

# Mozambique

## Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In 1999, the Government of Mozambique began working with UNICEF to implement a rapid assessment survey of child labor. Following the completion of the survey, the Ministry of Labor worked with UNICEF to develop a Draft Strategy for the Eradication of Child Labor.<sup>2471</sup> The government is collaborating with UNICEF and ILO-IPEC to implement a plan of action developed at a national child labor conference held in July 2001. The plan calls for the prevention of child labor, and the protection and rehabilitation of child workers.<sup>2472</sup> In 2002, the government sponsored a “Child Parliament,” during which children had the opportunity to express their views on problems affecting them and to propose solutions.<sup>2473</sup>

Since 1997, the government has worked on a campaign against child prostitution and sexual abuse, including such activities as disseminating pamphlets and flyers and issuing public service announcements.<sup>2474</sup> The government has trained the police about child prostitution and pornography and initiated a rehabilitation program for children in prostitution by providing education referrals and training opportunities.<sup>2475</sup> In June 2000, the Ministry of Women and Social Action launched a campaign against the sexual exploitation of children and is educating hotel employees about child prostitution.<sup>2476</sup>

The government has established a scholarship program to cover the costs of school materials and fees for children, with a focus on the needs of girls. In addition, the government has established a Poverty Reduction Strategy for 2001-2005, which includes a component on investment in education.<sup>2477</sup> The government also is working with international donors to expand the primary school network.<sup>2478</sup>

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<sup>2471</sup> Government of Mozambique, Ministry of Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, Geneva, 1999/2000, 96. The Ministry of Labor is currently undertaking a global review of all relevant laws and regulations for future consolidation, harmonization, and modernization. The Ministry is also drafting new regulations prohibiting most street and market vending activities by children. See also U.S. Embassy- Maputo, *unclassified telegram no. 2817*, October 2001.

<sup>2472</sup> U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

<sup>2473</sup> His Excellency Joaquim Alberto Chissano, Statement at UN Special Session on Children, May 8, 2002, [cited December 27, 2002]; available from <http://www.un.org/ga/children/mozambiqueE.htm>.

<sup>2474</sup> U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

<sup>2475</sup> *Ibid.*

<sup>2476</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2000: Mozambique*, Washington, D.C., February 23, 2001, Section 5 [cited December 16, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=859>. See also UNICEF, *UNICEF Mozambique Situation Report 04-11 Oct 2002*, ReliefWeb, [online] October 11, 2002, [cited October 31, 2002]; available from <http://www.reliefweb.int/w/rwb.nsf/9ca65951ee22658ec125663300408599/3606dbdaad929e4cc1256c5d0031ecb6?OpenDocument>.

<sup>2477</sup> Statement at UN Special Session on Children.

<sup>2478</sup> U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

## Incidence and Nature of Child Labor

In 1999, the ILO estimated that 32.7 percent of children ages 10 to 14 years in Mozambique were working.<sup>2479</sup> A rapid assessment child labor survey of children under 18 conducted by the Ministry of Labor and UNICEF estimated that approximately 50 percent of children begin working before the age of 12.<sup>2480</sup>

Children work in the informal sector on family farms, in factories, forestry, and small-scale mining.<sup>2481</sup> There are also reports of the growing incidence of children working in construction.<sup>2482</sup> In urban areas children wash and guard cars, collect scrap metal, hawk food and other goods on streets, and beg.<sup>2483</sup> In rural areas, they work on commercial farms alongside their parents or as independent workers, often picking cotton or tea.<sup>2484</sup> Children, mostly girls, also work as domestic servants.<sup>2485</sup> In some cases, children are forced to work in order to settle family debts.<sup>2486</sup> There are reports by child advocates that a small number of children are trafficked to South Africa and Swaziland for prostitution, however there have been no confirmed cases.<sup>2487</sup> The number of children in prostitution is growing in both urban and rural regions such as the Maputo,

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<sup>2479</sup> ILO statistics as cited in World Bank, *World Development Indicators 2001* [CD-ROM], Washington, D.C., 2001.

