



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
14 November 2005

Original: English

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**Committee on the Elimination of  
Discrimination against Women**

**Consideration of reports submitted by States parties  
under article 18 of the Convention on the Elimination  
of All Forms of Discrimination against Women**

**Combined initial and second periodic reports of States parties**

**Mozambique\***

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\* The present report is being issued without formal editing.

**Mozambique National Report on the Convention on the Elimination of All Forms of  
Discrimination against Women**

**List of Abbreviations**

ADEMO- Association of Disabled People of Mozambique  
ADEMIMO-Association of the Deficient Military of Mozambique  
AMODEFA- Mozambican Association For Defense of Family  
C.C- Civil Code  
CRM- Constitution of the Republic of Mozambique  
CEA- Center of African Studies  
DEMEG- Department of Women and Gender- CEA  
DPCCN- Department of Prevention and Combat of Natural Calamities  
STD- Sexual Transmitted disease  
EP Primary school of First Degree  
EP2- Primary Secondary Degree As School  
ESG- General Secondary School  
FNUAP- United Nation Fund for Population  
ICS- Institute of Social Communication  
IDH- Index of Human Development  
IDS- Demographic Inquiry and Health  
IEC- Information, Education and Communication  
INAS- National Institute of Social Share  
INE- National Institute of Statistics  
MINED- Ministry of Education  
MMCAS- Ministry of the Woman and Coordination of Social Share  
MPF- Ministry of the Plan and Finances  
OIT- International Organization of Work  
NGO- Organization the Not Governmental  
GDP Gross domestic product  
PRE- Program For Rehabilitation of Economy  
PSLM- Project Legal Situation of Woman  
SADC- Community of Development of the Austral Africa  
AIDS- Acquired de Immune deficiency Syndrome  
TGF- Rates Global of Fertility  
UEM- University Eduardo Mondlane

## INTRODUCTION

Mozambique has a long historical tradition of emancipation of women that dates back to the period of armed struggle for independence. But this in itself has contributed little for the emancipation of women. However, laws exist, which protect women in the family and society, and gives her the conditions necessary for access and control of the land, and easy access to credit. There are also instruments in place that stimulate greater access girls to education, and opportunities to achieve management positions on equal footings as their male counterparts.

The equality of rights between women and men is imperative as well as the real and effective participation of both in the economic and social life of the country. Presently, there is a growing concern by the Mozambican for elimination of gender inequality and this is translated into the search, and elaboration of, policies and programs in the economic and social processes, in the context of gender equality.

The Convention for Elimination of All Forms of Discrimination Against Women (CEDAW) results of an international effort for promotion and defense of the rights of women and, in particular, the creation of legal and institutional frameworks to eliminate the discrimination of the woman in all countries members of the United Nations. The Convention was adopted for the United Nations General Assembly held in 1993.

Mozambique adhered and ratified the CEDAW through a Resolution emanated from the country's Parliament (Parliament). In this way, the CEDAW became an integral part of the legislation of Mozambique and, as a result, its compliance is a must.

This document covers the implementation phase of the CEDAW in Mozambique. It contains three major parts: The first two parts outline the general situation of the country in its more varied aspects.

Part one talk about the geographic and population situation, of the country, within the actual political, social and economic context.

Part two makes a brief presentation of the country's legal situation and shows how Mozambique's Constitution protects and promotes the equality of rights between men and women.

Finally, the third part approaches the Convention proper. Here, the report mentions—article-by-article--the progress and setbacks encountered in the process of implementing CEDAW in Mozambique. There is fourteen articles in which, point by point, Government's contribution and that of the Civil Society are outlined, both in terms of creation of a legal framework and on the need to create specific policies that promote, advance and defend the status and rights of women. By looking at the document, one can notice the many challenges that lay ahead on matters dealing with matters that range from change of cultural attitudes concerning the position of women in society, to the institutional changes, translated into laws favorable to women in varied fields. Equally important is the conquest of a better position for women in all aspects of life the country over, and in the decision-making process.

In methodological terms the report is a product of multi-sector contributions, meaning that the information compiled come from different Ministries and from research of independent consultants as well as of specialized institutions. For this, the report sins for amalgamating different actors including the government, thus diluting the final responsibility of the latter in relation to its role as supreme institution of the State in the protection, defense and promotion of the Statute of the Mozambican Women.

Another aspect has to do with the soundness of data used, as it is relatively old. However, we have tried to update most of the information contained in it. Still, one notices that most of the references mentioned date back to 1994-1995 and some of these have experienced significant changes. Such is the case of the Land Law and that of Nationality that was objects of intense discussion and, thereafter, was approved by Parliament.

However, the report is an interesting document and very important in that it is inclusive and, on matters relating to women, it is one of few, if not the only one, that brings to light the status and situation of women in several aspects. It is an instrument that will not only allow to improve the knowledge on the situation of women, but will stir up to the Government and the larger society to rethink and to strengthen partnerships in order to find reasonable solutions in the economic, social, cultural, and political fronts for women who constitute more than half of the Mozambican society.

## **1.0 – MOZAMBIQUE**

### **1.1- GEOGRAPHICAL, POLITICAL, SOCIAL, ECONOMIC AND CULTURAL SITUATION**

#### **1.1.1- Geographical and Cultural Situation**

Mozambique is situated in the eastern coast of Africa, possess a territorial extension of 802 000 Km<sup>2</sup> and a population of about 17 million inhabitants (INE: 1997). It is a State with several “nations”, which results from the country’s historic background and early contacts with the external world. The majority of its population is of Bantu origin. The specific characteristics, traditions and customs vary from one region to another. Portuguese is the official language but spoken only by 40% of the population. The local languages are subdivided into three major regions, namely Southern Mozambique, Central Mozambique and Northern Mozambique.

In Southern Mozambique, the dominating ethnic groups are the Rongas, Changanas, Chopes and Bitongas in the provinces of Maputo, Gaza and Inhambane, respectively. In the Central area, one finds the Ndaus, Senas, Shonas, Chuabos and Lomués; these are in the provinces of Sofala, Manica and Tete and Zambézia. In Northern Mozambique, there are Macuas, Nyanjas. Macondes and Kimwanes, in the provinces of Nampula, Niassa and Cabo Delgado.

The more widely spoken languages are Emakhwa with 26.3%, followed by Xichangana spoken by 11.4%, and Elómwe 7.9%. Of these, 50% of men and 30% of women speak Portuguese. Only 6,5% have Portuguese as their mother tongue. In religious terms, catholic is the predominant one with 23.8 % of followers. The Moslem with 17.8% represent the second practiced religion more predominating

in the region North of the country. The third professed religion more is the Zion with 17.5%. The ones that do not have religion represent 23,1% of the population.

### **1.1.2- Political and Socioeconomic Situation**

Mozambique is an established unitary State founded in JUNE 25, 1975, when the country conquered its independence from the yoke of Portuguese colonialism. The political regimen is presidential. Between 1975 and 1990, under directorate of the FRELIMO party that freed the country, a single-party system inspired in Marxist-Leninist ideology dominated the country's political scene. After the adoption of the New Constitution in 1990, a multi-party system was introduced, with general elections based on universal suffrage for both the Parliament as for the Presidency of the Republic. In 1992, FRELIMO and RENAMO signed a General Peace Agreement (AGP) thus bringing to an end the civil war that ravaged the country for more than 16 years. The AGP opened way for the realization of the first presidential and parliamentary general elections in 1994, and later in 1999. Both were won by FRELIMO. In the parliamentary elections of 1994, the FRELIMO party got 129 seats, RENAMO 112 and the Democratic Union 9 seats. In 1999, the FRELIMO party got a majority of 133 seats and RENAMO-UE (a coalition between RENAMO and a number of other opposition parties) got 117 seats. The Parliament is unicameral and has a total of 250 seats. About 29.6% of the members of the House of Parliamentarians are women. The Parliament meets twice a year and each session has the duration of 45 days. The Parliament evaluates the Government program and its performance, approves the master budget of the State, ratifies international treaties, approves laws, and other norms that regulate the functioning of the institutions of the State.

The governmental structure is made up of one Prime minister, 21 ministers, which in their majority, with the exception of the Ministry of External Affairs due to the nature of its work, are extend to all provinces of the country through provincial.

At the beginning of the 1990's, Mozambique had a Gross Domestic Product (GDP) per capita estimated at between USD 86.9 and USD 102, for 1990 and 1992, respectively. The country's Human Development Index (IDH) was estimated at 0,281 for 1994, placing the country in the 166th position of a list of 175 countries; or either, it enters the ten poor countries of in the world. However, the country witnessed a significant increase of the IDH in 1999, which oscillated between 0.336 for 1998 and 0.344 for 1999, having thereafter decreased in 2000 due to the devastating effects of the floods that affected the Southern region of Mozambique. Concerning human poverty, Mozambique appears between the countries where this exceeds 50% of the total population.

Other indicators testify the dimension of the economic, social and political crisis that has affected Mozambique in last two decades. For example, the annual growth rate of the GDP per capita in the period of 1965-80 was of 6%, but in that of 1980-93 it went down to 1,5%. Considering that the average annual rate of population growth in the period of 1960-1994 was 2.4%, these figures testify a significant decline in the standards of living of the Mozambican population in the last three decades.

However, between 1996 and 1998 Mozambique's GDP experienced a significant growth, reaching a real annual average of 11%<sup>1</sup>. In turn, the annual tax of accumulated inflation decreased from 56,9% in 1994 to 16,3% in 1996 and, in 1997 it went down to 5.8%.

Approximately 45% of the GDP is generated in the commercial activity, transportation, financial institutions, public administration and other services. Agriculture, however, although continuing to occupy more than 70% of the labor force in the country, contributes currently with little more than 31% for the GDP.

Regarding the social dimension, it must be noted that despite high indexes of economic growth, the majority of the population lives in conditions of extreme poverty. In the context of the SADC, Mozambique is the country with the lowest Human Development Index, with 0,344 in 1999, followed by Angola, Malawi, Tanzania, Zambia and the Congo. In the SADC, eight countries are in the average category of IDH (0,500-0,799) with Mauritius and Seychelles having 0,764 and 0,755 respectively (the UNDP, 1999:15). These indexes are a result of the low levels of life expectancy, low access to health care services and education.

As for the life expectancy index at birth, between 1994-99 the country witnessed an increase from 41,7 to 43,5 years, or an annual average of less than 1%. The average life expectancy index for Sub-Saharan is of 48,9 years. Due to the effects of AIDS, the index of life expectancy has been on the decrease in the last few years. Other factors that have contributed to worsening of Human Development index include natural disasters, war and the economic crises that have devastated the country.

Concerning education, about 48% of the female population and 27% of the male one do not have any level of education. Late entry into the educational system by the underprivileged children aged 10 years remains to be a problem in Mozambique. About 52% of female population and 43% of the male population complete ten years without any schooling. But thanks to the effort developed by the government, at the primary education level, the ratio of girls who attend this system has come to increase year after year. For example, it went up from 41,7% in 1997 to 46,4% in 2000.

There are differences between agricultural and urban zones in respect to the degree of educational achievement; the ratio of the population without any level of education is lesser in the urban areas than in the agricultural ones. This difference is about 10% and 32% in females and 22% and 55% in the male population. Despite the progress registered in spreading the opportunities of access to education, there still remain to be some relative problems regarding the availability of vacancies, or more concretely, the availability of schools in areas close to the homes of potential students, due to the fact that where they exist, schools can only be found too far from the students' neighborhoods.

About 48% of women and 64% of men have some sort of primary education; only 2% of women and 5% of men have secondary education. These low educational levels are found the country over, with

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<sup>1</sup> Source: National report of Human, Summary Development. THE PNUD, UEM, SARDC, 1999

exception of the City of Maputo that presents levels of 18 per cent and 10 and percent of secondary school education, for males and females, respectively. On the other hand, the Province of Maputo also distinguishes itself from the rest of the country--about 8% of women and 12% of men have secondary education.

Another aspect on the conditions of life of the population has to do with the conditions of the habitation. The 1997 Demographic and Health Survey (IDS) found out that the average number of members of a family unit or household is of 4.6, varying between 4.4 in the urban areas and 5,6 in the agricultural or rural areas. This same survey also discloses the fact that the majority of family units do not have essential services, such as essential electricity, sanitary services and essential goods necessary for human development.

In 1997, only 6,5% of the country's population had access to electricity, with the particularity that these services represent a 21% increase in relation to 1980.

The sanitary conditions are very precarious: 49% of aggregates are supplied with water from the public wells, 30% from the surface water, 20% from the canalized water system, and less than 1% from rain water. But 20% of aggregates have access the drinking waters, of which 8% meet in agricultural zones and 70% in the urban zones; only 3% of households have access the adjusted sanitary sewers.

## **1.2-Population**

### **1.2.1-Size, Growth Rate and Composition**

Mozambique, with about 17 million inhabitants occupies the fourth place among the most populated SADC countries after Congo with about 50 million inhabitants, South Africa with 40 million and Tanzania with 33 million people (UNDP 1999:15). In 1950, the Mozambican population was of about 6.5 million inhabitants, having increased rapidly. In 1980 i.e., before the end of the decade of 80's, Mozambique had already 12,1 million inhabitants—the Mozambican population had duplicated in relation the 1950.

The rapid population growth in these periods was due to high birth rates at a time when mortality started to diminish. During the 60's and 50's, the birth rates remained relatively stable and at high levels, about 49 births per thousand in 1990. In the same period, the mortality rate observed a significant decline. The biggest decline of mortality, particularly child mortality, was registered in the first 5 years following National Independence (1975-1980) as result of improvements in health, education and habitation conditions.

Regarding the future, the population trends will depend on two major factors: on one hand, the impact that the young population strata will continue to have in the next decades; about 47 percent of the Mozambican population has less than 15 years. This sufficiently young strata will remain for longer time and, as a result, will exert a predicable impact in the future growth and size of the population.

On the other hand, there is a reproductive behavior that could be influenced by socio-economic and demographic policies. The growth of the Mozambican population will depend on the rhythm of natural growth of the population. For example, if the average annual rate of natural growth becomes 1,5%, the current Mozambican population estimated at 16.5 million inhabitants in 1997, will reach about 25 million at the turn of year 2020. However, if the average annual rate becomes 2.7%, the population will duplicate at the turn of year 2020.

However, recent studies admit that the natural rate of demographic growth, in the order of 2.7% to the year, will not be registered due to the probable increase of mortality caused by AIDS.

The evolution of the population structure can be summarized in three great groups of ages: the group of the young (0-14 years), the group of the potentially active or adult ones (15-59), and the group of the aged ones (60 and more years).

The historical evolution of the birth rate shaped a population structure that is sufficiently young, characterized by a very wide base and narrow at the top. Between 1980 and 1997, the average age of the population registered a reduction, moving successively from 18 years in 1980 to 17 in 1991, and 16 years in 1997.

In 1990 the population less than 15 years represented 45,6%, adults (15-64 years) 51,9% and aged (above 64 years) 2.5%. This evolution shows a tendency toward the rejuvenation of the Mozambican population, which will have a great impact in offers of labor, because the group considered an active labor force (15 to 64 years) will have registered a significant reduction.

