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USDOS – US Department of State

2019 Trafficking in Persons Report: Mozambique

MOZAMBIQUE: Tier 2

The Government of Mozambique does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Mozambique remained on Tier 2. These efforts included investigating and prosecuting more trafficking cases, training more front-line responders across the country, including labor inspectors for the first time, and robust awareness-raising efforts targeting multiple segments of society in both urban and rural areas. The government also helped facilitate family reunification and reintegration for at least 12 child trafficking victims. The government did not, however, meet the minimum standards in several key areas. The government did not finalize its draft national action plan nor did it draft implementing regulations on the 2008 anti-trafficking law's victim protection provisions developed during the previous reporting period. Some front-line responders conflated smuggling with trafficking. Mozambican officials remained without effective policies or laws that would regulate foreign recruiters and hold them civilly and criminally liable for fraudulent recruiting.

PRIORITIZED RECOMMENDATIONS

Finalize and implement the national action plan, and issue regulations necessary to implement the victim protection and trafficking prevention provisions of the 2008 anti-trafficking law. • Amend the anti-trafficking law to bring the definition of trafficking in line with the definition of trafficking under international law. • Develop a formal system to proactively identify trafficking victims among vulnerable populations and finalize and implement the national referral mechanism. • Expand the availability of protective services for victims via increased funding or in-kind support to relevant partners in the National Group to Protect Children and Combat Trafficking in Persons. • Hold labor recruiters liable for fraudulent recruitment. • Investigate and prosecute officials complicit in trafficking crimes. • Build the capacity of the labor inspectorate and the Women and Children's Victim Assistance Units to investigate trafficking cases and provide short-term protection to victims. • Train officials to investigate and prosecute criminals who facilitate child sex trafficking or adult forced prostitution.

PROSECUTION

The government maintained modest anti-trafficking law enforcement efforts. The 2008 Law on Preventing and Combating the Trafficking of People criminalized sex trafficking and labor trafficking and prescribed penalties of 16 to 20 years’ imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The law did not, however, establish the use of force, fraud, or coercion as an essential element of the crime, as is consistent with the definition of trafficking under international law.

In 2018, the government investigated 10 trafficking cases, six suspected forced labor cases and four suspected sex trafficking cases, compared with investigating five forced labor cases the previous year. These cases involved 25 Mozambican victims and one Rwandan victim. The government prosecuted seven defendants in seven cases compared with six defendants in five cases the previous year; one case remained pending at the close of the reporting period. The government convicted two traffickers for labor trafficking under the 2008 anti-trafficking law, compared with six convictions in 2017, and sentenced one trafficker to four years’ imprisonment and the other trafficker remained awaiting sentencing at the close of the reporting period. While expert reports alleged traffickers commonly bribed police and immigration officials to facilitate trafficking crimes both domestically and across international borders, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

The government conducted nationwide trainings for front-line responders during the reporting period. The government trained judges and lawyers on the anti-trafficking law and procedure. Provincial and district reference groups throughout the country conducted trainings and seminars, including training national police officers on investigative techniques, and proper identification and referral of trafficking victims. The Attorney General’s Office had bilateral memoranda of understanding (MOU) with the Republic of South Africa, Eswatini, and Zambia to address cross-border cooperation on trafficking cases. The government partnered with neighboring governments and an international law enforcement organization to increase investigative capacity of law enforcement through an intelligence-driven operation. As a result, officials in two countries arrested suspected traffickers and identified 87 victims. It is unclear if there was overlap between these cases and trafficking cases reported by the government.

PROTECTION

The government maintained protection efforts. The government identified and referred to care 26 victims, including 21 forced labor victims and five sex trafficking victims, compared with 53 trafficking victims identified and referred during the previous reporting period. Of those victims identified, all five sex trafficking victims were Mozambican women while the labor trafficking victims included 20 Mozambican men and one Rwandan man. In partnership with an international organization, the Ministry of Gender, Children, and Social Action (MGCAS) operated three dedicated trafficking shelters, which provided medical, psychological, and legal assistance to all adult and child victims. The MGCAS helped facilitate family reunification and reintegration for at least 12 child victims. The government did not finalize a draft national referral

mechanism (NRM) for a second consecutive year, but used it informally to identify and refer victims. While the government began drafting implementing regulations for trafficking victim and witness protection, those regulations remained incomplete at the end of the reporting period.