<sup>2480</sup> Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 36. UNICEF now expects that the effects of two years of heavy rains and flooding in 2000 and 2001, followed by the current severe drought and food insecurity affecting the Southern Africa region, will lead to decreased school enrolment and attendance and increased child labor as the demands upon household income and time for water collection/food scavenging increase. See UNICEF, *Situation Up-date: Mozambique*, May 10, 2002.

<sup>2481</sup> U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Mozambique*, Washington, D.C., March 4, 2002, 479-82, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8394.htm>. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 58, 78.

<sup>2482</sup> U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d.

<sup>2483</sup> U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 54.

<sup>2484</sup> U.S. Department of State, *Country Reports- 2000: Mozambique*, Section 6d. See also Line Eldring, Sabata Nakanyane, and Malehoko Tshoedi, "Child Labour in the Tobacco-Growing Sector in Africa" (paper presented at the IUF/ITGA/BAT Conference on the Elimination of Child Labour, Nairobi, October 8-9, 2000), 48. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 61-76.

<sup>2485</sup> U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 47.

<sup>2486</sup> U.S. Department of State, *Country Reports- 2001: Mozambique*, 475-82, Section 5 and 6d.

<sup>2487</sup> *Ibid.*, 479-82, Section 6f. The League of Human Rights in Mozambique has been investigating a 2000 case involving the trafficking of a 17-year old girl. See U.S. Department of State, *Country Reports- 2001: Mozambique*, 475-79, Section 5. She was held for two months in South Africa and may have been sexually abused. See U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6f.

Beira and Nacala areas.<sup>2488</sup> Many children victims of commercial sexual exploitation have been infected with HIV/AIDS.<sup>2489</sup>

Education is compulsory and free through the age of 12, but there is a matriculation fee for each child, and children are responsible for purchasing books and school supplies.<sup>2490</sup> Enforcement of compulsory education laws is inconsistent, because of the lack of resources and the lack of schools in the upper grades.<sup>2491</sup> In 1999, the gross primary enrollment rate was 75.6 percent, and the net primary enrollment rate was 43.6 percent.<sup>2492</sup> In 1995, 86 percent of students who entered primary school reached grade two, and 46 percent reached grade five.<sup>2493</sup> Girls have lower enrollment rates and higher dropout rates than boys, although in 1999 the drop out rate for boys exceeded that of girls.<sup>2494</sup> Floods in February and March 2000 destroyed a number of schools, and other schools were converted into emergency shelters.<sup>2495</sup> The Ministry of Education reported that more than 105,000 primary school students have been prevented from attending classes as a result of the floods.<sup>2496</sup> More recently, drought conditions have placed pressure on families to withdraw children from school in order to save money for food.<sup>2497</sup>

## Child Labor Laws and Enforcement

Law 8/98 sets the minimum age for employment at 15 years, but in exceptional cases, allows for children under 15 to work with the joint approval of the Ministries of Labor, Health, and Education.<sup>2498</sup> It sets restricted conditions on the work minors between the ages of 15 and 18 may perform, limits the number of hours they can work, and establishes training, education, and medical

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<sup>2488</sup> UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Mozambique*, CRC/C/15/Add.172, Geneva, April 3, 2002, 21 [cited December 27, 2002]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/d8a28bd0a8c53653c1256bd800545e83?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/d8a28bd0a8c53653c1256bd800545e83?Opendocument). See also U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d.

<sup>2489</sup> U.S. Department of State, *Country Reports- 2001: Mozambique*, 475-79, Section 5.

<sup>2490</sup> U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

<sup>2491</sup> *Ibid.*

<sup>2492</sup> World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

<sup>2493</sup> UNESCO, *World Education Report 2000: The Right to Education, Towards Education for All throughout Life*, Geneva, 2000, 144.

<sup>2494</sup> In 1999, the gross primary enrollment rate was 86.3 percent for boys and 64.8 percent for girls, and the net primary enrollment rate was 47.4 percent for boys and 39.8 percent for girls. Ninety percent of boys who entered primary school in 1995 reached grade two, and 52 percent reached grade five. The rates for girls were 79 and 39 percent, respectively. See World Bank, *World Development Indicators 2002*. See also UNESCO, *World Education Report 2000*, 144.