### **1.2.2-Fertility, Reproduction and Mortality**

According to data from the 1997 Demographic and Health Survey (IDS), the gross birth rate is estimated to be 45.2 for 1000 inhabitants. The **global rate of fertility** (TGF) for the period of 1992 to 1997 is estimated by the same source to be 5.6 children for women, being 5,8 in agricultural areas and 5,1 in the urban areas.

At least at the first sight, these data suggest a reduction of fertility in relation to past decades: from 7 children per woman, in the 50's and 60's, the TGF was estimated to be 6.4 in 1980 and 6.2 in 1991. However, other data from the IDS97 suggest that the rate of current fertility has practically remained unchanged or it has seen a rapid reduction in relation to 1980.

The IDS97 provides strong evidences on the existence of real changes in the reproductive behavior of Mozambican women; the rural women currently have 0,7 children more than the urban women; in 1980, this differential was of 1.2 children between the urban areas and the rural ones. A smaller number of children are observed, to the measure that women increase their educational levels. The biggest difference is placed more in the passing from the primary level of education (5,7 children) to the secondary one and above (3,6 children).



The IDS97 also provides rich information on the reproductive and sexual behavior of the population. The average age at the time of first union is 17 years, for women, and 22 years for men. However, the average age in the first sexual relation is of 15.9 years for women and 18,3 years for men. Or either, women have their first sexual experience approximately one year before joining or marrying, and two years earlier than men.

The median age to begin procreation is 19 years, and this is identical in urban areas (18,9 years) and in the rural ones (19,1 years). About 29% of young adolescents (15 to 19 years) have at least one son, and 24% have already two children. The adolescents contribute approximately with 13,4% of total births occur in the country annually. This contribution is slightly higher in the urban areas (14,6%) than in the agricultural areas (12,9%) (INE, 1999:9-11). One believes that these high birth rates among adolescents result from unwanted pregnancies, not from planned ones.

Married women and those who have joined in common marriage, who represent 74% of all women in reproductive age, on average have 4 children of which 3 are currently alive. The knowledge of Mozambicans concerning modern and traditional contraceptive methods is very low, both in women and men. Approximately, 40% of women and 33% of men do not know any modern contraceptive method. And, in fact, among people who know some contraceptive methods better, do also know some traditional ones.

About 13% of women and 20% of men have some time used some sort of modern contraceptive in their life. Current use of modern methods is placed at 5% for the women in union, being the injections and the pill the methods that present greater prevalence of use (2.3% and 1.5%, respectively). The pattern of prevalence by age shows an increase of use with age, being less than 1% among women aged 15 to 19 years to 9% in the ones aged 35-39 years.

In women aged 40 years and older, the prevalence of use lowers to 7%. Concerning the use of each specific method per age group, women in union aged less than 40 years mainly use the pill and injections. Already, women aged 45-49 mostly uses female sterilization, a clear indication that women of this age prefer to stop rather than space their fertility.

The total demand for Family Planning Services (PF) in the urban areas is three times greater (24%) than in rural areas (8%). Similarly, current use of contraceptives in urban areas is about five times higher than in the rural ones (15% against 3%). In turn, the unsatisfied need is greater in rural areas (70%) than that in the urban areas (34%).

Finally, the total demand for PF is significantly associated to the educational level of the women in union: from 8% in women without schooling up to 33% in the ones with secondary or higher education.

The degree of knowledge of the existence of the AIDS is quite high: 82% of women and 94% of men know or already they had heard about AIDS. The largest percentage of people who already have heard of AIDS is from the provinces that currently possess the highest prevalence of HIV/AIDS in the country: Tete (women and men 97%); Manica (women 94% and men 96%); and

the capital of the country City of Maputo (women 95%, men 97%). Radio, television and daily newspapers and periodicals are the most common sources of information in the urban areas.

However, these high levels of knowledge of the existence of AIDS do not correspond to a knowledge adjusted to the knowledge of the means of transmission and prevention of this illness. About 34% of women and 54% of men only know at least one means of preventing the AIDS infection.

Data from the National Statistics Institute (INE) indicate that the rate of child mortality for both sexes is about 145.7 per 1000 births. The combination of this rate with the mortality rate after childhood reaches 246 deaths per 1000 living children. Both in the case of the rate of child mortality and in that of combined births, boys present the highest levels of mortality in relation to girls (UNDP, 1999:26). The high rates of mortality are found in the agricultural areas.

### **1.2.3-Spatial Distribution: Migrations and Urbanization**

The country's population is predominantly agricultural or rural. In 1980, 73% of the total population lived in the agricultural areas while the remainder lived in the 12 cities considered urban areas. Only the country's capital, Maputo, received 48% of total urban population, and this shows a very heterogeneous pattern of distribution.

In accordance with the results of 1997 Census, the Northern region presents the lowest demographic density of all regions (17,4 inhabitants/km<sup>2</sup>). The Central Region is the most extensive of the country, and presents an intermediate demographic density (20,0 inhab./km<sup>2</sup>). Finally, the Southern region, with the lesser territorial extension, presents the highest demographic density of all the regions (23,0 inhab. /km<sup>2</sup>).

The territorial distribution of the population in Mozambique has known deep alterations in the last few years, mostly due to the diverse conjectural factors of social, economic, political and productive dynamics environment nature. In general, this distribution has characteristics of dispersion in the agricultural or rural areas and is concentrated in the urban zones.

In 1980, the population considered urban, that is, living in the cities, was estimated at of 1.5 million inhabitants; in other words, it was 13.2%, against 86.8% of the population living in agricultural areas. In 1991, the 12 classified centers as cities had started to have a population of 2.5 million inhabitants. Comparing this value with about 1.5 million 1980, an average tax of annual growth in the order of 4.5% in a period of 11 years is observed.

However, in the decade of 90's the space distribution was influenced by a number of conjunctures that modified the normal development of the geographic distribution of population. Among these conjunctures or factors war was one of the most important ones, associated to lack of a strong network of social and economic infrastructures, particularly in the rural areas. This situation became extremely repulsive, while the urban space was becoming transformed into more secure and attractive centers.

The urban population in Mozambique has experienced a considerable growth, even though such growth has been relatively slow compared to growth in other African countries. In 1950, the urban population of Mozambique was 6 times less than the African average by 14.5%; but in 1980 it reached 13% against 27%, which is equivalent only to half of the African Continent.

An important aspect related to the spatial distribution of population is the pressure that large population concentrations exercise on natural resources. As a consequence of this phenomenon, there has been an acceleration of land erosion and loss of fertility, which can affect the degrees of food security. On the other hand, little land is available for housing and agriculture, which makes people use unproductive and or inappropriate hillsides for agricultural production and housing damaging the environment even further.

It is known that about 59% of population lives in the coastal zones. In the provinces of Gaza for example, the coastal districts accommodate three times the population of the districts of the hinterland.

The urbanization process has significant implications in demographic characteristics of population and family units. Thus, there is a need to take into consideration the rapid growth of the urban population in terms of national economy and social policies and, in particular, to prevent that it causes serious social and political problems in the urban zones.

Similarly, should measures aimed at replacing and broadening the network of social services (and in particular the creation of small and medium enterprises along with that of employment in urban areas) the migratory trend will continue to affect the country's economy.

## **2. LEGAL FRAMEWORK AND THE PROTECTION OF HUMAN RIGHTS**

### **2.1. LEGAL FRAMEWORK**

Concerning the consecration of Human Rights with a particular emphasis on the rules that aim at reducing any form of discrimination, Mozambique has a far-reaching Constitution. In its heading II under the basic epigraph Rights, Obligations and Fundamental Freedoms, Chapter I on the General Principles consecrates, and we cite:

#### **Article 6**

All citizens are equal before the law, enjoy of the same rights and are subject to same obligations, regardless of color, race, gender, ethnic origin, place of birth, religion, level of education, social and civil status of parents or profession.

#### **Article 67**

Women and men equal before the law in all domains of economic, social, political and cultural life.

### **Article 68**

Citizens with disability fully enjoy the rights consigned in the Constitution and are subject to same obligations, with exception of the exercise or fulfillment of those for which they find themselves disabled to pursue.

### **Article 69**

All acts aimed at attempting against national unity, to jeopardize social harmony, to create divisions, situations of privilege or discrimination on the basis of color, race, gender, ethnic origin, place of birth, religion, level of education, social status, physical or mental condition, civil status of the country or profession, are punished in the terms of law.

### **Article 70**

All citizens have right to life. They have right to physical integrity and cannot be subject to tortures or cruel or inhuman treatments.

There is no death penalty in the Republic of Mozambique.

### **Article 71**

All citizens have right to honor, good name, reputation, defense of their public image and to reserve of their private lives.

### **Article 72**

All citizens have right to live in a balanced environment and the duty of defending it.

### **Article 73**

All citizens have the right and the duty to participate in the process of broadening and consolidating democracy, at all levels of society and the State.

With exception of the legally prohibited to do so, all citizens aged 18 and over have the right to vote and to be elected.

The right to suffrage is personal and constitutes a civic duty.

### **Article 74**

All citizens have the right to freedom of speech and freedom of the press, as well as the right to information.

The exercise of freedom of speech, which includes the ability to divulge one's own ideas using all legal means, and the right to information, will not be limited by censorship.

The freedom of the press includes, namely, the freedom of expression and creation by Journalists, access to sources of information, protection of independence and the professional secrecy, and the right to create periodicals and other publications.

Exercise of freedoms and law shall regulate liberties referred to in this article with basis on the imperative for respect for the Constitution, a person's human dignity, for the imperatives of external policies and national defense.

#### **Article 75**

Citizens enjoy freedom of association.

Social organizations and associations have the right to pursue their goals, to build institutions aimed at facilitating the achievement of intended objectives, and to possess patrimony for the accomplishment of its activities, in terms of law.

#### **Article 77**

All citizens enjoy the freedom to constitute, or participate in, political parties.

The adhesion to a political party is voluntary and emanates from the rights of citizens to associate themselves to organizations with like political objectives.

#### **Article 78**

Citizens enjoy the freedom to practice a religion.

The religious confessions enjoy of the right to continue its religious ends freely, to possess and to acquire good for the materialization of its objectives.

#### **Article 79**

All the citizens have the right the freedom of scientific creation, technique, literary and artistic.

The State protects the inherent rights of copyright, including neighborly rights, and promotes the practice and diffusion of communication and the arts.

#### **Article 80**

All citizens have the right to present petitions, complaints and claims before competent authorities to demand the restitution of their rights when these have been violated or in defense of the general interest.

Citizens have the right not to accept illegal orders or orders that offend their rights.

All citizens have right to freedom of assembly in terms of law.

**Article 81**

Citizens can impugnate the acts that violate their rights established in the Constitution and in many other laws.

**Article 82**

Citizens have the right to appeal to the courts against the acts that violate their recognized rights as observed in the Constitution and law.

**Article 83**

All citizens have the right to fix residence in any part of the domestic territory.

All citizens are free to circulate in the interior and for the exterior of the domestic territory except those legally deprived of this right.

**Article 84**

Participation in the defense of independence, sovereignty and territorial integrity is a sacred honor for all Mozambicans citizens.

The military service is completed in terms specified by law.

**Article 85**

All citizens have the duty to respect the constitutional order.

Acts contrary to the order established in the Constitution are subject to sanctions in terms of the law.

Violation of the rights shall be penalized legally, once all mechanisms foreseen in the general law, namely the Civil Code, the instauration of the corresponding indemnity and or criminal charges in accordance with the law.

After that we will have Chapter IV that deals with the Guarantees Of the Rights and Freedom. Concerning the guarantees, and as a mere example, we shall cite its clarity by mentioning the following articles:

**Article 97**

The State is responsible for the actual damages for illegal acts of its agents in the exercise of its functions, without damage of the right of return in terms of law.

**Article 98**

In the Republic of Mozambique, nobody can be imprisoned and be submitted to judgment unless it is in the terms of law.

Defendants enjoy the presumption of innocence until definitive sentence.

**Article 99**

Nobody can be condemned for an act that was not qualified as crime at the time of its occurrence.

The criminal law is applied retroactively only when this results in benefit for the defendant.

**Article 100**

The State guarantees the access of the citizens to the courts and guarantees defendants the right to counsel and the right to assistance and legal aid.

The State ensures that justice is not denied due to lack of resources.

The Constitution still consecrates the right to “Habeas Corpus” in case of illegal detention, prohibits extradition for political reasons, the expulsion from the country of national citizens; it guarantees the inviolability of domicile and correspondence.

These are the most marked legal tools of the Fundamental law regarding human rights. It also matters to mention that to adequate the ordinary laws to the Constitution of the Republic (C.R.) and to some instruments of international law that Mozambique has subscribed to, a process of legal reform is in course namely in the scope of Family law where questions such as the Administration of family assets, the recognition of the traditional marriage, the marital power are under survey in confrontation with the Constitution of the Republic, and with the CEDAW.

As for the inheritance law, all rules shall be revised and confronted with the Constitution of the Republic, CEDAW, the African Letter of Rights, Freedoms and Liberties and the Convention on the Rights of the Child. A Draft Law on Family already exists and has been widely discussed. From the perspective of the rights of the women, the proposals presented in this Project are a direct response to CEDAW and the same were immediately accepted by women’s organizations.

The tools of international law such as treaties and conventions have become laws in Mozambique, after the ratification by the Parliament and thereafter, the government is to deposit the ratification instruments and to assume internationally the responsibility for its compliance.

Mozambique has a judiciary organization that covers the entire country, and a specially trained police force that investigates common crimes all and a policy especially prepared to investigate common criminal offenses. The courts function with some problems—lack of trained cadres, poor working conditions and excessive bureaucracy and formalities.

The country also counts on two organizations of human rights: the Mozambique Human Rights League (LDH) and the Association for Human Rights and Development (DHD) as well as multiple NGOs that work in favor of women, namely MULEIDE-Mulher Lei e Desenvolvimento, the WILDAF/Mozambique, AMMCJ-Mozambican Association of Woman of Legal Career, the KULAYA Project, the WILSA-Project on the legal situation of women in Southern Africa, the Fórum Mulher, AMME-Associação Moçambicana de Women na Redacção, AMRU- Associação da Mulher Rural, ACTIVA-Association of Women Entrepreneurs and Executives, the OMM-Organization of Mozambican Woman and many other associations that safeguard the rights of the women and raise their social status.

The Civil and Criminal Codes provide the necessary covering to sue the State in case of violation of its duties as a guarantor of the Constitution of the Republic; but illiteracy, ignorance of law, and lack of qualified cadres makes it difficult to work properly in this respect.

It matters to mention that the process of reform of the Criminal Code is underway. To date, the existing Criminal Code in Mozambique dates back to 1929, and has suffered only two reforms: one in 1945 and another in 1972. After independence, some decrees had introduced alterations, but none of them in the direction to respect the principle of non-discrimination between men and women, as it came consecrated already in the Constitution of 1975.

However, a Draft Law Against All the Acts of Domestic Violence is currently being drafted. The objective here is to consider domestic violence against women as a criminal offense. In this way, the agents of the law and order would be forced by law to give due course to all complaints presented or to be presented, preventing thus that domestic violence is considered as a private case.

## **2.2- Spreading the Information**

Concerning information and advertising, the Ministry of Justice has a Directorate called DIL or Legal Research Directorate, that among other things has the objective to promote, educate and divulge laws and programs with a legal character to all citizens.

The dissemination of the information on human rights is made through radio programs in national languages, and comic strips and newspapers.



