

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.³⁰¹¹ Following the completion of the survey, the Ministry of Labor worked with UNICEF to develop a Draft Strategy for the Eradication of Child Labor.³⁰¹² 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 for the protection and rehabilitation of child workers.³⁰¹³ 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.³⁰¹⁴

Government policies to assist the poor and most vulnerable, such as child laborers, include a Poverty Alleviation Action Plan (PARPA), decentralized planning, and a multi-sectoral approach to HIV/AIDS³⁰¹⁵ where the disease forces children to drop out of school in order to work.³⁰¹⁶ In August 2002 the Government of Mozambique and UNICEF signed a Master Plan of Operations to improve the living conditions of the country’s children through the PARPA.³⁰¹⁷ The government’s Poverty Reduction Strategy for 2001–2005, includes an education investment component.³⁰¹⁸

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.³⁰¹⁹ 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.³⁰²⁰ 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.³⁰²¹ The Prime Minister launched a multi-sectoral anti-child trafficking campaign with a number of public and religious personalities.³⁰²²

³⁰¹¹ Government of Mozambique, Ministry of Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, Geneva, 1999/2000. For a summary see UNICEF, *Child Workers in the Shadow of AIDS: Listening to the Children* (Nairobi, Kenya: UNICEF Eastern and Southern Africa Regional Office, 2001), 52-55 [previously online]; available from <http://www.unicef.org/pubsgen/childworkersaids/childworkersaids.pdf> [hard copy on file].

³⁰¹² Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 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 12, 2001.

³⁰¹³ U.S. Embassy– Maputo, *unclassified telegram no. 2817*.

³⁰¹⁴ His Excellency Joaquim Alberto Chissano, Statement at UN Special Session on Children, 2002; available from <http://www.un.org/ga/children/mozambiqueE.htm>.

³⁰¹⁵ See UNICEF, *Social Policy, Information and Monitoring*; available from http://unicef.org/mozambique/social_policy.htm. The government is also working with UNICEF on social protection programs necessitated by the combined effects of poverty, HIV/AIDS, climatic disturbances and social dislocation. These programs include supporting the process of legal reform and policy development to the benefit vulnerable women and children, and capacity development for special protection. See UNICEF, *Special Protection*; available from http://www.unicef.org/mozambique/crmp_rights3.htm.

³⁰¹⁶ UNICEF, *Child Workers in the Shadow of AIDS*, 51.

³⁰¹⁷ UNICEF, *Latest News*, April 28, 2003, [previously online]; available from http://www.unicef.org/mozambique/late_news.htm [hard copy on file].

³⁰¹⁸ Statement at UN Special Session on Children, 3.

³⁰¹⁹ U.S. Embassy– Maputo, *unclassified telegram no. 2817*.

³⁰²⁰ *Ibid.*

³⁰²¹ UNICEF, *UNICEF Mozambique Situation Report 04-11 Oct 2002*, ReliefWeb, [online] 2002 [cited October 15, 2003], Section 5.5; available from <http://www.reliefweb.int/w/rwb.nsf/9ca65951ee22658ec125663300408599/3606dbdaad929e4cc1256c5d0031ecb6?OpenDocument>.

³⁰²² U.S. Department of State, *Trafficking in Persons Report- 2003: Mozambique*, June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/212276.htm>.

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. The government also is working with international donors to expand the primary school network.³⁰²³ The Government of Mozambique has an education sector strategic plan that includes policy support to improve girls' access and retention, improving school quality, creating and enabling environment for peer education and communication among young people, and building capacity for contingency planning in response to emergencies.³⁰²⁴ In an effort to reduce the number of children dropping out of school, UNICEF has distributed education kits to students and teachers in support of the government's policy to provide school textbooks and supplies to 70 percent of children from poor families by 2007.³⁰²⁵

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 32.1 percent of children ages 10 to 14 years in Mozambique were working.³⁰²⁶ 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 12.³⁰²⁷ Eighty percent of working children are 12 to 15.³⁰²⁸ The HIV-AIDS epidemic and climatic disruptions, including droughts, push children to work at an early age.³⁰²⁹

Children work in the informal sector on family farms, in factories, forestry, and small-scale mining.³⁰³⁰ Over 40 percent of children work as traders and hawkers.³⁰³¹ In urban areas children wash and guard cars, and collect scrap metal.³⁰³² Large numbers of children in the informal sector work in transport, where they are employed as conductors, collecting fares in minibus taxis known as "chapas."³⁰³³ In rural areas, they work on commercial farms alongside their parents or as independent workers, often picking cotton or tea.³⁰³⁴ Children, mostly girls, also work as domestic servants.³⁰³⁵ In some cases, children are forced to work in order to settle family debts.³⁰³⁶ The

³⁰²³ U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

³⁰²⁴ UNICEF, *Basic Education*; available from http://www.unicef.org/mozambique/education_2.htm.