Police stations throughout the country had specialists trained by the Office of Assistance to Women and Children Victims of Domestic Violence who were equipped and available to respond to suspected trafficking cases. The government continued to operate facilities in more than 215 police stations and 22 “Victims of Violence” centers throughout the country offering temporary shelter, food, limited counseling, and monitoring following reintegration for victims of crime. The government did not, however, provide specific numbers of trafficking victims who benefited from these services in 2018. The Attorney General’s Office (PGR) convened relevant government stakeholders to assess and coordinate joint efforts to address victims’ needs in several specific cases during the reporting period. The anti-trafficking law required police protection for victims who participated as witnesses in criminal proceedings against traffickers, but the government did not report any victims utilizing these services. Although Mozambican law provided for temporary residency status or legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution, the government did not use this provision during the reporting period.

PREVENTION

The government maintained efforts to prevent trafficking. The National Reference Group (NRG) convened an annual meeting of all members to coordinate anti-trafficking efforts at the national level and members at the national, provincial, and district levels met regularly as working groups tailored to address specific trafficking cases and concerns. The government failed to pass the national action plan for the second consecutive year. Provincial-level reference groups consisting of local officials, police, border guards, social workers, NGOs, and faith-based organizations carried out awareness campaigns to educate the public in urban and rural areas and coordinated regional efforts to address trafficking and other crimes. Officials trained journalists, youth, and religious leaders on awareness of the crime of trafficking, and taught them how to report possible instances to the appropriate authorities. The PGR developed content and training for journalists focused on identification of trafficking victims and reporting on trafficking crimes. The government continued to participate in the Southern African Development Community (SADC) regional data collection tool by uploading information on trafficking cases, victim and trafficker profiles, and sharing information with countries in the region. In partnership with international organizations, the government continued training labor inspectors on trafficking victim identification and referral. The NRG ran 74 radio and 31 television spots to raise awareness of trafficking, reportedly reaching approximately 320,000 people. Mozambican officials remained without effective policies or laws regulating foreign recruiters and holding them civilly and criminally liable for fraudulent recruiting. The government did not demonstrate tangible efforts to reduce the demand for commercial sex acts or forced labor during the year.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mozambique, and traffickers exploit victims from Mozambique abroad. The use of forced child labor occurs in agriculture, mining, and market vending in rural areas, often with the complicity of family members. Traffickers lure voluntary migrants, especially women and girls from rural areas, from neighboring countries to cities in Mozambique or South Africa with promises of employment or education, and then exploit those victims in domestic servitude and sex trafficking. Mozambican girls are exploited in bars, roadside clubs, overnight stopping points, and restaurants along the southern transport corridor that links Maputo with Eswatini and South Africa. Child sex trafficking is of growing concern in the cities of Maputo, Beira, Chimoio, Tete, and Nacala, which have highly mobile populations and large numbers of truck drivers. As workers and economic migrants seek employment in the growing extractive industries in Tete and Cabo Delgado, their arrival could increase the demand for sexual services, potentially including child sex trafficking. Mozambican men and boys are subjected to forced labor on South African farms and mines where they often labor for months without pay under coercive conditions before being turned over to police for deportation as illegal migrants. Mozambican boys migrate to Eswatini to wash cars, herd livestock, and sell goods; some subsequently become victims of forced labor. Mozambican adults and girls are subjected to forced labor and sex trafficking in Angola, Italy, and Portugal. Persons with albinism, including children, are increasingly vulnerable to trafficking for the purpose of organ removal. Informal networks typically comprise Mozambican or South African traffickers. South Asian smugglers who move undocumented South Asian migrants throughout Africa also reportedly transport trafficking victims through Mozambique. Previous reports alleged traffickers bribe officials to move victims within the country and across national borders to South Africa and Eswatini.

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