DIL produced radio programs in Portuguese and Shanganana on the Universal Declaration of Human Rights and produced brochures in form of comic strips in Portuguese, Sena, Macua and Shanganana. This collection with five numbers contemplates 30 articles of this declaration. After the edition of these brochures with comic strips, the material was sent to several national Non-Governmental Organizations so that it could be channeled to their delegations all-over the country.

This way, several educational tools or aids were produced with the chief aim of making them reach all parts of the country. There is another project which chief aim is to promote, educate and divulge existing legislation through national and regional seminaries and lectures, and using some newspapers and periodicals and community radios. These radios cover remote communities using local languages. Financial problems dictate, however, the success or failure in the implementation of some of these activities.

NGOs such as LDH and DHD have worked in this area making awareness campaigns on human rights issues through courses, lectures and seminaries. With the exception of the Operative Group for the Advancement of Woman (G.O.), there is no agency responsible neither for the elaboration of reports nor for the supervision of the activities carried out on behalf of the rights of women in government institutions.

This group was created in 1996 only and exclusively to implement the Government Action Plan After-Beijing. The Plan was produced on the basis of the government program and the declaration of IV Beijing Conference of 1995 and has as its main objective to contribute for the materialization of government policies concerning equal access, equality and chances for women. But the G.O. has had little access to funds necessary to support its activities.

### **3- THE CONVENTION**

Mozambique is a democratic State that supports efforts and initiatives aimed at promoting the rights of women. That's why Mozambique has ratified the United Nations Convention on the Elimination of all Forms of Discrimination against women in 1993, through resolution n° 41/93 of the Mozambique's Parliament, dated June 2, 1993, which entered in force on May 16, 1997.

#### ***Artigo.1- Definition of discrimination against the women***

Although there have been some advances in legislation, there persist some gaps. The Constitution forbids discrimination against women, but it does not establish a legal definition of discrimination. On the other hand, a paradoxical situation is that Constitution prohibits the discrimination against the women on the basis of gender, but does not hinder the discrimination on the basis of marital status. An example of this is some sort of ordinary legislation that is still in force that openly discriminates women, thus conflicting with the constitutional principle.

Theoretically, the Constitution confirms the primacy of constitutional laws over all other laws, but in practice this does not always happen because there still exist old laws that predate the Constitution of 1990, based in the inherited Portuguese system of colonial rule. The discrimination against women is

a fact that is reflected in various forms in the social, cultural, political, and economic life of women, as follows:

- **In the family**, women are more discriminated by direct relatives who do not give them the same treatment afforded to men. Quite frequently, women's formal education is neglected in favor of that of their male counterparts.

Customary mores are several times used and the most recent legislation is interpreted, on occasions, on the basis of traditional mores that give priority to the paternal power. The raised level of illiteracy in among women and the little knowledge of their rights make it possible that cases of blatant discrimination against women are never brought before a court of law.

- **In the labor sector** the discrimination of women reveals itself in several ways. There is low labor market for women in the formal sector, but women's share in management positions is worse. There companies that do not have a single woman in the labor force, and the usual argument is that when pregnant, women often do enjoy a 60-day maternity leave and other absences during prenatal care and breast-feeding. Due to their multi-faceted role as mothers, wives and workers, quite often women make more efforts to maintain a job than their male counterparts.
- **In access to basic education, women have a subservient role** thus being barred from the possibility of being independent and self-sufficient. Women are relegated to work in domestic jobs, and to play the role of a mother and spouse. Even though this situation is frequently found in the urban and surrounding areas, it is however particularly felt in the rural areas.

Another factor leading to discrimination is related to the marital status. Unmarried women are often fall victims of discrimination—they are subjected to discrimination. This discrimination comes from their relatives, particularly from other women (who consider them as a threat) and is spread out to the larger society. Presently, the country's Constitution, the Criminal Code and the Civil and Commercial Codes are under review. There is a plan that this review will be made with gender-related issues in mind.

### *Article 2- Obligation to Eliminate Discrimination*

At the time of ratifying the Convention, the Constitution had a guarantee not to discriminate against women (see article 1). Based in the primacy of the Constitutional rules, all other norms should be non-discriminatory. In practice, however, there are discriminatory policies—both government's and public organizations and the private sector's that discriminate against women. But as we can notice from the various existing programs and policies from various ministries which both short term and long term objectives are targeted to women, the discriminatory policies tend to change.

**In its Policies for the Health Sector**, the Ministry of Health has a Program of Early Childhood Health services that include a Family Planning Program, and a program on the nutrition of pregnant women and other activities aimed at women in a gesture of positive discrimination. The involvement

of men in family planning has been an encouraging gesture with a view to improving their attitudes on reproductive health matters.

Attention is given to staff training at various levels, and construction of new sanitary units in order to, among other things, increase the number of pre-natal consultations, the number of institutional births and post-natal consultations. Government has increased its budgetary contribution to the health sector—from 26.5% in 1994 to 38.7% in 1999.

The Ministry of Industry and Commerce, in its master Proposal of the Sector Plan, has the persuasion of women to raise their literary knowledge and to participate in training courses as one of its master objectives. For prosecution of these objectives the Ministry has decided to promote training courses leading to professional qualification for women; opening of day-care centers, works of inquiry on technologies appropriate to diminish the overload of the work of woman (improved stoves, water sources and energy next to the residence) are some such areas of training. It is also hoped that some lobbying could influence the legislation in defense of woman "entrepreneur" in the informal sector.

In its Sector Plan, the Ministry of the Environment, privileges the involvement of rural communities, particularly women, in the management of the environment and natural resources.

The behavior of both public institutions and official authorities in relation to women is regulated by these policies. However, such policies are not extensive to private sector organizations and businesses. Unfortunately, there are no sanctions or penalties such as, for example, the loss of contracts with the government where cases of discrimination against women are detected.

Mozambique has been reviewing and amending some laws, in order to avoid systematic discrimination against women in certain specific areas described by the Convention. As we have stated elsewhere above, in relation to questions related to prostitution, pornography and violence, the Criminal Code is under review. In this respect, the law that regulates Association and Access to Credit has already been reviewed. There is Land Law (1997), which consecrates equal right to land for both men and women. Both national and international NGO's have been working hard to divulge the rights of peasants as outlined in Law, through elaboration of brochures and through meetings the country over. Incentive has often been given to creation of associations and to support to farmers and associations in case of land disputes, and in the acquisition of land and property ownership titles on plots already acquired.

The Labor Law (1998) protects the workingwomen on issues regarding pregnancy and maternity leave. But due to lack of appropriate mechanisms prohibiting discrimination against women in these situations, no mechanisms exist that are capable of allowing legal action in cases of proven discrimination. There are neither effective institutions nor instruments to protect and/or defend the rights of women and to effectively implement CEDAW's recommendations.

However, the creation of the MMCAS of Gender Units Operating Groups in various Ministries, as well as the intense activities of several NGO's and other organizations that work on issues of women's rights, which have mostly relied on the mass media to divulge their activities, should be strongly commended.

### *Article 3 – Development and Advancement of Women*

There are principles and political will materialized in law in constitutional terms, as we could see in the previous chapters. This are translated into the prohibition of discrimination based on gender. Also, the Constitution obliges the government to promote and support the emancipation of women thus allowing them to fully participate in the social, economic and political process as a whole.

Although in its five-year plan government has stressed the need to give both political and economic opportunities to women, in the absence of other laws that may formally force to State to put such a commitment into practice, and in the absence of a National Gender Policy, certain institutions, directorates or department without gender policies in their respective sectors, do not assume the compromise nor do they comply.

In order to best implement and control government programs, the Operative Group for Advancement of Women (G.O.) was created, with the objective to give an impulse to, supervise, and monitor, the implementation of programs and policies approved by Government in the area of women and gender. Equally Gender Unities were created in certain ministries and provincial directorates, and their function is to liaise with national directorates and departments on several activities that advance gender issues.

If it is true that in certain sectors members of G.O. have presented some degree of dynamism and initiative influencing changes in attitudes and perceptions concerning women, in other parts these units do not perform effectively.

The government's institutional framework to implement the gender component has seen many changes in 2000. The Ministry of Women and Coordination of Social Action (MMCAS) submitted the then Ministry for Coordination of Social Action (MICAS). This change aims at giving greater visibility to questions of gender, considering women in their social relationship as determined by society at large.

At the MMCAS level, there is a project for capacity building, known as the Gender Institutional Capacity Building Project, financed by some donors. This aims at, among other activities, reinforcing the institutional technical capacity of the ministry for implementation and coordination of programs that promote equality and equity in gender, and improvement of gender integration in all aspects of social and economic plans.

There are, however, some problems/constraints that compromise the advancement of women, such as:

- ❑ Cultural barriers related to the roles defined traditionally for women and men.
- ❑ Insufficient awareness about laws and rights that defend women.
- ❑ Unequal access to education, as a result of these constraints.

- ❑ The political and administrative structures are fragile and predominantly male-oriented.
- ❑ The struggle of certain women for their rights is only limited to discourse and it vacillates before facts (it exists only theoretically).
- ❑ Given that the Mozambican society is currently changing, there are new challenges for which both men and women are not prepared yet.

#### ***Article 4 – Acceleration of Equality Between Men and Women***

The 1999 Constitution states that “The State shall promote and support the emancipation of women, and shall act to improve the role of women in society” (Article 57). The compromise to speed up equality between men and women can be realized through affirmative action, positive discrimination, namely temporary measure that favor women in areas where they have been traditionally in disadvantage in order to balance the existing disequilibria between men and women.

There are some aspects of inequality of rights between men and women that need to be repaired urgently. For example, a mother has no right to determine the number of children that she feels is adequate, nor is she allowed to travel with her children alone without the husband’s permission. However, the latter can take his children and travel without the need to ask for the consent of his wife.

Taking into consideration the Constitution of the Republic, which is the basic law of any country and thereof the reason for any other subsequent laws to be based on it (creating and ad equating their dispositions in such a way that they do not deviate much from the Constitution), the ideal situation would be that there shouldn’t be any laws in the country that treat women differently. But the reality is different.

#### ***Commercial Law***

In the context of Commercial Law, a married woman suffers from discrimination due to the fact that she can exercise commercial activity only when allowed by her husband. This legal disposition is completely outdated because the informal business is fully developed by women who do not, in most situations, need to require their husband’s permissions.

Another factor to take into consideration is that the majority of women have their households depending exclusively from the earnings obtained from this type of activities.

At this moment, the Commercial Law is undergoing some changes. Consultations aimed at introducing profound changes that can adequate the contents of this law to present-day reality in the country, are underway throughout the country.

### ***Labor Law***

The Constitution of the Republic contemplates same rights for working men and women. Taking into consideration the fact that the workingwomen are frequently faced with the situation of becoming mothers, they are given special rights during pregnancy, post-natal, and during the breastfeeding time.

Despite the fact that the law introduces some sort of positive discrimination, employers have often marginalized workingwomen, and at the time of privatization and restructuring of most enterprises, women are the first targets of retrenchment measures. This situation creates great disappointments for women and their families.

### ***Right to Property***

Taking into consideration the fact that right to property implies ownership and subsequent use of property and availability of it to its owners (Article 1305 of the Civil Code), there shouldn't be any discrimination against women. In case of single women, the widowed and divorced, the law is complied with. But when dealing with women married in communion of goods, the law defines that both themselves and their husbands need each other's signatures to do away with (sell) property. But in practice, the law more demands the authorization of male spouses, even in case of a marriage that is not with the communion of goods.

### ***Conclusion***

In accordance with the Constitutional Law, women must not suffer from a discriminatory treatment in Mozambique. However, in practice women are discriminated against in several ways. There is, therefore, a need for women to fight for their rights in such a way that sooner than later, the Parliament can approve a non-discriminatory legislation, that goes along with the text of the Constitution and the regulations of International Law adhered to in Mozambique.

Equally, the Mozambican society as a whole must fight for a change in mentality at several levels, particularly at the grassroots level, because it is here that the Customary Right of women is ignored and, as a result women are discriminated most.

### ***Article 5 – Sexual Roles and Stereotypes***

Some traditional cultural practices that prevent women from advancing in society are:

- ❑ Initiation Rites
- ❑ Dower
- ❑ Premature Marriages
- ❑ Polygamy

The delivery of domestic services is higher among girls, a factor that largely contributes to low school performance and drop out. The low level of performance most girls have at school makes it difficult for parents or relatives to invest in them. They prefer to invest in boys arguing that these shall secure the continuity of lineage, while girls (it goes) once married leave their own family lineages to adopt the patrilineal ones, for example.

There are also several stereotypes in schoolbooks and the mass media. Here, girls are presented playing with dolls, cooking, washing clothes and/or dishes, etc., while boys are portrayed playing with cars and waiting to be looked after (served).

Another finding has to do with the tasks to be carried by each one of them. The tasks carried out by women, particularly in the countryside, are essentially related to providing assistance and food production, while men are portrayed as being responsible for earning the livelihood, and bringing the back home.

Measures taken to change the pattern of women's social and cultural life include the following:

- ❑ Promotion of the participation of women in various levels of education. The contribution of education in poverty reduction has implied that more emphasis is placed in the substantial improvement of efficiency in education, especially primary education, but along with the development of alternative educational models such as adult and youth literacy campaigns.
- ❑ Prioritization in conception, implementation and development of health care programs for women and children, awarding or giving subsidies to the most needy households or families.
- ❑ Promotion of awareness or campaigns for women, talking about their rights, including the right of freedom from domestic violence, right for self-defense and a greater participation in decision-making bodies at all levels and in all domains of political life, social and economic spheres, ensuring equality of opportunity and access.

Efforts being made to eliminate stereotypes against both men and women are:

- ❑ Promotion of the rights of women
- ❑ Promotion of equality of opportunity
- ❑ Creation of conditions so that both women and men in Mozambique can participate, on equal basis, in spheres of public life
- ❑ To ensure that the perspective of gender is incorporated in all development plans and programs in Mozambique.

Concerning the law, it is important to, once again, to mention the fact that according to Family Law, man is the head of family and that woman is relegated to the role of domestic administration.

- ❑ The process of approval of a New Family Law with all the modifications that it requires and as proposed by NGO's and by other members of the Civil Society, should be sped up.
- ❑ School curricula must be changed in such a way as to introduce the principles of equality between men and women in gender relations. It must happen regarding books containing stereotyped images.
- ❑ The society must be educated, starting from the very parents, so that in the education of their children, it becomes possible to instill in them the principle of gender equality.
- ❑ Conduct awareness campaigns aimed at the youth, the magistrates, and the community in general, on subjects related to gender relations and equality.

### ***Article 6 – Exploitation of Women***

During the war, women suffered abductions, violation, floggings, profound trauma, and lived without any survival conditions both as displaced persons and as returnees to their country or areas of origin after the war. They had no minimum conditions of living and protection. In peace time situations, women still continue to be victims of frequent abuses perpetrated against them as manifested by physical aggression, sexual violation and many others.

In urban areas where violence is generalized, women are violated in terms of the treatment received from some private institutions and government ones, including in public spaces. This happens before the eyes of members of law and order and the society in general who watch indifferently.

Violence against women is a manifestation of power inequalities between men and women and differences in access to economic resources existing in the family. Social pressures aggravate the violence against women; particularly the shame to report certain malicious acts perpetrated against women. Lack of access to information, lack of protection and lack of legal aid are other factors that aggravate violence against women.