³⁰²⁵ UNICEF, *Latest News*, November 15, 2002; available from http://www.unicef.org/mozambique/late_news.htm [hard copy on file]. See also UN Committee on the Rights of the Child, *Summary Record of 762nd Meeting, Consideration of Reports of State Parties. Initial report of Mozambique*, February 28, 2003.

³⁰²⁶ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. Over 33 percent of girls and 12 percent of boys began work before the age of 12.

³⁰²⁷ Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 36.

³⁰²⁸ UNICEF, *Child Workers in the Shadow of AIDS*, 52.

³⁰²⁹ UNICEF, *Latest News*, November 15, 2002, [previously online].

³⁰³⁰ U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Mozambique*, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18217.htm>. section 6d. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Mozambique*, Washington, D.C., March 4, 2002; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8394.htm>. section 6d. Also consult Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 58, 78.

³⁰³¹ UNICEF, *Child Workers in the Shadow of AIDS*, 58.

³⁰³² U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 6d. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 54.

³⁰³³ Child Labour News Service Update, *Union Puts Child Labor in Mozambique Under Spotlight*, February 1, 2002; available from http://www.sweatshopwatch.org/swatch/headlines/2002/childlabour_feb02.html.

³⁰³⁴ U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 6d. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 61-76.

³⁰³⁵ U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 6d. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 47.

³⁰³⁶ U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 6c.

number of children in prostitution is growing in both urban and rural regions such as the Maputo, Beira, and Nacala areas.³⁰³⁷ Many child victims of commercial sexual exploitation have been infected with HIV/AIDS.³⁰³⁸ Street children also work and are reported to suffer from police beatings and sexual abuse.³⁰³⁹ There have been reports of trafficking of children.³⁰⁴⁰

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.³⁰⁴¹ Enforcement of compulsory education laws is inconsistent, because of the lack of resources and the lack of schools in the upper grades.³⁰⁴²

In 2000, the gross primary enrollment rate was 91.5 percent, and the net primary enrollment rate was 54.4 percent.³⁰⁴³ Primary school attendance rates are unavailable for Mozambique. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁰⁴⁴ In 1995, the latest year for which figures are available, 46 percent of students who entered primary school reached grade five.³⁰⁴⁵ Girls have lower enrollment rates and higher dropout rates than boys, although in 1999 the dropout rate for boys exceeded that of girls.³⁰⁴⁶ Floods in 2000 destroyed a number of schools and prevented more than 105,000 primary school students from attending classes.³⁰⁴⁷ More recently, drought conditions have placed pressure on families to withdraw children from school in order to save money for food.³⁰⁴⁸ In 2003 it was estimated that almost 350,000 children in Mozambique are suffering from the combined effect of HIV/AIDS and the drought.³⁰⁴⁹ It is also estimated that AIDS could lead to a 17 percent decline in teacher numbers by 2010.³⁰⁵⁰

³⁰³⁷ Ibid.

³⁰³⁸ Ibid., Section 6f. For information on how young prostitutes in Mozambique choose to have unprotected sex to increase their income, see HIVdent, *Child Laborers at Risk for AIDS*, July 25, 2001; available from <http://www.hivdent.org/pediatrics/pedclarfa072001.htm>. See also chapter on Mozambique in UNICEF, *Child Workers in the Shadow of AIDS*, 49–60.

³⁰³⁹ U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 5.

³⁰⁴⁰ Ibid., Section 6f. See also ECPAT International, *Mozambique*, [database online] [cited January 6, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

³⁰⁴¹ U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 5.

³⁰⁴² U.S. Embassy- Maputo, *unclassified telegram no. 2817*. About one half of the country's schools were destroyed in the 1980s and early 1990's during the war launched by RENAMO rebels against the government. The education system began to be rebuilt after the 1992 peace agreements. See Agencia de Informação de Moçambique, *Chissano Launches Literacy Decade*, allAfrica.com, April 30, 2003; available from <http://allafrica.com/stories/200304300611.html>. UNICEF notes that in the 1990s almost half of Mozambique's 3,200 primary schools were destroyed, and learning materials were in short supply. See UNICEF, *Child Workers in the Shadow of AIDS*, 55.

³⁰⁴³ World Bank, *World Development Indicators 2003*.

³⁰⁴⁴ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁰⁴⁵ World Bank, *World Development Indicators 2003*.

³⁰⁴⁶ 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 2, and 52 percent reached grade 5. The rates for girls were 79 and 39 percent, respectively. See World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. See also UNESCO, *World Education Report 2000: The Right to Education, Towards Education for All throughout Life*, Geneva, 2000, 144. See also UNICEF, *Child Workers in the Shadow of AIDS*, 55.

