁴¹¹⁰ However, research indicates that investigations of human trafficking rarely result in prosecutions and convictions.⁴¹¹¹

Government Policies on the Worst Forms of Child Labor

Research found no evidence of a policy framework that addresses the worst forms of child labor. However, the Government of Mozambique has other policies and action plans that affect child labor. The National Action Plan for Children (2006-2011), implemented by CNAC, prioritizes basic education and social protection for children and takes measures to prevent child labor, prostitution and trafficking.4112 In addition, the National Plan of Action for Orphans and Vulnerable Children (2006-2010) addresses the impact of HIV on children.4113 Although CNAC is mandated to implement the National Action Plan for Children and the National Action Plan for OVC, implementation was hindered by limited resources.4114

In March 2011, Mozambique and other members of the Community of Portuguese-Speaking countries approved four target areas where they will focus efforts to combat child labor. They include the exchange of information and experiences, awareness-raising campaigns, use of

statistical methodologies to collect child labor data and technical cooperation and training.⁴¹¹⁵

Other plans and strategies affect child labor in Mozambique. The National Action Plan on Birth Registration aims to clear away a backlog of birth registrations and to strengthen and decentralize the birth registration system nationwide. 4116 The Strategic Plan for Education and Culture (2006-2010/2011) aims to ensure primary education is free and compulsory through higher primary school (grades 6 and 7) and to improve postprimary education. 4117 The plan also proposes to increase access to education for female students, support the construction of new schools and encourage the training and recruitment of teachers. 4118 The Employment and Professional Training Strategy (2006-2015) has an objective of raising awareness and disseminating information on labor laws, including laws pertaining to the worst forms of child labor. 4119 The Poverty Reduction Strategy plan establishes targets for access to education and social assistance for vulnerable children. 4120 The impact of these plans and policies on the worst forms of child labor has not been assessed.

The Government has adopted the Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children in the Southern African Development Community (SADC).⁴¹²¹ Mozambique has also signed the Community of Portuguese Speaking Countries (CPLP) Declaration against child labor, which calls for a CPLP plan of action and aims to eliminate the worst forms of child labor by 2016.⁴¹²²

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

During the reporting period, the Government of Mozambique made efforts to combat the worst forms of child labor. The Government hosted conferences and created brochures and posters about child trafficking. It also implemented training and capacity building programs to combat trafficking for social workers, local officials, border

guards, members of the judiciary, officials from the public prosecutor's office and other justice administration offices. The Government partnered with civil society organizations to provide a reintegration process for street children. The program provided shelters and schooling to prepare children for reintegration. Despite these efforts, the Government of Mozambique has limited resources for assisting trafficking victims, including a lack of safe houses and no formal referral system.

The Government of Mozambique participated in two projects implemented by the IOM. The first was a nation-wide trafficking awareness campaign in preparation for the football World Cup in 2010. The second was a regional program to prevent trafficking in persons in southern Africa. The program built law enforcement capacity, conducted research on trafficking, produced information campaigns and provided assistance and reintegration options to victims of trafficking. The program built law enforcement capacity, conducted research on trafficking, produced information campaigns and provided assistance and reintegration options to victims of trafficking.

The Government participated in two programs focused on Lusophone Africa. The first was a 4-year, \$200,000, Brazilian-funded project to combat the worst forms of child labor. The second was a 2-year, \$500,000, USDOL-funded project that helps participating countries develop national action plans and promotes south-south cooperation between Lusophone speaking countries for the purpose of eliminating worst forms of child labor. In two programs of child labor.

Government officials received training from UNICEF on the use of radio broadcasts to communicate to the public about issues of child abuse, including child labor. The Government of Mozambique is also participating in a 10-year UNESCO literacy initiative. It impact of this literacy program on child labor has yet to be assessed.

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 identify hazardous labor for children and to define the worst forms of child labor.
- Raise the age of compulsory education to be consistent with the minimum age for employment.
- Ensure children under age 18 are prohibited from military conscription in all circumstances.
- Amend both the Child Protection Act and the revised Penal Code to include protection for all children from all forms of sexual exploitation.
- Adopt implementing regulations for the Trafficking in Persons Act and the Child Protection Act.
- Amend the Child Protection Act so that provisions relating to child prostitution, child pornography, child trafficking and child sex-tourism are consistent with international legal standards.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Allocate sufficient resources to the Ministries of Labor, Interior, Justice and Women and Social Action to coordinate information on the worst forms of child labor.
- Increase targeting of the Labor Inspection Office in sectors with a high incidence of child labor, including agriculture and domestic service.
- Create a mechanism to coordinate policy on the worst forms of child labor.
- Investigate all complaints of child trafficking and ensure all offenders are prosecuted and receive penalties.
- Gather and make publicly available information about enforcement.

IN THE AREA OF POLICY:

- Ensure the National Action Plan for Children and the National Action Plan for Orphans and Vulnerable Children have access to the resources necessary for implementation.
- Take measures to ensure children have access to quality education and to ensure children's safety in schools.
- Assess the impact that existing policies may have on addressing child labor.

IN THE AREA OF PROGRAMS:

- Develop social protection programs that assist children working in sectors such as agriculture and domestic service and provide adequate services, such as safe houses, for victims of the worst forms of child labor.
- Implement programs to improve children's access to safe, free and compulsory education.
- Assess the impact of the UNESCO literacy program on child labor.

⁴⁰⁵⁰ 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.

⁴⁰⁵¹ U.S. Embassy - Maputo, *Reporting*, December 20, 2010, para 1. See also, ILO Committee of Experts, "CEACR: Individual Observation concerning Worst Forms of

Child Labour Convention 1999 (No. 182) Mozambique (ratification: 2003) Published: 2010," (2010); available from http://www.iloilex.org. See also, ILO, O Impacto do Trabalho Infantil, Particularmente nas suas Piores Formas, na Frequencia e Desempenho Escolal em Mocambique, August 2006, 30. 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.

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 2010, para 1. See also, ILO, O Impacto do Trabalho Infantil,
 Particularmente nas suas Piores Formas, na Frequencia e
 Desempenho Escolal em Mocambique, 30, 35.
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- 4058 U.S. Embassy Maputo, Reporting, January 16, 2009, para 3. See also, U.S. Department of State, "Mozambique," in Country Reports on Human Rights Practices- 2010, Washington, DC, April 8, 2011; available from http://www.state.gov/g/drl/rls/hrrpt/2010/. See also, ILO Committee of Experts, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Mozambique (ratification: 2003) Published: 2010, March 15, 2011; available from http://www.ilo.org/ilolex/english/iloquery.htm. See also, ILO, O Impacto do Trabalho Infantil, Particularmente nas suas Piores Formas, na Frequencia e Desempenho Escolal em Mocambique, 30, 35.
- ⁴⁰⁵⁹ ILO Committee of Experts, *Individual Observation* C182: *Mozambique* (2010). See also, Instituto Internazionale Maria Ausiliatrice, *Mozambique Submission to the Human* Rights Council: Statement on the Situation on the Rights of the Child in Mozamabique, June 2010; available from http://

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