With this philosophy in mind, the Civil Society and government institutions have incorporated some special measures in their programs that aim at:

- ❑ Creating and promoting mechanisms of protection and support to victims of violence, particularly women and children.
- ❑ Development of multi-sector prevention programs, including the legal aid component, health and counseling;
- ❑ Giving incentives to the creation of affordable residential sites and temporary shelters, where victims of violence can be helped and/or supported.



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- ❑ Urgently revising the country's Criminal Code and the Civil Code with a view to reinforcing protection and physical integrity of women, and promoting her development;
  - ❑ Initiating a special review and approval of the Family Law reviewing the question of legal regimens that perpetuate the existence of a relationship based on inequality between men and women, taking into consideration the equality of management of common goods, their enjoyment and acquisition and disposal of furniture and other goods. Another question that should not be forgotten is the attribution of food pensions to women, and the right to adoption; there should, also, be an in-depth study about how to treat factual unions and what best legal regimen to give them;
  - ❑ Ratify other U.N. Conventions and those of the International Labor Organization (OIT) that protect women;
  - ❑ Educate women and make them aware of the essences of those national laws and International Conventions that safeguard the rights of women through flyers, radio broadcast programs, television and others.
  - ❑ Study the causes and consequences of violence against women and the efficiency of legal measures.
  - ❑ Studies conducted in Mozambique reveal that 50 per cent of cases of violence reported have to do with sexual abuse.
  - ❑ In the country's capital, at least 5 to 10 women per day are victims of physical violence and 2 women die every month, most of these abused by their spouses. In 1999 alone, Kulaya, a local NGO, attended 500 women victims of violence.
  - ❑ Organizations intervening in programs that fight against violence include Kulaya, the CERPJI, AMME, the African Studies Center (CEA) of the Eduardo Mondlane University (U.E.M.) Ministry of Health (MISAU—Mental Health Department), MMCAS and OMM. Altogether, these organizations make up the TCV (Todos Contra a Violência, or All Against Violence). Each one of these organizations/participating institutions develops its actions in specific areas of work. Kulaya provides the counseling and attendance services, the creation of shelter are OMM's and MMCAS's responsibility. Work with girls and female teachers is carried out by AMME and research is under the auspices of CEA.
  - ❑ ***Programs Implemented by the Ministry of Interior to Fight Against Violence***
  - ❑ Courses and Attendance
  - ❑ Inclusion of subjects on the rights of women and children, and attendance to victims of domestic violence are included in Police Training Course Curricula

- ❑ Special Attendance Program for victims of violence at all Police Stations.
- ❑ Awareness targeted to women and society at large so that the young girl enters the Police Station knowing of her rights under the combat against violence program.
- ❑ Finding scholarships aimed at elevating the knowledge of women working with police, in order to insure that they do compete on equal footings with their male counterparts, for the executive positions available in the force.
- ❑ Awareness Programs aimed at Policewomen regarding the Government's program After-Beijing and the creation in the provinces of nuclei for development programs aimed at Policewomen.

At the financial level, and for inclusion in training programs designed for police in subjects dealing with the rights of women and children, specific funds were made available by the UNDP, in the amount of USD 40,000.00 in the larger program for police restructuring.

a. Difficulties Encountered

- ❑ Lack of financial support necessary to face the expenses of all planned activities;
- ❑ Weak information dissemination, due to lack of funds;
- ❑ Inadequate, outdated legislation on domestic violence. A new legislation or legal reform is underway and this will incorporate more efficient measures against violence, particularly domestic violence.

b. Future Programs

- ❑ Police Training on issues related to the rights of women and attendance to the victims of violence; introduction of these course in the programs of the High Academy of Police Sciences;
- ❑ Continuity of attendance to victims of violence at the Police Stations, increasing the number of stations participating in the program;
- ❑ Of awareness programs for women to integrate the Police Force;
- ❑ Fundraising for scholarships to promote college-level and University courses Policewomen.

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## ***SEXUAL ABUSE AND CHILD PROSTITUTION***

Even though prostitution is illegal in Mozambique, its dimension has been frighteningly on the increase in the last few years and has become a big concern for health care professionals. Prostitution is closely related to Sexually Transmitted Diseases (DTS).

Existing data on AIDS reveal that women are becoming increasingly vulnerable due, not only to a major biological vulnerability to infections, but also to their subordinate position in sexual relations. This means that even though prostitutes may know about the need to use preservatives, its actual use to prevent DTS's becomes virtually impossible.

The major causes of the phenomenon prostitution is poverty, degradation of socio-cultural values and mores, cultural alienation, unemployment, lack of education in children out of children, growing consumerism, and negative cultural practices, to mention but a few. It should be noted that most of these factors are common to prostitution in general.

A study of 300 children in the city of Maputo reveals that the majority of child prostitutes are girls, from numerous migrant families. It is also known that homosexuals generally foment male prostitution. This same study shows that 18.4% of all children inquired maintain their families with earnings from prostitution and that part of these children come from stable families.

The child prostitution phenomenon manifests itself in various ways: in certain cases, children attend the city arteries, restaurants, boarding houses, and night clubs in search of any "client with conditions to pay". In others, there are adults who work as entrepreneurs facilitating contact between children and the client and keeping the proceeds. About 34.0% of children inquired in the study "The other side of an Easy Life" divide their earnings with someone else (SARDC et al:2000).

Regarding Sexual Abuse, it is known that this happens not only with children from disadvantaged families, but also with children from families not economically so debilitated as the former ones. Sexual abuse is a taboo and it is, sometimes, practiced in families and the victims know the perpetrators. In most occasions, cases of sexual abuse never see it to courts of law. For example, in 1996, the City of Maputo Judicial Tribunal received only two cases. On one hand, this situation results from the fact that most families prefer to resolve these cases out of court through indemnity or marriages to "clean the face and the family's honor", and on the other, due to lack of knowledge about the legal system and due to unreasonable delays in the country's Court system.

The consequences of the practice of prostitution and sexual abuse are many. One of them is DTS, as previously stated, and death from abortion, added to unwanted pregnancies and birth, involuntary use of drugs, physical and mental morbidity and the degradation of social fiber.

The phenomena prostitution and sexual abuse in Mozambique need a better understanding because there are few studies dealing with them. A sociological and multi-sector approach of this problem can enable an intervention that may take the blame from the child involved in prostitution or the victim of sexual abuse. More studies in this field will not only allow a better understanding of these phenomena

but will also help find better methods and tools to fight them. Non-adoption of measures with a view to knowing the actual situation of these phenomena so that the involvement of more children in them can be avoided, and lack of support to those organizations already working on them may mortgage most of the country's future.

### **On-going Activities:**

- ❑ Awareness campaigns against the phenomena, at the same time that more information is being collected nationwide to enable better knowledge of the phenomena.
- ❑ Review of the Law dealing with sexual abuse.
- ❑ Campaigns against child prostitution, in a multi-sector and multi-disciplinary dimension.

### ***Article 7 – Public and Political Life***

The causes of discrimination against women that we are witnessing nowadays cannot be viewed as a new phase of the same hegemonic culture of centuries ago. It emanates from a new referential that questions the political and public spaces and suggests changes in the actual gender system based in inequality.

The right of Mozambican Women to participate in the political and public life of the country is guaranteed by the country's Constitution. However, the percentage of women occupying senior positions in both public and political sectors is rather small. Certainly, women are underrepresented in the public sector and of those already working, few are the women holding senior positions. There are many barriers to their participation: family, low schooling, traditions, and lack of consistent policies aimed at encouraging women to ascend and or occupy senior or leadership positions.

Besides the need to eliminate these barriers, full participation of women requires the existence of a separate system working exclusively for the advancement of women. Such a system should have a support component, because as mothers connected to their families, taking care of their children, women can seldom be free to pursue public and political careers to change their future.

<i>Function</i>	Male	Female	Total	Percentage
Parliament	172	78	250	31.2%
<b>Political Parties:</b>				
FRELIMO:	78	55	133	41.3%
RENAMO-Electoral Union	94	23	117	19.6%
Minister	20	3	23	13,04%
Vice-Minister	13	5	18	27,7%
Permanent Secretary	13	4	17	23,52%
Provincial Governors	10	0	10	0%

National Directors	141	33	174	16%
Deputy National Directors	59	12	71	16,9%
Provincial Directors	130	33	163	13%
Deputy Provincial Directors	11	3	14	21,4%
District Directors	302	22	324	6,79%
District Administrators	113	15	128	11,7%
Department Heads	620	148	768	19,27%
Heads-Administrative Posts	288	10	398	2,51%
Councilpersons	555	235	790	29,7%
General Prosecutors	1	0	1	0%
Deputy General Prosecutors	3	1	4	25%
Ambassadors	12	2	14	14,2%
Unit Heads	399	157	556	28,23%
Section Heads	622	297	919	32,3%
Mayors-City Halls	32	1	33	3,03%

Source: Ministry of State Administration, May 2002.

At the level of Parliament, women represent 31.2% of total Parliamentarians, and this confirms the qualitative jump that the country has made to guarantee equality of chances and access at the different levels and domains of the country's economic, political, social and economic life. On the other hand, also at the level of Parliament, one of the Deputy Presidents—that belonging to the ruling FRELIMO party—is a woman.

### Women in the Judicial System

Of the activities that if develop in the context of the judicial power the participation of the woman is still small, according to world-wide trends e, especially, in some countries of the South Studies carried through in the country since 1990, has shown however, the gradual growth of the women as female judges in the evicted spaces to the men.

### Participation of the women in Justice

Indicator	1994/1997			
	Number	M: F	GG	Source
Number of General Attorneys	79	14:86	54%	INAJ
Professional Judges	116	16: 100	86%	Ministry of Justice

Source: Ministry of Justice, 2000

### Participation of the women in Justice

Indicator	2000			
	Number	W: M	GG	Source
Division of Labor in Legal Assistance				Ministry of Justice
Effective Professional Judges	73	16:57	94%	
Legal Specialists	141	32:68	36%	
Lawyers	86	15:85	70%	

Source: Ministry of Justice, 2000

### Women in the Legislative Power

Compared to the continental scale (with exception of Mauritius, which has more women Parliamentarians) and at the International level, Mozambican women in Parliament are fairly represented.

In the current legislature, the number of women in Parliament has grown significantly, as follows:

- FRELIMO party Group - of the 133 members of Parliament, 54 are women;
- RENAMO-Electoral Union – 23 out of 117 Parliamentarians are women.

The above makes a total of 77 women, that's 30.8% of total Members of Parliament. In the same legislature a woman was appointed to the position of Deputy-Head of one of the Groups and two to the Permanent Commission. These data confirm the fact that some efforts are being made in the country to guarantee equality of opportunities and access to institutional services at the different levels and spheres of life: political, economic, social and cultural. However, the participation and presence of women in positions of power does not always mean their access and control of resources and decision-making.

1998 Municipal Elections: Representation of both men and women, by region, in Municipal Assemblies.

Region	Total	%	Men	%	Women	%
Southern	254	32	175	69	79	31
Central	277	35	197	71	80	29
Northern	259	33	183	71	76	29
<b>MOÇAMBIQUE</b>	<b>790</b>	<b>100</b>	<b>555</b>	<b>70</b>	<b>235</b>	<b>30</b>

Source: Ministry of State Administration, 2000

These data show a significant growth in relation to women's participation and in all spheres of life and subsequent struggle for their rights in equality of chances with men. Even so, they still have a

long way to go, due to their limitation of access to other chances that place them in a situation of inequality, mostly caused by situations of work overload.

The percentage of women who occupy political and public is still minimal. There are still inequalities in the ratio of men to women in the cities. The obstacles to women's participation are many, namely:

- ❑ Cultural values and traditions - where man plays a dominant role;
- ❑ Low level of the schooling and;
- ❑ The nature of some Laws such as the Commercial Law, the Paternity Law and the Criminal Code.

It should be noted here, before the 1994 elections, the participation of women in positions power in relevant public services and political positions was nearly null.

#### ***Article 8: Representation and International participation***

The Constitution evokes the equality of rights and opportunities between men and the women. However, in practice there is no single example to cite and, at the diplomatic level, there was only one woman.

Currently, women have a level of formal education that allows them to represent the Country overseas, but the number in this area is reduced. Some women have taken part in the regional meetings of the SADC with the aim to define common strategies for implementation of the After-Beijing Action Plan and establishment of local mechanisms of coordination.

#### **Mozambique's Diplomatic and Consular Representatives: Representation as per Gender.**

<b>Position</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
Consul	0	4	4
Consul General	0	1	1
Ambassador	1	13	14

Although it is a reality that women have had the opportunity to be part of government delegations when traveling in missions outside the country, it seems that Government does not have any program to encourage women to become part of international organizations. A great effort has been made by NGOs, both National and International, toward encouraging women to participate in international organizations, as well as encouraging the government to give priority to woman.

#### ***Article 9: Nationality***

Within the framework of draft of the Revised Constitution of the Republic, the question of nationality is an object of quarrel in Mozambique. Mozambican law confers equal rights to women in as far as

citizen of their children is concerned. But there are still some gaps when it comes to marriage. A foreign woman who contracts matrimony to a Mozambican can acquire Mozambican citizenship. However, the same right is not conferred to a foreigner who marries a Mozambican woman.

### ***Article 10: Education***

The National Policy of Education that establishes the vision of the sector and the main intentions and priorities for its development has as its main objective the expansion of access to the education to a larger number of children and to improve the quality of services provided at all levels of education. Thereafter, a Strategic Plan of Education (PEE) was elaborated to serve a planning and resources mobilization tool based on the following pillars:

- ❑ Increase of access to education and equity;
- ❑ Improvement of the quality and relevance of education,
- ❑ Reinforcement of the institutional capacity of the Ministry of the Education at different levels of administration.

The National Policy of Education and the strategies of intervention launch an appeal for involvement of social agents: NGOs, Associations, Religious Confessions, and the Civil Society. The role of the State in the management of education and the space for intervention of all stakeholders in the process is clarified. Within the competences conferred through its mandate, the State has the role to mobilize resources, start initiatives, create norms, and regulate and legislate the subject matter, approve State agents, as regulated by the fundamental law. Positive response to these issues by agents conjugated with the action of the State, have allowed that at this moment response is estimated at 100%, compared with the indexes that Mozambique had reached in 1983, following the introduction of the National System of the Education.

Access of woman to education must be viewed in function of education in colonial Mozambique as well as in light of armed conflicts. In addition to the discrimination factor that characterized colonial education in Africa, there are also socio-cultural factors including traditional education, which quite invariably contribute to lack of freedom and possibilities of women's access to education. The constraints add to the ones that result from the reality of the country that faces several problems such as: a dispersed school network, the conditions of the functioning of the schools and the level of poverty in which most of the families live, despite the fact of the primary school being free.

Available 2000 statistics on education indicate that:

- ❑ 43% of school effectives in EP1 and EP2 are girls;
- ❑ 28% of the school registrations at the pre-university level were girls;
- ❑ 25% of university students were women.



One of the biggest problems in education is the high rate of repetition that observed in all levels and types of education; it affects all provinces without exception; it assumes homogeneous characteristics in the agricultural and urban environment; it has a dimension of gender, that is, more in female students than in males. In the EP1, the ratio of repeaters between 1987 and 1999 represented, on average, 25%. It is estimated that, on average, 30% of children in primary education at the EP1 level repeat at least once. The picture repeats itself again in secondary education, with the particularity that the recap indexes are higher: 46,5% for youngsters and 53.5% among girls.