³⁰⁴⁷ UNICEF Alert!, *Mozambique*, [online] August 19, 2002 [cited October 15, 2003]; available from <http://www.unicefusa.org/alert/emergency/mozambique/mozambique.html>.

³⁰⁴⁸ UNICEF, *Situation Up-date: Mozambique*, May 10, 2002.

³⁰⁴⁹ UNICEF, *Latest News, April 28, 2003*.

³⁰⁵⁰ UN Committee on the Rights of the Child, *CRC Initial Report of Mozambique*, 3.

Child Labor Laws and Enforcement

Law 8/98 sets the minimum age for employment at 15 years, but in exceptional cases, allows for children below 15 to work with the joint approval of the Ministries of Labor, Health, and Education.³⁰⁵¹ The Law 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 exam requirements.³⁰⁵² 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.³⁰⁵³ According to Article 79 of the Labor Law, employers are required to provide children between 12 and 15 with vocational training and offer age appropriate work conditions.³⁰⁵⁴ The Constitution prohibits forced labor, except in the context of penal law.³⁰⁵⁵

The offering or procuring of prostitution of any form, including that of children, is illegal under the Penal Code.³⁰⁵⁶ 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 child prostitution.³⁰⁵⁷ Some provisions of the Penal Code can also help protect minors against exploitation, incitement, or compulsion to engage in illegal sexual practices.³⁰⁵⁸ There is no law against trafficking, but some police have been trained on how to recognize and investigate trafficking cases.³⁰⁵⁹ Three pilot police stations to assist trafficking victims have also been set up in the provinces.³⁰⁶⁰ The age for conscription and voluntary recruitment into the military is 18 years.³⁰⁶¹ In times of war, however, the minimum age for military conscription may be changed.³⁰⁶²

The Ministry of Labor has the authority to enforce and regulate child labor laws in both the formal and informal sectors.³⁰⁶³ Labor inspectors may obtain court orders and use the police to enforce compliance with child labor legislation.³⁰⁶⁴ 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.³⁰⁶⁵ The Labor Inspectorate at the Ministry of Labor is responsible for investigating complaints about violations of child

³⁰⁵¹ U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 6d.

³⁰⁵² U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 6d.

³⁰⁵³ U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

³⁰⁵⁴ UN Committee on the Rights of the Child, *CRC Initial Report of Mozambique*. UNICEF estimates that only about 14 percent of employers paid for school fees for boys employed in trade. See UNICEF, *Child Workers in the Shadow of AIDS*, 53.

³⁰⁵⁵ *Constitution of Mozambique, 1990*, (November 1990), Article 88(3) [cited October 15, 2003]; available from <http://confinder.richmond.edu/MOZ.htm>.

³⁰⁵⁶ *Criminal Code of Mozambique*, as cited in The Protection Project Legal Library, [database online] [cited 2003 October 24,], Article 1; available from <http://209.190.246.239/ver2/ct/Mozambique.pdf>. See also U.S. Department of State, *Country Reports- 2001: Mozambique*, Section 5.

³⁰⁵⁷ U.S. Department of State, *Country Reports- 2001: Mozambique*.

³⁰⁵⁸ Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 80.

³⁰⁵⁹ U.S. Department of State, *Trafficking in Persons Report- 2003: Mozambique*. Prosecution of cases of sexual assault and rape, some which are trafficking-related have increased.

³⁰⁶⁰ *Ibid.*

³⁰⁶¹ U.S. Embassy- Maputo, *unclassified telegram no. 2544*, September 2001.

³⁰⁶² Coalition to Stop the Use of Child Soldiers, "Mozambique," in *Global Report 2001* London, May 2001, [cited October 15, 2003]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>.

³⁰⁶³ U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

³⁰⁶⁴ *Ibid.*

³⁰⁶⁵ *Ibid.*

labor laws; however, the Labor Inspectorate and police lack adequate staff, funds, and training to investigate child labor cases, especially in areas outside the capital.³⁰⁶⁶ In theory, violators of child labor laws would be subject to fines ranging from 1 to 10 times the minimum wage.³⁰⁶⁷

The Government of Mozambique ratified ILO Conventions 138 and 182 on June 16, 2003.³⁰⁶⁸

³⁰⁶⁶ U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 6d.

³⁰⁶⁷ U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

³⁰⁶⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited November 5, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>. During the ratification debate several opposition deputies argued that child labor would continue as long as families are mired in poverty, and that enforcement of universal education could not be enforced without school infrastructure and teachers. U.S. Embassy- Maputo, *unclassified telegram 0551*.