<sup>2495</sup> U.S. Department of State, *Country Reports- 2000: Mozambique*, Section 5.

<sup>2496</sup> UNICEF Alert!, *Mozambique*, [online] July 1, 2002, [cited December 16, 2002]; available from <http://www.unicefusa.org/alert/emergency/mozambique/mozambique.html>.

<sup>2497</sup> UNICEF, *Situation Up-date: Mozambique*.

<sup>2498</sup> U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d.

exam requirements.<sup>2499</sup> Children between the ages of 15 and 18 are prohibited from being employed in unhealthy or dangerous occupations or occupations requiring significant physical effort, as determined by the Ministry of Labor.<sup>2500</sup> The Constitution prohibits forced labor, except in the context of penal law,<sup>2501</sup> and there were no reports of such practices in the formal economy.<sup>2502</sup> Yet it is reported that in rural areas children are forced to work to settle debts or other disputes.<sup>2503</sup>

Offering or procuring of prostitution and pornography of any form, including that of children, are illegal under the Penal Code.<sup>2504</sup> In May 1999, the National Assembly passed a law prohibiting the access of minors to bars and clubs in an effort to address the problem of children prostitution.<sup>2505</sup> Some provisions of the Penal Code can also help protect minors against exploitation, incitement, or compulsion to engage in illegal sexual practices.<sup>2506</sup> The age for conscription and voluntary recruitment into the military is 18 years.<sup>2507</sup> In times of war, however, the minimum age for military conscription may be changed.<sup>2508</sup>

The Ministry of Labor has the authority to enforce and regulate child labor laws in both the formal and informal sectors.<sup>2509</sup> Labor inspectors may obtain court orders and use the police to enforce compliance with child labor legislation.<sup>2510</sup> There has not been any specialized training for labor inspectors on child labor. The police are responsible for investigating complaints relating to child labor offences punishable under the Penal Code.<sup>2511</sup> The Labor Inspectorate at the Ministry of Labor is responsible for investigating complaints about violations of child labor laws; however, the Labor Inspectorate and police lack adequate staff, funds and training to investigate child labor

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<sup>2499</sup> U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d.

<sup>2500</sup> U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

<sup>2501</sup> *Constitution of Mozambique, 1990*, (November 1990), Article 88(3) [cited December 6, 2001]; available from <http://confinder.richmond.edu/MOZ.htm>.

<sup>2502</sup> U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6c.

<sup>2503</sup> *Ibid.*

<sup>2504</sup> Government of Mozambique, *Criminal Code*, Article 1 [cited December 27, 2002]; available from <http://www.protectionproject.org/main1.htm>. See also U.S. Department of State, *Country Reports- 2001: Mozambique*, 475-79, Section 5.

<sup>2505</sup> U.S. Department of State, *Country Reports- 2001: Mozambique*.

<sup>2506</sup> Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 80.

<sup>2507</sup> U.S. Embassy- Maputo, *unclassified telegram no. 2544*, September 2001.

<sup>2508</sup> Coalition to Stop the Use of Child Soldiers, "Mozambique," in *Global Report 2001* London, May 2001, [cited December 27, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/271431570d2ec5d980256b1e004dc637?OpenDocument>.

<sup>2509</sup> U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d.

<sup>2510</sup> U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

<sup>2511</sup> *Ibid.*

cases, especially in areas outside the capital.<sup>2512</sup> In theory, violators of child labor laws would be subject to fines ranging from one to 10 times the minimum wage.<sup>2513</sup>

The Government of Mozambique has not ratified ILO Conventions 138 or 182.<sup>2514</sup>

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<sup>2512</sup> U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d.

<sup>2513</sup> U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

<sup>2514</sup> U.S. Department of State, *Country Reports- 2001: Mozambique*, Section 6d. See also ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited November 13, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>. Ratification was promised in a July 2001 conference, and the Ministry of Labor has forwarded the convention to the National Assembly. See U.S. Embassy- Maputo, *unclassified telegram no. 2817*.