The further one moves to the Northern region, the more inequality becomes acute, particularly in the provinces of Zambezia, Niassa and Cabo Delgado. There are critical situations in the districts of these provinces. The rate of failure is higher.

Various factors explain the above phenomenon. Some of these factors are inherent to the proper system such as the quality of education, availability of didactic material, quality of teachers and the education ministered, and the higher teacher to student ratio. In global terms, there are few girls who can conclude the basic education successfully. Among those who complete their education, a few indeed, and due to difficulties of access to General Secondary Education, and-or professional, one can say that still few can go any further if there is no will from the Government to effectively promote the education of girls.

Such a promotion demands:

- ❑ A clearly defined policy, with access indicators capable of promoting and guiding Government action in respect to the education of girls.
- ❑ A clear policy regarding the number of vacancies preferentially reserved to girls, in each grade or level of education. These policies should equally be clear concerning possible employment for the graduating students, in terms of job vacancies.

Number of teacher per Province:

### Basic Education

	<b>Women</b>	<b>Total (Men/Women)</b>	<b>Percentage (Women)</b>
Cabo Delgado	164	2193	7,45%
Niassa	180	1300	13,84%
Nampula	551	4768	11,55%
Zambézia	570	4765	22,01%
Tete	502	2280	11,55%
Manica	291	1502	11,96%
Sofala	-	-	-
Inhambane	729	2170	33,59%

Gaza	928	2036	45,57%
Maputo province	688	1464	46,99%
Maputo City	1264	2198	57,50%

Sources: MINED 2001

#### Comments:

- The further one walks to Northern Provinces of Mozambique, lesser is the presence of teachers at the EP1 level.
- The root problems of access to EP1, is reverberated immediately. Teachers' training courses for EP1 were based on the recruitment of those just graduated from this level. In this level the girls have access, but there are many dropouts. There are problems of efficiency in management. Everything seems to concur for the little affluence and success of participation in this place of work. On the other hand, there is a need to expand school network at this level. One way is to transform basic education schools into first grade complete ones ' from 1<sup>st</sup> to 7<sup>th</sup> grade.

Efforts aimed at inverting this situation, are underway. In 1999, we found the following percentages of teachers in both primary and secondary education:

EP1- 24.9%

EP2- 18.8%

ESG 1<sup>st</sup> Cycle- 15.6%

ESG 2<sup>nd</sup> Cycle-14.5%.

A more general comment about the little participation of the girls, the dropouts and performance point to the following: There is more than sufficient evidence pointing to the fact that that the best participation of children in primary education is shown where the teachers are female. In an illiteracy context, where superstition and other taboos are commonly associated to school failure, its quite reasonable to believe that the presence of a teacher could become a strong motivating factor for reduction of drop-outs and restoration of emotional equilibrium and security of families, that are often eager to remove their daughters from school fearing unwanted pregnancy and sexual abuse. Therefore, the effort that the country makes to promote the participation of girls in education will have to be supplemented with measures aimed at encouraging women to participate in teachers' training courses, and even to apply for employment in auxiliary jobs in the school system.

Such a desire will have to be materialized through policies of promotion of education of girls with incentives, such as the ones that already exist in some educational institutions that can include scholarships and support subsidies, advantages and protection in the internment as well as the improvement of the internal social services pertaining to school institutions.

Truly speaking, some efforts are being made to maintain girls at primary level in school, in order to reduce the dropout rate, and maintain them to, at least, conclude Grade 7, or basic education. Following this principle, some Projects already were established in the provinces, covering a good number of districts. There is a free distribution of school basic materials to all children, and in the first school years of Primary Education, girls are exempted from paying enrollment fees.

Among internal causes that impact the education of girls negatively, following need to mention:

- ❑ Socio-cultural and economic reality of the students (economic difficulties, initiation rites, taboos, religious practices, expansion of the school network).
- ❑ Weak ability to manage the educational system.
- ❑ Lack of teachers.
- ❑ Lack of financial and material resources attributed to Education.
- ❑ Weak articulation with, and involvement of, community in the life of the school.
- ❑ Absence of school services and support ones, including counseling services in schools and in coordination with local communities.

These services would have an important role both in preservation and in combat of dropout rates, in the promotion of motivation, of both students and teachers. These services could also bring up recommendations and suggestions specific to each community on matters related to the practice of traditional education deemed necessary to preserve or discourage; the curricular aspects to review as well as the level of policies of management and administration could bring contributions to the legislation on how to deal with the pregnancy in the school. At this moment, the regulations are little clear, do not specify the treatment that must be given to the girl in such situations. With the competition of these services, it will be necessary to approve and develop policies that eliminate the inequalities of gender in the treatment of these cases.

Currently, access to secondary education is difficult. The network of schools at this level is still deficient. In terms of coverage, in 1999 secondary education absorbed only 64 thousand students in 1<sup>st</sup> Cycle and 8 thousand students in the 2<sup>nd</sup> Cycle, equivalent to a gross schooling rate of 6% and 1% respectively. Attendance of this level of education implies having to be in the boarding school, which is not always available, due to lack of sufficient boarding schools necessary to accommodate sufficient numbers of students in reasonable conditions of functioning.

With the difficulties of access due to limitation of the school network, and having no clear policies on the promotion of gender and equity, it is obvious to assume that the barriers that girls have to fight against are enormous.

Therefore, the effort of the Government in the domain of the material support that currently it offers to girls who, in determined conditions, have access to scholarships, must urgently complement this work with definition of mechanisms of support and access to this level, as well as the definition of support and promotion at immediately inferior levels. These policies must take into consideration the socio-cultural reality, the expectation of the family, and the capacities of it.

At the national, and all the levels of education (primary, secondary, college and university), girls and youngsters, men and women study the same subjects and are enrolled or follow same curricula when attending same course of studies. Girls have certain knowledge of the available options, but it is necessary to encourage and to educate their families and the society on the advantages of these opportunities that education provides.

This situation denotes that this will be a long process that will need great efforts to change the attitudes of society.

#### Percentage of Women graduated in the Country (12<sup>a</sup> classroom) 1997

	Girls	Boys
EP 1	38,3%	61,7%
EP 2	36,7%	63,3%
ESG 1 CICLO	34,1%	65,9%
ESG 2 CICLO	38,4%	61,6%

Sources: MINED 2001

#### Vocational Education for Women in the Country

	Students	Girls	Boys
College Level	416	9,4%	90,6%
Agriculture	77	16,9%	83,1%
Industry	236	4,2%	95,8%
Commercial	103	15,5%	84,5%

Sources: MINED 2001

Data from 1999 relate that the distribution of student population in public University Education, by sex, continues to favor males, in spite of the progress made in this area. Globally, female participation represents 25.2% of the total effective. In the distribution by courses, there are pronounced inequalities. Taking as example some courses of the Eduardo Mondlane University, of the students registered in Engineering, Architecture and Computer science courses, 7% against 93%, 10,9% against 89.1% and 18.7% against 81.3% were women and men respectively.

In general, there is a wide gender imbalance between males (75, 4%) and females (24,6%), respectively. This relation has not varied since 1992, having the percentages of female students oscillated from 23,5% to 25,8%. Though in a limited number, there are guarantees in terms of

available scholarships. The intention at this moment is to help students to be selected at the pre-university level, with difficulties to pay for their studies.

The Eduardo Mondlane University (UEM) granted, for the academic year 2000- 20001, 120 complete scholarships to female students and provided lodging in its residences for other 72 students. This growth represents an increase of more than 100% in relation to 1995/96 year, where the number of lodged female students of university residence was of only 85.

### ***Article 11: Employment***

Following government approval of the After-Beijing Action Platform, and in face of change in social, economic and social policies introduced in the country by the 1990 Constitution, taking into account the dynamics imposed by the option of system of market economy, there is a need for structural and functional adjustments in the administration of the work so that this can, with efficiency, professionalism and efficiently, correspond to the modern requirements of a country emerging from a long armed conflict.

The role that the Ministry of Labor has played and continues to play, and the experiences lived in the process of economic and social reintegration and the reinsertion of active labor force of groups of war displaced persons and returning exiles, constitutes an important factor in the reflection necessary and possible for restructuring of the administrative system in Mozambique, in a similar way that the social pressures for democratization of institutions were a test to the national capacities to restore a propitious environment for the legal reforms, within the framework of labor.

In this line of competencies and relatively to the benefits of work and taking into consideration the legal framework of labor existing in the Country, the rights of workers are equal in both males and females, namely what concerns to respect and treatment. The right to remuneration is made in function of the amount and quality of work done, and competition for access to high ranking positions is in function of academic qualifications, experience, resulted obtained in previous work, employers' needs and the needs of the national economy. In both genders, we have witnessed benefits of protection, security, and hygiene in the workplace, medical and health assistance, indemnity in case of work-related accidents or job-related diseases.

With a view to applying some labor laws that lack collective negotiation, through Decree n°. 33/90, of 24 of December, the government established the right of collective bargaining, one of the essential sources of freedom for unionization and important means for promotion of the rights and interests of workers and employers. Individually or through other associated laws, it constitutes a privileged form of composition of these social interest groups and regulation of conflicts that, for times, have opposed them, thus contributing for the creation of a social milieu for Social welfare and peace.

Under these indicators, the labor sector has registered, until December of 1997, the following trends as registered by employment centers: employment applications received from females—155; jobs offered 51.

Age Group	Number of Unemployed	Percentage
<b>18-19</b>	<b>2.334</b>	<b>16.51%</b>
<b>20-24</b>	<b>6.266</b>	<b>36.27%</b>
<b>25-29</b>	<b>4824</b>	<b>27.92%</b>
<b>30-34</b>	<b>2703</b>	<b>15.64%</b>
<b>35 or more</b>	<b>1145</b>	<b>6.64%</b>
<b>Total</b>		<b>99.96 %</b>

Source: MITRAB 2001

Without reduction of earnings, women have not been submitted to work at night, to extraordinary work or displacement from their habitual place of work, unless it is at their request and in their best interest. Women have the right of breast feeding, in two times a day, half hour each, without loss of wages for a maximum of one year; the right to a sixty-day maternity leave, which begins twenty days before the probable date of the childbirth.

The Mozambican diligent woman has the right to be respected, dignified and employers are forbidden from dismissing her on the basis of discrimination or social exclusion. Violation of the rights and duties of woman confers her the right to receive high indemnity, about double of her base salary.

Concerning social security system, decree n°. 17/88, of 27 of December, sets out the basis for promotion and registration of workers and employers included in the social security system. The system currently is being extended to all legally defined population, in function of the capacities of the system and taking into consideration the cost of living and finally, it is being extended to migrant workers.

In employment, policy efforts are being made toward the creation employment opportunities and labor force training; professional training and integration of youth, demobilized soldiers, women and other groups of difficult groups in the labor force.

In the job promotion sector, until the end of 1997 358 women, corresponding to 11% were placed and another 369 were assisted with the creation of micro-enterprises favorable to women, and this latter figure corresponds to 11.8%.

On the system of remuneration in Mozambique, the “equal pay for work of equal value” system still prevails. The national minimum wage is determined at the negotiating table by the Labor Consultative Commission, where Government, Employers and Trade Unions are represented.

On the other hand, the covetousness of profit and investment maximization has, many times, relinquished the principles of protection of women and their families, of the social security in cases of temporary or permanent incapacity of the workers. In terms of the Convention n°. 150 of the International Labor Organization (OIT) and its Recommendation n°. 158, (on Labor Administration) even though not ratified by the country yet, Mozambique is already confronted with social exclusion problems of working women, particularly in agriculture and the informal sector; the same happens to the disabled and workers who have contracted AIDS.

These are the social groups that constitute the center of concerns of the Government in the area of labor, with particular attention to the population of displaced in the urban centers and periphery, given the high risk that future peace and social stability of the country faces. In this perspective, besides specific dispositions in future labor law; the Government has carried out, among others, the following tasks:

- ❑ Promotion of programs and initiatives aiming at the socio-professional reinsertion of the displaced and the physically disabled persons;
- ❑ Mobilization of resources for awareness and information of employers and the workers, and the society in general, on issues of equality of rights and opportunity for those social groups and for the must to protect minors, the physically challenged and workers with infectious diseases, and coordination of actions and ways increase the ability to control the measures being applied, with a view to minimizing the problems faced by these groups on the job market, looking for viable alternatives for their self-sufficiency.

## **FORMAL AND INFORMAL EMPLOYMENT**

With the specific consecration of the equality of women and men before the law in the political, economic, cultural and social areas, through the Constitution of the Republic of 1990, in its article 67, women have right to benefit from support for the attainment of the income sources in order to know to value each time more their status.

In the area of employment, sector objectives are centered in the promotion of self-employment through infrastructure rehabilitation, special in rural areas, and professional training and social security. In 2000, the micro-enterprises training sector promoted training courses for small and medium entrepreneurs. The training course was centered on business management and it involved 229 participants. Of these, 21% were women. That same year, the employment centers placed 2,312 persons and of these 9% were women.

A large and important part of female labor force is found in the informal business, particularly in urban areas. As per 1997 census, 65,7% of women against 62,8% of men is self-employed. The urban informal sector is mostly constituted by small commerce in markets or on the streets, and this produces as little as it contributes for the GDP. This sector is part of the economic as strategies for the creation of jobs and poverty reduction. This type of business cannot always be considered as illegal, because their owners pay some sort of rates. Beyond commerce, innumerable other productive activities, such as, mechanical, carpentry, and welding workshops, tool and die, to mention but a few, do also occur in the informal sector. In short, unemployed persons willing to engage in some sort of self-employment do not only form the informal sector—it is also owned by formally employed persons. For this, lot expectations exist (that have not materialized yet) that legislation could be put in place that would enable regulation of labor practices in this sector.

### ***CREDIT FACILITIES***

Women are also involved in activities that generate incomes through the self-employment. However, there are constraints related to access to credit. On one hand, this is due to lack of information and, on the other; it is due to the fact that financial institutions do ask for guarantees that the woman is not in conditions to satisfy. The GPE (Employment Promotion Office) of the Ministry of Labor through GPE-GTZ, provides loans in three specific areas:

- a) Commerce, which includes tents, kiosks and grocery stores.
- b) Production, subdivided into carpentries, some of which produce coffins sold at affordable prices, tailor shops, bakeries-pastries, lotteries;
- c) Rendering of services; to name a few, these include hairdressing shops, workshops for electric equipment repairing and mechanics.

Loans granted are divided as follows: for commerce are estimated to be 99.56%, 76,61% for production and 3,83% for rendering of services. On the other hand, of 2.217 loans granted in the city of Maputo, 966 were attributed to women and this corresponds to 43,57% and in the city of Beira, of 1823 credits granted, 725 (that's 39,76%) went to women.

It is important to note that there is greater confidence in the attribution of credit to women in relation to men, and this is because some of these do not honor their commitments with the financial institution.

### **BUSINESS ENTREPRENEURSHIP AND SELF EMPLOYMENT**

Efforts have been made toward better preparing the activity of the entrepreneurs, in particular women. Taking into consideration the fact that the Business Promotion Office also promotes training courses for small business entrepreneurs, with "Know your Partner and develop your Business".

