

REPUBLIC OF MOZAMBIQUE

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MINISTRY OF JUSTICE, CONSTITUTIONAL AND RELIGIOUS AFFAIRS

National Directorate for Human Rights and Citizenship

 His Excellency

 Amadeu da Conceição

Ambassador and Permanent Representative to the United Nations

 G e n e b r a

Note n◦ / MJCR / DNDHC / 203/2021 Maputo, March 31, 2021

Subject: Submission of contributions from the Special Rapporteur's Questionnaire on Contemporary Forms of Slavery, including its causes

For the due effects and in the fulfillment of the request for the reference note, from the United Nations High Commissioner for Human Rights, in Geneva, dated February 29, 2021, the document with the contributions on the subject in annex is attached. epigraph, whose unofficial translation will be sent to the indicated address.

Without further ado, we offer our best regards.

The National Director

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Cláudio Dinis Mate

(First Secretary)



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MINISTRY OF JUSTICE, CONSTITUTIONAL AND RELIGIOUS AFFAIRS

National Directorate for Human Rights and Citizenship

Subject: Submission of contributions from the Special Rapporteur's Questionnaire on Contemporary Forms of Slavery, including its causes.

I. Contextualization

The document deals with a request for contributions to member states from the questionnaire sent by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, the Report of which will be presented at the United Nations Human Rights Council Session in September 2021.

The document contains specific questions, in which the country must present information regarding, among aspects, internal displacements and contemporary forms of slavery.

II. Previous Question

a) In Mozambique, contemporary forms of slavery do not exist. Within the framework of sharing international responsibility, the country has welcomed refugees, victims of illegal migration, from countries such as Malawi, Ethiopia, Somalia, without neglecting the responsibility to protect citizens who are victims of armed conflicts in the central areas (Sofala and Manica) and north (Cabo Delgado).

b) In the context of Human Rights, Mozambique has made signable progress, consisting of:

* In the legal field, a series of legislation in the area of ​​Human Rights was approved, which incorporate the international treaties ratified by the State into the internal order;
* In the field of institutional strengthening, institutions for the defense and promotion of human rights, the National Commission on Human Rights and the Ombudsman were created.

c) The issue of child marriage was critical in some regions of Mozambique, with the work to raise awareness of the elimination of this practice reduced considerably, reinforced with the approval of the Law that combats Premature Unions and the repeal of the provision of the Family Law, with to marry with the consent of the parents or their legal representative for the under-18s.

d) There are no reports related to contemporary forms of slavery, since internally displaced people are resettled in areas created by the Government, with minimal housing conditions.

e) Affirm that yes, people were accommodated in accommodation or resettlement centers. However, there were alleged cases of exploitation of internally displaced persons that involved state agents, which according to the information presented is suspected that some women were sexually harassed in exchange for food.

f) The constitution of the Republic of Mozambique, the Basic Law prohibits Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Domestic law provides for the granting of asylum or refugee status, and the Government has established a system for providing protection to refugees, as well as protection against expulsion or return to countries where their lives or freedoms would be threatened on account of their race. , religion, nationality, affiliation with a particular social group or political opinion

2. There are still some socio-cultural practices that continue to discriminate and exclude women and girls from social, political and economic life, particularly in remote areas, despite the legal framework enshrined in ratified international legal instruments related to the issue of human rights and equality of gender.

3. As stated in the previous question, slavery does not exist in Mozambique, taking into account that the basic principle consists of universality and equality, under the terms of article 35 of the Constitution of the Republic, which establishes the equality of all, that is, the displaced have equal treatment, except for the elderly who, due to their age, deserve privileged treatment.

4. There are suspicions of the practice of labor exploitation that affects all age groups, particularly for children and adolescents who constitute the most vulnerable target group. Due to poverty, it is suspected that hierarchical superiors in private institutions subject workers to unfair working conditions, which constitutes a violation of labor regimes enshrined in national and international legislation.

6. The Republic of Mozambique adhered on 22 October 1983 to the Convention relating to the status of Refugees, of 28 July 1951, having made reservations for this purpose, pursuant to article 42 of the said Convention. The Convention does not indicate what types of procedures should be adopted to determine refugee status. Therefore, it is left to the discretion of each State Party to establish the procedures it considers most appropriate, in view of the specificity of our constitutional and administrative structures, which it has defined in accordance with its internal rules.