Courses in accounting, calculations of costs and prices were so far ministered to 2,800 persons, of whom 1540 were women--that's 55%.

The Women's Counter of the Local Industry Development Institute (IDIL) promotes and develops local industry throughout the country and helps women who dedicate themselves to small-scale business activities.

**ACTIVA**, an Association of Women Entrepreneurs and Executives, with networks in some Provinces, also create opportunities for its members to attend several training courses, and provide legal aid.



## WOMEN IN THE COOPERATIVE SECTOR

Many families see their situation of subsistence reasonably resolved when they collaborate and participate in associative meetings. Here, besides the possibilities of obtaining training in areas of major interest and projection to business, and cooperative life, there also courses on resources management.

It is estimated that more than 55% of women work in the cooperative sector. Per se, this percentage is rather high, what suggests the need to take pro-active action toward the creation of more possibilities for women to opt for this venue, where they can rip off some benefits in terms of training. The most functional courses are those of business management, computer science and English language.

The General Union of Farming Cooperatives (**UGC**), created in Maputo and with 10,000 members being 90% women, acts particularly in the green zones of Maputo and works with productive farming cooperatives in an effort to maximize economic activities in farming and livestock production. Amongst some activities developed by this organization, emphasis goes to production of rations using modern techniques, and has started producing about 1,000 tons/month against the previous 55 tons per month. A slaughter house with the capacity of to produce 8000 bird/day and the ability to conserve 150.000 chickens as well as the opening of a small laboratory for the modernization of the preventive animal health care programs and immediate prevention of eventual pests before they can occur.

34 aviaries with total capacity of 102.000 birds had AIDS constructed and the sector started to have capacity for 237.000 birds for cycle while to the level of the families 130 aviaries with capacity for 65.000 birds had AIDS constructed and the sector started to have capacity of 106.170 birds for cycle.

## LABOUR FORCE

In accordance with the data provided by INE (1998), about 62% of the Mozambican population aged 7 years and above is economically active. This percentage rises more in the countryside than in the cities (66,6 against 40%). The evolution of the Economically Active Population (PEA) presents itself as an active participation of women, while male's is slightly lower, in accordance with the parameters of general population growth. This result must be attributed to the fact that in the countryside, almost all women work in the farms, while in the cities more women dedicate themselves to domestic activities or studies. In urban zones, only 32% of women are considered economically active, against 69% of those in rural areas.

### Labor Force Estimates

(1990-2000)

M/F	(Million)			
	1980	1991	1995	2000
<b>M e F</b>	<b>5672</b>	<b>6090</b>	<b>8469</b>	<b>9751</b>
<b>M</b>	<b>2698</b>	<b>2986</b>	<b>4025</b>	<b>4660</b>

<b>F</b>	<b>2974</b>	<b>3104</b>	<b>4444</b>	<b>5091</b>
<b>M: F</b>	<b>52:48</b>	<b>51:49</b>	<b>52:48</b>	<b>52:48</b>
<b>GG</b>	<b>-4%</b>	<b>-2%</b>	<b>-2%</b>	<b>-2%</b>

Source: MITRAB 2001

In an eminently agrarian country, its labor force obviously tends to be situated in the limits of this activity. However, it is the female labor force that is the major participant in this production.

This situation is understandable due to poor extension of market activities and because of the gender distribution of labor, which limits the participation of women to housekeeping, with extension only to agricultural production. The scarce participation of women in salaried work is also explained due to low levels of education, which limits their participation in formal jobs. However, the labor force comprehending men or women corresponds, in majority, informal workers (or non-structured sector of society). Salaried employment of males corresponds, according to INE (1998), about 16%, and the female about 4%.

When considering the country's three macro-regions, self-employment seems to represent the biggest source of income in all the zones of the country, overall in the rural areas where it promotes 60% of total income. The major sources of income are: self-employment (54%), which includes sale of products cultivated or processed in families, wage-earning work (19%) and income from property (6%).

### ***Article 12: Equality of Access to Health Care Services***

The National Health Policies define explicitly defines the improvement of health of mothers and children as a key priority. Strictly speaking about health care delivery by the National Health Service (SNS), there is no place for any type of discrimination against women.

Government has targeted women and children as the most vulnerable groups of the population and created the program of Mother-and-Child Health Services (SMI), which enable the State to promote health care services for this group. Now the services cover about more than 50% of the population. This program makes use of a wide range of services aimed at educating the population on a number of pathological situations, and at avoiding them. This includes family planning, as a form to improve the health of women and their children.

In the cultural plan, it is possible that there are barriers. It is common knowledge that in many pathological situations, children or women from the most vulnerable social classes, only go to clinics with their respective heads of families. There are no data that might allow the assessment of percentage of women who are part of this group. One knows, however, that this is directly linked to lack of schooling. The more educated a woman is, the more she is likely to seek health services.

In theory, women have same access to health care services as their male counterparts. But, for the reasons state above, it should be inferred that women do really need to have more access to health care services than men, particularly now that preventive health care services are for free.

Prenatal healthcare services during pregnancy, and post-natal care are free of charge. These health care services include:

- ❑ Prenatal consultations
- ❑ Childbirths in the units of primary, secondary and tertiary networks
- ❑ Childbirths in the units of quaternary network, when related
- ❑ Consultations after childbirth
- ❑ Family Planning

The SMI program recommends and promotes, through its programs of assistance, nutrition adjusted during the pregnancy and the lactation. However, it is not capable of providing food supplements. Thus, the INAS, DPCCN, NGOs and Churches guarantee in some situations of extreme poverty, or in particularly vulnerable populations who are helped food supplements alone.

All primary health care units dedicate more than 50% of their resources to preventive medicine. Women are the major beneficiaries of this. This percentage tends to diminish where specialized health care services exist, which are dedicated to diagnosis and treatment of the said women at the primary level. The index of maternal mortality is extremely high, and it is estimated at 1500 for 100 000 living births.

The major causes of maternal mortality are:

- ❑ Hemorrhages
- ❑ Infections
- ❑ Clamps
- ❑ Abortion
- ❑ Embryo-pelvic incompatibility

Other causes that contribute indirectly to high mortality are:

- ❑ Malaria
- ❑ Meningitis
- ❑ Premature pregnancy

In 1999, about 84% of pregnant women received at least 1 prenatal consultation. Of these, 40% had made the childbirth in the maternity and a slightly higher percentage, 45%, received after-childbirth assistance.

The rate of infantile mortality is still high, that's 135 deaths per 1000 living births, and the index of perinatal mortality, that is delayed loss of pregnancy, stillbirths or deaths in the first week of birth, reaches 70 per 100 births, or approximately 01 woman out of 13.

The National Demographic and Health Inquiry (IDS) have it that there is a need for 50% of unmet contraception in the agricultural zones, and 34% in the urban centers. Many women in the agricultural areas use traditional methods, and are more reluctant to using modern methods. In the urban zones, there are contraceptives that can be distributed via the SMI Program or in pharmacies.

In 1997, the percentile distribution of the Population in Reproductive Age for current contraceptive use, according to sex, was the following as per contraceptive use:

<b>Gender</b>	<b>Modern</b>	<b>Traditional</b>	<b>Folkloric</b>	<b>None</b>
<b>Female</b>	<b>5.4</b>	<b>0.3</b>	<b>0.4</b>	<b>93.9</b>
<b>Male</b>	<b>6.4</b>	<b>2.4</b>	<b>0.6</b>	<b>90.6</b>

Sources: IDS, 1997

It is estimated that at least 60% of the population is attended by traditional medicine. The exact number of the practitioners is not known.

By law, there is freedom to receive health care services from whatever source. In practice, however, some women need permit from their husbands or from another relative (should the former not be available) to do so. This practice is quite common among less educated women, a majority in Mozambique. Abortion is not legal, unless it is for medical purposes. However, women know some methods to practice it, and when they have an unwanted pregnancy use them. One of the methods used in the urban centers is to initiate the abortion, and later direct it to the hospital to complete the process in an operating room. So, some health care units have opted to work on abortions to reduce death and infection risks, sterility, and to reduce internment time. In these cases, the uses cover the operation costs themselves. There is no insurance for these cases. *No prenatal test is done to the fetus.*

There is a program that controls AIDS and Sexually Transmitted Diseases, and this deals with general control problems. SENTRY centers record and divulge those cases diagnosed in those health care units, as well as Aids positive pregnant women.

HIV monitoring in pregnant women is done every two years. There is a significant increase of Aids prevalence in this group of people, at different health care centers, with particular incidence in the city of Chimoio where the prevalence almost duplicated from 10% in 1994 to 19% in 1996. Also, prevalence has increased to 16.5% in the City of Beira for 1996. In 1994, the City of Tete had already registered a rate of 18.0% and that grew up to 23.2% in 1996. Quelimane has like rates of about 18.0% and 23% respectively.

A level of the government, no measure was introduced to insure and protect the HIV/AIDS workingwoman. However, there are a number of organizations created, in which women do participate (MONASO, AMODEFA, etc.), that work directly in AIDS control and prevention. Discriminatory attitudes in relation to the carriers of the HIV are condemned. In the capital city, and recently in other parts of the country, there are attendance centers for women prostitutes, working on the treatment of sexually transmitted diseases.

In the general terms, it can be said that the Government promotes some measures aimed at eliminating any Forms of Discrimination Against Women; it promotes equality of access to health care services between women and men.

### **PREGNANCY IN THE ADOLESCENTS**

Although there are no data on mortality and morbidity in adolescents and the young, their health needs and problems are related to sexuality and reproductive health. Among the major risks and problems of reproductive health faced by the young, such as the Sexually Transmitted Diseases (STD), unwanted pregnancy (that quite often end up in illegal abortions and the complications thereof), maternal mortality, abandonment of new born and infanticide are the most common ones.

In general, society blames the “criminal woman”, without analyzing the circumstances under which given situations have occurred.

As the adolescents are less vulnerable to illnesses as compared to children and the elderly, the specific problems of this age group have been neglected for so long, even though in adolescence some lifestyles do condition their health situation.

Given to the different situations associated to the lifestyle of adolescents (sexual behavior, pregnancy in girls, to mention but a few) the Ministry of Health has decided to start a program essentially addressed to this target group. In August of 1996, the Program for Young’s and Adolescent’s Care was introduced. It was addressed to three key areas: Policies and Legal Framework on Issues of Youth; Education for Family Life; Education for Community Life.

Mention should go to the creation of The Inter-Sector Committee for Support to the Development of Adolescents, made up by Government Institutions and Civic Associations working in the area.

Health Care Clinics were opened in Quelimane (4), in Maputo (6). These Clinics offer information, counseling, family planning, diagnostics and treatment of STD’s, at given times, to young and adolescents, at a time when the influx of sick people is low and privacy and quality health care services in general are possible.

One of the reasons that lead girls to quit schooling is unwanted pregnancy and sexual harassment by teachers who use their power to cheat the student girls. As a result, fathers avoid sending their daughters to school or even to boarding schools.

Pregnancy in girl is, in a general, unacceptable socially and the girl is always considered guilty of the situation. Many times, parents may, regardless of the situation under which she became pregnant, force the girl to live in the household of the youngster, making the latter responsible for the livelihood of the girl.

There are no statistics on the incidence of desistance of girls due to pregnancy, but the existing information suggests a need for a broader approach on this matter.

Research studies carried out by the Ministry of Health and the Social Communication Institute in some districts of the Country (Mocuba and Gilé) lead to some conclusions:

- ❑ Young people have the correct information on attitudes regarding sexual behavior and on Sexually Transmitted Diseases, but they do not use this information, there is distortion of information regarding AIDS;
- ❑ Young people have many doubts regarding sexuality and have no partners for dialog.
- ❑ A large number of those interviewed started their sexual activity between 12-14 years, but state that they should have started between 18-20 years; in other words, they are aware that they were not prepared to embark on sexual activities and exposed themselves to the risks of pregnancy and sexually transmitted disease (ICS, 1996).
- ❑ Access to social communication means does not always mean more correct information. On the other hand, the research revealed that in a district (Gilé), the young and community leaders got more information on reproductive health in the rites of initiation than through the messages relayed by the health sector.

The results of the research disclosed that traditional doctors, traditional practices and religious aspects more influenced the attitudes of young people and, as such, any sort of work should involve them if change in attitudes were to be achieved.

Several government and non-governmental institutions with the support of UNFPA and UNICEF have been developing educational and information activities, namely Family Life Education, and the program is currently in progress, including teachings on sexuality and family planning.

### **The Health of Women and Children**

Since 1997, the groups “Women” and “Children” have been defined as vulnerable ones, mostly due to their high morbid-mortality.

The total fertility rate in 1995-2000 is estimated to be 6.1 children per woman in reproductive age, with the procreation ages being very precocity. Access to reproductive health services is very weak. However, taking into consideration the expansion of AIDS, that is becoming a huge public health and development problem, and given to HIV prevalence among adults, now estimated at 15.4%, in 1999

and within the context of general reproductive health objectives, the distribution of condoms for males has been dramatically on the increase in the last few years, adding to 2,000,000 in 1990 and more than 10,000,000 in 1996; the quantity for 1997 was about 15,000,000.

Currently there are about 500,000 orphans in Mozambique, and about 2/3 of these are the direct result of the AIDS. It is hoped that the number evolves to more than 1,5 million in year 2010. These children are affected negatively for various reasons. For example, poor aggregates are susceptible to receive more orphans than their rich counterparts, and this carries its additional costs for their survival and leads to total poverty.

Children coming from households affected by the disease or those psychologically traumatized suffer from emotional problems. Studies point that they are girls who are responsible for their sick relatives or replace labor power in the fields, a factor that can easily contribute to their abandonment of school thus worsening their gender inequality.

### **Women and the Reproductive Health**

The activity on the reproductive health of women is integrated in the Ministry of Health. Besides programming, the Ministry of Health also covers medical assistance, preventive health care, and technical procedures and treatment, who can be implemented at all levels of attention, particularly at primary and secondary levels.

The possibilities to control maternal health are found in the health care units at different levels of coverage. These possibilities depend very much on the basic infrastructure capacity of the health care centers to cater for the population. Even so, the number of maternity wards per 1000 women in fertile age presents a great disparity between the provinces. And this happens after having there been some evolution from 1998 to 1994.

The following picture shows a clear picture per province, for the years mentioned:

<b>Province</b>	<b>1994</b>	<b>1997</b>	<b>1998</b>
Niassa	0.4	1.1	1.1
Nampula	0.3	0.7	0.7
Manica	0.5	1.2	1.2
Inhambane	0.7	1.8	1.7
Maputo Cidade	2.4	2.5	2.3

Source: IDS, 1997

There are concrete limitations that hinder the progress of some programs directed to the reproductive health of women. Among these, there are the lack of human resources in the health sector, weak response and coverage capacity in health services whose infrastructures had been destroyed by the war that devastated the country for many years, the cost of medicines and the non-observance of cultural aspects in existing or would be intervention programs.