7. The sources of labor law in Mozambique are: the Constitution of the Republic, the laws approved by the Assembly of the Republic and the Government, international treaties and conventions, and instruments of collective labor regulation.

8. Although there are no reports of slavery, the Government, aware of its responsibilities, through its institutions, namely the Ministry of Interior, National Defense and Justice, Constitutional and Religious Affairs, the National Criminal Investigation Service and the Attorney General's Office da República, among others, has carried out concerted actions to prevent and combat the violation of human rights in areas of accommodation or resettlement.

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9. The citizen has the right to appeal to the courts against acts that violate His rights and interests recognized by the Constitution and the law. Some barriers are due to the fact that there is a delay in the processing of the cases.

10. The Government, aware of its responsibilities, through its institutions, namely the Ministry of Interior, Defense and Justice, Constitutional and Religious Affairs, the National Criminal Investigation Service and the Attorney General's Office, has taken concerted actions to preventing and combating human rights violations. Some actions to highlight:

* Awareness-raising and civic education of the populations for greater collaboration in denouncing contemporary forms of slavery; and
* Dispute resolution quickly, through community courts installed in communities, and

11. There is an incipient framework of regulation, protection and organization, consisting of the Labor Inspectorate, the Labor Mediation and Arbitration Commission (COMAL), and the Labor Court.

Mozambique is a State Party to the SADC Protocol on Mutual Legal Assistance in Criminal Matters and several bilateral treaties.

12. On October 23, 2009, African states adopted the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa. Called the Kampala Convention, of which Mozambique is a part and entered into force in 2012, inspired by the Guiding Principles Relating to Internally Displaced Persons, it is the first legally binding regional instrument in the world regarding the protection and assistance of internally displaced persons.

The Kampala Convention offers detailed guidelines on how African states must deal with internal displacement. It also highlights how states should cooperate and support each other to address the challenges of displacement. Some rules of the Convention - such as those referring to safe and voluntary return, and access to compensation and other forms of redress - go beyond those contained in the existing treaties.

III The worst forms of child labor affect displaced children.

a) With the armed conflicts in the north, many children are recruited and forced to join the ranks of armed bandits.

Based on information from Save the Children, the study points out, for example, that around 300 Mozambican women and children are trafficked daily to South Africa and other neighboring countries to feed the sex industry. The document notes, however, that taking into account that the information is based on the daily calls that that organization receives, the number can be increased or reduced.

In addition to the sex industry, some victims are killed for the purposes of organ harvesting used in superstitious practices.

b) In the previous question, we would have mentioned the trafficking of children to neighboring South Africa, some of which are used for the sex industry.

The ratification of international Conventions and Protocols in the area of ​​the Rights of the Child demonstrates that Mozambique expresses its commitment to respond to the needs of children and seeks internally to develop measures and produce legal instruments, through the adoption of legislative and other measures with the objective the massification of security in cross-border areas, and various action plans have been drawn up, in terms of health, education, and safety and social well-being of the child.

c) Internal trafficking involves children who are taken from rural areas to cities, where they are forced to work or to prostitute themselves.

d) In the light of Mozambican legislation, under Article 1 of the Convention on the Rights of the Child ratified by Mozambique, through Resolution No. 19/90, a child is understood to mean “all human beings under the age of eighteen, except if, under the applicable law, the age of majority is reached earlier.

Although each and every child has the right not to be employed or engaged in activities that harm his health, his education and the development of his body and intelligence. Law No. 23/2007, which governs labor relations, allows children to access the labor market exceptionally, provided that they are between 12 and 14 years old, with the authorization of their representative legal (Art. 23 and Art. 26 of said Law).

The Government of Mozambique has shown an emerging concern over the past few years with the situation of Mozambican children, especially with regard to labor relations that can be established with minors under the age of 18.

To this end, national policies and programs have been defined that establish the protection and promotion of the rights of the child, both in terms of the work of minors and others that guarantee access to basic school education and the creation of good conditions that favor good physical development. and mental health of children and young people.

e) There is no information on the subject.

f) No. All information deemed important and within our reach was shared here.

Maputo, April 2021