Parallel to the institutional attention to the childbirth, the Retraining and Qualification Program for Traditional Obstetricians has the objective to increase coverage hygienic childbirths in the community, reduction of risky childbirths and its reference. The percentile distribution of the female population in fertile age for medical assistance during childbirth, per residence area in 1997, was the following:

Area of Residence	Doctors	Obstetricians or SMI Nurses	Traditional Obstetrician
Urban	7.3	88.5	0.2
Rural	0.6	64.1	1.2
Total	2.0	69.4	1.0

Source: INE, IDS 1997

*Intra-hospital maternal mortality per 1000 living births for some provinces*

Province	1994	1997	1998
Niassa	3.72	1.36	1.61
Cabo Delgado	4.99	5.92	4.66
Zambézia	4.56	1.95	1.98
Gaza	2.09	1.98	1.61
Maputo	0.43	0.52	0.71

Source: IDS, 1997

Whenever there is an analysis at the national scale, existing disequilibria between the southern region and the others is observed. The maternal mortality rate includes other situations, far beyond the ones mentioned and their related consequences. Among these are premature marriages, the multi-births and the unwanted pregnancies, the last one being clandestine abortion that especially is used in some segments of the youngest women in fertile age.

A study carried out in 1999, in a universe of 90 cases of occurring maternal deaths, between 1997 and 1998, concluded that of among the reproductive factors analyzed in relation to the age of women, 23% out of 87% were 35 years old or above, and that 6% were 16 years old or under. The group of adolescents constitutes only 32%. Out of the women who were interviewed, 71% had terminated their pregnancy during the gestation period of 37 and 40 weeks. Of the 90 cases, 30% were multi-births.

As stated above, abortion is considered illegal in the country and it is discouraged in all of its forms, except when dealing with life threatening situations or to safeguard the honor of the person involved (Article 358 of the C.C.). However, from 1980, the Ministry of Health published a decree that authorizes hospitals carry out abortions in cases of pregnancy with deficiencies or when the health of the woman is threatened, having to send the authorization to a hospital commission (Bugalho, 1995: 16).

Family Planning, integrant part of the Program of Mother-Childhood Health, works in all Health Care Units throughout the country. This Program has the support of NGO's in the acquisition of contraceptives at the national level, production and distribution of information material, and education



and communication through integrated agricultural Projects. In these activities, the IPPF is distinguished. The UNFPA, and recently USAID, AMODEFA, OMM, OTM and the OJM are other organizations involved. Mention should be made of the role played by the ICS, an organization working in information, education and communication, for its role in constantly or frequently dealing with issues related to Family Planning. The activity of Education for Health inside of this program was predominantly directed to women, without a perspective of gender. Only recently the men and the youth were included as target groups.

### **Nutrition and Food Security**

Food security and nutrition are integrated subjects considered in their different perspectives: social, economic and political. Since Independence there have been two change processes in Mozambique. One started in 1987, at the time of transition from a centralized economy to a liberalized one. The other process is the transition from a war and emergency situation to one of peace and more stability in 1992. These processes have influenced gender relations in these areas.

In this chapter, the constraints in the rights of women refer to the women's access to land and its control, which makes it difficult for her to have an adequate livelihood. Women practice subsistence agricultural production while men dedicate themselves essentially to commercial agriculture (sunflower, cotton and tobacco). Gender inequality is clearly visible in this sector where women in their triple role (reproductive, productive and community management) do not have the technologies necessary to increase their labor output.

Regions exist where the biggest food production of women is that of catching shellfish and octopus. The Program of Rehabilitation of Tertiary Roads (of the Ministry of Housing and Public Works) in course in the rural zones presently employs between 15 and 25% of women in brigades, which gives some degree of financial mobility to women. Food production is not enough and diversified. Families have low incomes and this leads them to have an imbalanced diet. Animal production is practiced with higher intensity only in the Southern Mozambique (MAP, 1994).

The nutritional state of the population in some regions is poor and it gets worse at times of drought and flooding. For example, in two Northern Provinces, there have been serious food shortages crises, caused by tropical neuropathy (due to consumption of bitter cassava, improperly processed) by people with deficient nutritional state, specifically those with protein deficiency. Other illnesses related to nutrition are the anemia (with incidence in the pregnant woman) and the bócio; in situations of bad climatic conditions, cases of marasmo and Kwashiorkor are found in very poor families. The deficient state of health increases the incidence of other illnesses such as diarrhea and malaria. These illnesses are more acute in women and children. For the pregnant women, anemia and malnutrition are some factors that lead to high incidence of premature childbirths, maternal mortality and low weight at birth.

Precarious economic situation of the family, allied to the taboos and myths in terms of different distribution and use of the services, negatively affect the nutritional state of women and children (MS/MPF, 1997). On the other hand, limited knowledge on the nutritional necessities of the women

and children, and lack of knowledge on how to best satisfy these nutritional needs, has also contributed to deficient nutritional situation in these two population groups. Effective participation of women in economic activities (agricultural production, informal sector), their reproductive role as well as the lack of adequate social health care service, do also influence the health of women.

The Ministry of Woman and Coordination of Social Welfare, through INAS, has a program of social support in money to the families of children and women in vulnerable situation, through the Programs of Social Benefit for Work and Income Generating Activities. In 2000 alone, this program attended 2,500 beneficiaries. Of these, 240 beneficiaries had been absorbed by partner employers and have already signed work contracts. In the scope of the Food Subsidy Program of this institution, in December of 2000, 1,505 women heads of family households and 206 pregnant women from different parts of the country benefited from this help.

### **Article 13: Social Life and Economic Benefits**

The existing policies are geared toward formal sectors, and to some vulnerable groups (the elderly, pregnant women, malnourished children, etc.) There is no open discrimination in the concession of bank loans, but social barriers exist and that makes it difficult for some women to have access to credit.

The private sphere constituted by the family space, socialization of women with men, is created and re-created. It is under these circumstances that family serves as a pillar to build gender relations and, in the intimacy of the household, through a man-based relationship from different sources also reproduces hierarchic relationship between men and women, with the former ripping off the existing benefits. In extended families, or in more or less nuclear families, in monogamies or polygamies, in the cities or in the countryside's, in all of these relationships, women occupy a position of subservience and are subject to different forms that assume the form of discrimination according to age and the degree of wealth.

In the lineage system that exists in the country (patrilineal and matrilineal) the character of assumed gender is similar. Differences may exist in two situations: concerning the male family member who allows the access of his woman counterpart to have access to land (husband or uncle), and concerning the ownership of children: in the patrilineal system, children belong to the father and—in the matrilineal one—they belong to the woman.

In accordance with the customary law, marriage is used as a means to structure reproduction and land possession. Women are the means to obtaining land and fostering family reproduction. Even though the only valid family union in the country is the official marriage, the practice of the majority of people in the country is customary marriage between men and women.

Also, civil war has influenced changes in the management of family households, leading to an increase in the households managed by women.

The PER (Program for Economic Rehabilitation), implemented in accordance with the Friedman model, has been contributing significantly to an increase in the family aggregates managed by women. The women's condition in management of family households does not always confer a situation of power in the context of family; existing studies within the context of the Woman and Law Project in Southern Africa (WLSA-Mozambique) shows that women assume all responsibilities before the children, younger brothers and sisters and the aged. It is in these family aggregates that one mostly finds absolute poverty. It is from these aggregates that one can analyze what is generally called the Woman Face of Poverty.

Percentile distribution of management of family aggregates as per place of residence:

Place of Residence	1997		
	Women	Men	GG
Urban	28.5	71.5	100.0
Rural	31.2	68.8	100.0
<b>Total</b>	<b>30.5</b>	<b>69.5</b>	<b>100.0</b>

Sources: IDS, 1997

The practical forms that assume gender relations in the scope of the family, influence parameters in the behavior of their fertility. Given to the fact that women do not have any control on their sexuality and reproduction, they redefine maternity as an element of identity that makes them feel women, being a mother, which is translated into high fertility rates. Between 1980, 1997 and 2000 the global rate of fertility experienced indexes that range from 6.4, 5.9 to 5.7 respectively.

Finally, regarding religion, which is considered as an important component on socialization and particularly on ideological participation in building gender relations in the family and society, existing information shows that there is a greater participation of women in each one of the religions existing in the country, except Hinduism. The aforesaid situation is verified both in rural and in urban zones.

On the other hand, existing studies (Loforte, 1996) show that in the in areas surrounding the city of Maputo Zionism and animist religions reproduce subservience relationships for women who occupy this evangelization position whereas their male counterparts occupy leadership positions.

## WOMEN WITH DISABILITY

The problem of disabled women in Mozambique is particularly important, but it is not dissociated from that from those of people for whom disabilities make them a special group, nor from those of the common person who, victimized by the social vicissitudes of poverty, underdevelopment, face all types of social and economic difficult, social pressures, pressures from religious beliefs and, above all, political and traditional pressures to name but a few factors.

A person with disabilities is a victim of a situation of disadvantage, because inequality of opportunities becomes obvious. Even though the country's Constitution proclaims equality of rights for all citizens, it suffices to look at small details to realize that lack of facilities necessary to facilitate accessibility in public buildings is a problem that constitutes a dilemma for the disabled.

If the situation is so bleak for a person with disabilities, that of women with disabilities is even worse from the time that they realize that condition and begin to assume their vulnerability and fragility in the attempt to solve their problems as producers, spouses, and mothers with equal rights as other women's.

On the other hand, one knows that as carriers of disabilities, women find other barriers imposed by society, which result in stigmatization, and social exclusion. In the context of the above, Exclusion puts women exposed to two challenges: as persons with disabilities and unable to compete on equal basis with any other citizens, and as women with certain abnormalities, unable to compete with a disabled male for employment, education, health and other social goods.

Given to the scarcity of studies that report the situation of the disabled women in general, effective characterization of these situations in Mozambique becomes a difficult task. This means non the existence of elaborate data on the subject.

### **COMMON CAUSES OF DISABILITY**

The most common causes of disability in Mozambique do not differ from those that can be identified in other underdeveloped countries, which, in essence, are related with the condition of poverty. In this country, added to the reasons of disability are the war factor and its consequences as is the case of personal landmines that remain to maim and kill now that the armed conflict is over. Following, we have the most common causes of disability among women:

- ❑ Domestic Violence;
- ❑ Infectious Illnesses as the measles and leprosy;
- ❑ Alcohol abuse during pregnancy, drug use and forced labor;
- ❑ Domestic Accidents, traffic and job-related accidents, and others;
- ❑ Food poisoning during pregnancy or in the first months of growth;
- ❑ Place of cultural rites such as rites of initiation and genital mutilation in early age;
- ❑ Congenital malformation.

The most common forms of deficiency that affect women in this country are: physical disabilities, hearing and speech impairment, blindness, and psychological abnormalities. In Southern Africa, it is

not always possible or easy to find information reflecting the true image of people with disabilities, and Mozambique is not an exception. The World Health Organization estimates that 10 % of the population of underdeveloped countries has one form of disability or another.

Regarding the characterization of women with disabilities, existing studies are still rather limited. But in a research study of 18 deaf women in the city of Maputo, in 1999 and in the context of the Sign Languages Program of the Ministry for the Coordination of Social Welfare at that time, some conclusion were made that do not differ much from those that can be made of women with other disabilities:

- ❑ The ages of the inquired ones varied from between 18 and 22 years;
- ❑ Deaf women came from with no hearing problems and 47% of these women have children;
- ❑ About 50% of respondents are illiterate and the remaining ones have primary education;
- ❑ 90% were unaware of the method of Family Planning and did not know about the need to use condoms.
- ❑ The biggest problem faced by respondents was obstacles to communication and gender discrimination of gender, and low wages.

The forms of deficiency prevention practiced in Mozambique depend on the social class and the educational level that, consequently, is related to the type of job one holds, buying power, access to health care services and balanced nutrition.

Other aspects include the residential neighborhood, if rural or urban one, and personal beliefs. There is more prevention of malnutrition in the urban areas. Here, there are more infectious diseases and premature marriages that can contribute for the precocious maternities. It is also here where there is more supply and demand of health care services.

On the other hand, this situation changes very little when looking at the suburban and surrounding zones where, given to low prevalence of health care services and high poverty levels, local populations suffer from grave malnutrition, with a particular gravity to women and among these, to breast feeding women. It is also here where women are subjected to long journeys working in factories where there is little prevention.

Besides ignorance, poverty and lack of health services, inhabitants of rural areas suffer from cultural beliefs and traditional ones that lead to practices of initiation rites.

As in most neighboring countries and the world over, in Mozambique the birth of a child with congenital malformation often causes a feeling of guilty and becomes a reason for conflicts in marriages and families, and women become the major targets of accusations.

In the reasons attributed to these situations is infidelity on the part of women, punishment because of their disobedience or infraction of some sort of norm in their social group.

Given to these beliefs, not only women suffer from the neglect of their husbands as they suffer from abandonment, divorce, physical aggression and other types of ill treatments, but do also their offspring who become abandoned and isolated or even hidden.

As a result of this, girls with disabilities are often led to quarantines and are prevented from attending schools, even in cases of situations where the disability is not so severe. This assertion is substantiated by the number of girls with disabilities (43) rehabilitated and integrated in the educational system at primary school level, in the rehabilitation program known as the “Basic Community Attendance” in progress in Mozambique, since 1993.

This number, 43, is not significant when analyzed in function of the geographic and temporal space and in terms of the number of children involved in the implementation of the program. But it becomes significant when looking at the magnitude of the taboos surrounding the education of girls and the deficiency factor as well as at the magnitude of time it takes to change attitudes and perceptions in the community or society.

Both physical and psycho-social rehabilitation services need to be improved both in quality and coverage, to allow greater access of women to them, and for better integration and retraining of women in terms of self-sufficiency and independency in reproductive life.

As an example of this situation, and in order to illustrate social exclusion and stigmatization, there are only 04 Special Education schools in Mozambique, and girls attendance in these school never goes beyond 15% in each academic term. There are only two women in senior position in the three organizations dealing with people with physical or other disabilities (ADEMO, ADEMIMO, ACAMO). These women are: one General Secretary and one Deputy President of a Delegation.

Although there are several dispersed laws dealing with the specific situation of people with disabilities, there is now a specific policy in the country, that deals Persons with Disabilities, and elaborated by the MMCAS. The objective of this is to be to define intervention rules of both the Government and the Civil Society, with a view to contributing to active participation of people with disabilities, in their communities and in the development of the Mozambican society. Other objectives of the Policy are to contribute in the definition of sector strategies guaranteeing the integration of people with disabilities in society and the respect of their human rights as defined in the country's Constitution.

#### **Article 14: Rural Women**

In relation to rights of land use, there are two systems in Mozambique: “official right” sanctioned in the Constitution of 1991 and in the Land Law of 1997 and, in parallel, the traditional right constituted by a wide range of rules that govern the customary right to land and property. This coexistence is contradictory in its base philosophy: contemporary law states that land is an inalienable property of

the State, whereas the traditional mores have it that land belongs to the community living in its surrounding and the community's ancestors.

Concerning the State law, and the Constitution of the Republic, the Law formally establishes that there is equal right before the law, between men and women, in the use of land. However, studies carried out by the DEMEG-CEA call attention to the fact that, in legal practice (where in the absence of a new and updated Family Law in function of the constitutional laws, the colonial code is still being applied partially); the rights of women are potentially weakened with marriage, where they presume that the husband owns family assets. In the specific case of land for the family sector, the law recognizes that a family aggregate as right to land in as far as the use of land is concerned, and that land can be registered only in the name of the head of the household. If the law in itself does not present formal impediments to the registry of land for a women heads of households, the attitude of public employees, and the fact of the transaction being extremely bureaucratic can constitute important barriers that conspire against the legalization of land rights. In light of this scenario, the 1997 Land Law creates the principles of land co-ownership in a couple, during the passing of land ownership titles.

At the level of customary mores, access to land is managed by a complex network of social security that is built around marriage, as a basis of alliances among families. In 1990, a study on the “, which signals that in accordance to the customary law, the ability to have hereditary rights to land depends on a variety of situations: age, sex, social status (proximity in terms of kinship or family ties of first spiritual owners, the first to populate the area. Belonging to a local community is a *condition sine qua-non*, even in certain conditions land could be attributed to individuals of another community.

As a community belonging that is distributed in accordance to need of family aggregates, the same study states that it would be incorrect to interpret the founding right as meaning ownership to land as an individual property, because the owner cannot use the land indiscriminately, but only with consent based on a family's needs.

In the traditional systems, the binomial women/land, or either, the relationship between the major land users—women—and their major means of production can be presumed as follows: from puberty, at which time someone (father, uncle, territorial leader) attribute such rights to them to cultivate for their livelihood; after marriage, in Northern Mozambique (matrilineal system) men join women in lands attributed to them, whereas in Southern Mozambique (where the patrilineal system predominates) women move to their husbands' property where they receive land for cultivation. The new couples can inherit land via the women's relatives, the husband's or both.

According to studies carried out recently on inheritance rights while marriage still continues, formal land titles do not seem to be relevant. In patrilineal societies, problems appear in case of divorce or death of a husband, where a woman runs the risk to lose her land and all her belongings in favor of other members of her late husband's family, even where she has the responsibility to look after her offspring's and other relatives.

Evidently, and according to the scheme described above, both regarding the official Land Law and to the Customary Law, put those in need of land for use, or who want to continue exercising their rights to use land, too many barriers for land ownership.

The great changes operated in the last few decades, the multiple population movement due to constant wars and natural disasters have been changing social practices in a radical manner. We can say that both individuals and social groups use all available means to defend their right to land use: when convenient, they use the Official Law the customary law when it offers better guarantees, the legality and continued creativity whenever new situations emerge. Evidently, in such situations the most powerful individuals or groups have more possibilities to maneuver and, in the process, the most vulnerable groups often come out losers.

Studies conducted in the past few years by the Land Studies Nuclei of the Eduardo Mondlane University (UEM) indicate that land conflicts have seen an increase sped up in number and gravity in post-war Mozambique. There is a great struggle for use of the most fertile land, from the viewpoint of its social-economic potential (irrigated land, next to the markets, with access to diverse transports or social services, etc.). The 1997 Land Law establishes, as a way to protect the family sector from conflicts, the demarcation of community land in areas where agricultural enclosures and pastures exist, including other social ends such as hunting, firewood, and fruits, with the objective to currently guarantee land ownership for the most vulnerable in face of the entrepreneurial sector in great expansion.

On the other hand, if it is good that a large number of the population that was internally displaced, or those who were living in neighboring countries as refugees, is back to the areas of their origin, alleviating the territorial pressure where there was higher concentration of people, the return to the origin this far has not been a harmonious process. A study conducted in on agricultural production systems and the social economic situation in 03 of the country's villages, indicates that land was—as in the past—often attributed to the most influential families, with the relatives of community leaders having larger plots of land. Now, the social difference among farmers is getting more acute, because the most powerful families are taking advantage of the more vulnerable ones, usually the returnees, whose labor power is rather cheap. Even where the returnees repossess their land, if they have no livelihood means to carry them on to the next harvest, these will find themselves forced to seek employment in the farms of permanent residents, instead of working their own land. So, they run the risk to enter a vicious cycle of dependence the next agricultural campaign, should they not count with sufficient labor force. This situation is found everywhere throughout the country, and nothing shows otherwise.

The Ministry of Agriculture and Rural Development (MADER), in its Agrarian Policy and Strategies, defined as its main objective to guarantee food security, sustainable development, reduction of unemployment and that of the levels of absolute poverty. To implement these measures or Policies, MADER prepared the Integrated Agricultural Program (PROAGRI) in which the management of agricultural lands is a component in addition to others such as agricultural extension, research, etc.



In fact, the PROAGRI's Agrarian Land Management document, intends to use the following as strategies:

- ❑ Support to the local communities and cities in subject of agrarian land management in coordination with the extension and the inquiry.
- ❑ To investigate the adequacy of policies and the legislation, including regulations for the implementation of agrarian policies.

### ***Rural Credit***

The Agricultural financial system (S.F.R.) is one of the components of the PROAGRI and it has as the chief objective to guarantee the flow of funds to the family sector made up mostly of women. The credit amount has been on the increase from USD 261.0 million in 1987 to the level of USD 35.0 million in 1995. The agricultural sector presently represent 21% of absorption of the total credit made available to the Mozambican economy. These scarce credits are, in their majority, applied in the areas of fast returns in commerce of consumable goods or in agricultural commercialization. The family sector has found difficulties of access to credits, due to lack of earnings and the conditions needed or required by Commercial Banks.

Thus, the agricultural institutions working in rural development, in an attempt to facilitate rural funding, has been creating alternative sources of funding such as: Agricultural and Rural Development Fund (FFADR), Fisheries Development Fund (FFP), Small Industry Development Fund (FFPI), Fund for Agricultural Credit and Rural Development (CCADR), etc.

In addition of the above mentioned funds, there are other sources of rural development funding, namely: projects, Non-Governmental Organizations (NGO's) and the informal sector characterized by interpersonal interactions at the rural level which allow and give incentives to credit initiatives.

In Northern Mozambique, particularly in the province of Nampula, there is a positive experience in this area. Through help from some NGO, women heads of family households are organizing themselves in groups and have now formed an association named as the Association of Nampula's Rural Women (AMRN) to carry out profit-making activities that might allow them make profits necessary to collect some savings necessary for the creation of a Credit Fund.

In Southern Mozambique, Swiss NGO organization, in partnership with an extension network that operates in some districts of the province of Maputo, has worked with groups of women in the area of credit in species (seeds, small species and in the fishing area), being positive the results obtained, and therefore the reimbursement rate above of 50%).

Still in Southern Mozambique, specifically in Gaza Province, there is an association known as AGROPEM (Matuba Association of Cattle Herders and Agriculturists) that carries out agricultural activities in an irrigated land, presently requiring inputs to increase its earnings and the project's

feasibility. For this reason, the members of the association benefit from credit funded for by UNIFEM when they banded together in Matuba Association.

Regardless of their successes and failures, these projects have been contributing for the improvement of the credit system to grassroots communities.

## **RURAL EXTENSION SERVICES**

The rural extension unit was established in 1992, in the National Directorate of Rural Extension (DNER). Past efforts in the DNER to reach rural women with extension services were geared toward women's reproductive role. The training given was mostly geared to the food conservation (e.g.: tomato canning, onions and other vegetables and fruits) and to food warehousing. Discussions on the type of extension to adopt for women, to start extension services for women.

The majority of extensionists, supervisors, and rural extensionists are male, and this is given to the fact that there are more vacancies for men in vocational training courses than there are for women.

In relation to farmers who had benefited from the extension program, numbers suggest predominance of men in relation to women, which has to do with the higher number of men working as extensionists, as well as the high rate of illiteracy among rural women and cultural concerns of communities.

In this context, emphasis is on rural women still with consciousness of their rights as consecrated in the Convention. Reference must be made to the fact that at the Governmental level, there are few steps that are aimed at enabling women to have knowledge of their rights. However, NGO's exist that have been working with women providing support to rural women the country over, and among these is AMRU.

Rural women have no representation at the level of the Government, and specific programs aimed satisfying the need of this group, which constitutes the country's majority, do not exist.

- ❑ Several times, rural women have not had access to health care services, nor counseling on long distance problems that separate them from health care centers.
- ❑ A problem that needs to be mentioned in the rural area is lack of incentive that allows investment in markets.

Reference should be made to the fact that the Mozambican Government is involved in reforms based—and contained in—its 5-Year Program (1999-2004) which includes the incorporation of gender problems at the level of the agricultural sector.

## WOMEN AND THE ENVIRONMENT

In last decades, the Mozambican population has grown to a rhythm sped up by about 3,3%, caused by the formation of a considerable sector of vulnerable population. Of this contingent, women represent more than 50%.

The extreme conditions of poverty in which women live both in the urban and in rural zones, constitute the major cause of environmental problems.

Indiscriminate cutting of trees to obtain fuel, mostly in the cities thus provoking deforestation of thousands of hectares of land, leads to scarcity of fuel forcing women to travel long distances looking for this source of energy. In the last years of 1980's the annual deforestation rate was estimated at 0.8% and deforestation covered 120ha, whereas reforestation was only of about 4,000 ha/year. Vegetal Fuel and charcoal production was of about 15,022 m<sup>3</sup>, which meant a very high consumption of forest resources.

Agricultural activity in Mozambique involves a large portion of the Mozambican active population, and women represent 63% and work in more sectors, both family and cooperative, and are responsible for food sustenance.

Itinerant agriculture and forest fires concur for the destruction and reduction of biodiversity. The development of agriculture in hillsides, edges of the rivers and dunes provokes erosion destroying the ground, and reducing land fertility, which harm women the most.

Sanitary aspects constitute the most serious impact of the process of urbanization, with high rates of incidence of infectious and parasitic diseases that caused by lack of water supply and sanitation. Women are particularly affected because it their responsibility to clean around the house, clean and treat garbage, water transport and child care.

In 1995 the population with access to drinking water was of 33% and with access to sanitation represented 20%. On the other hand, the population without access to drinking water was of 10,1 million and without access to sanitation was of 12,1 million. The major salespersons and users of the informal markets are women and therefore, they automatically changed into precursors and victims of the degradation of environmental hygiene.

Industries are responsible for the pollution, which poses a serious threat to ecological balance. In Mozambique, light industries have mostly women as their major laborers who generally work without any protection (boots, gloves, dressing gowns, mask, helmets) to prevent the harmful effects of the residues released by factors. Prolonged exposure to pollutants by women workers can lead to deterioration of their health condition, particularly the health of pregnant women or those who are breastfeeding.

Natural disasters (droughts, floods and tropical cyclones) have been provoking environmental displaced persons, mostly among women who, in turn, exercise an elevated demographic pressure on natural resources where they migrate to.

Provoked the sprouting of dislocated environment, mainly women who, in turn, exert a high demographic pressure on the natural resources in the immigration small farms.

### **MEASURES ADOPTED TO STOP ENVIRONMENTAL DEGRADATION**

In 1995, an Environmental Policy was adopted and this constitutes the basis for sustainable development in Mozambique aimed at eradicating poverty, improve quality of life of Mozambicans and reduce damage of the natural environment.

The Environmental Policy gives a special attention to women through attention to programs of management of the natural resources, environment education and other programs that allow women to achieve equality of opportunities.

In July of 1997, the Legal Framework Law on the Environment was approved by Parliament, and this is aimed at ensuring sustainable development of the country and at giving particular emphasis on the role of women in the management of natural environment.

In 1992 the Department of Gender was created in the Ministry for the Coordination of Environmental Activities, with the objective to integrate the dimension of gender in policies, programs, conventions and activities of the Ministry.

The Department of Género has already carried out some activities concerning the Women and the Environment, namely:

- ❑ Insertion of gender issues in the activities of several Training Departments, Human resources, Legal, Studies, Planning, and Management of Natural Resources.
- ❑ Studies on cases of access, use, control and management of natural resources for gender issues in some of the country's districts.
  - Construction of 40 improved latrines and 2 wells with the support of the Low Cost Latrines Project and that of the National Water Directorate in the Mandjadjane Village of Salamanga, Matutuíne District, and Maputo Province.
  - Cleaning of Matola Township's Promotion drainage ditch, by a group of 150 people mostly women who receive food for work through the World Food Program (City of Matola).
- ❑ Plantation of fruit and shade trees to combat erosion and help in the production of firewood in Marracuene (Province of Maputo).

- ❑ Production and distribution of audio-visual materials on gender, Women and Environment, such as the Role of Woman and Environment in the scope of the Festival of Woman, Action and Transformation and in the week of the Environment, production of Magazine “Life and Woman” which portrays day-to-day life of women and their relation with the natural resources.
- ❑ Training Courses on Gender and the Environment for Environmental Agents, extensionists and technicians of some pro-ambient institutions and NGO’s.

At the level of the Civil Society some programs of environmental management have been implemented, and count with the involvement of private companies and NGO’s. Some of these companies in the field involve the population in the management of natural resources, concretely the flora and the fauna, as it is the case of the management of the animal reserves for the population.

In the Circles of Interest for Women that can be found throughout the country, women give advise on saving of the fuel manufacturing of improved stoves for the so called economic boxes or marvels; they plant trees, fight erosion through the reforestation and raising of barriers of rocks and woods (gabions); they build wells for potable drinking water, and manage them through committees of sanitation that generally are co-coordinated by women; they boil water, they dispose and/or burn garbage. Some NGO’s as the Mozambican Association for the Rural Development (ORAM) (Agricultural Association for Mutual Aid) support agriculture through the distribution of seeds, hoes and education on technologies of low cost, but environmentally sustainable Projects, such as plantation of mapira and mexoeira that resists drought and makes agriculture in terraces possible. PROPECA (Environmental Education Project) in the city of Beira, and the Environmental Working Group (G.T.A.) make environmental education, inquiry and advisory work on environment.

NGO’s are worried with the need to improve environmental conditions of the population through theater, dances, songs etc. This is the case of the “Sacred Tree” Dance of the National Dance Company, the theatre piece “The Day the Earth Stopped Moving” of the Nkulo group and others.

### ***Article 15: Equality Before the Law***

Although the Constitution states that men and women are equal before the law, married women are not formally treated equally before the Law, concerning their ability to celebrate contracts and manage property, because under the existing Law the husband is considered as the head of the family. This means that married women can only exercise their rights with the permission of their husbands. For example, women have no rights to celebrate contracts, including those related to loans, property, as well as commercial transactions in their own name, but may do so only with an explicit consent from their spouses. When married with communion of goods, the same is applicable to husbands: they cannot make any decision without a prior consent from their wives.

The Civil Code, particularly the Family Law that safeguards the ideal of a society based on patrilineal family unity, regulates the marriage. The Family Law is presently under review as stated previously.

According to customary mores, women have fewer privileges than before the Family Law. They can appeal before courts only on matters related to their matrimony should their marriage be official or legal.

In accordance with the existing Family Law, a married woman may execute or manage her husband's property, but only if the latter is disabled or absent, and when the marriage has a prenuptial agreement to this end, or specifying who shall inherit the goods. When the husband dies, the widow is fourth in the line (in relation to the children, parents, brothers) to inherit the goods. Although the Law says that the widow is the half owner of the goods acquired during the marriage, in the practical terms a woman rarely knows, or insists on, her rights.

Mozambique has not given giant steps toward the reinforcement of obligations stated under Article 15(3) of the Convention that demands that all contracts and other instruments with the view to restricting the legal capacities of women be removed and considered invalid and null. Formally, women are treated on the basis of equality in the courts. They may swear in their own names and may take their place in the legal system on equal basis with men. There is an increase in women who are judges and lawyers in Mozambique, and work in the judicial system or in civil courts. So, generally speaking, the work of courts is stuck due to lack of qualified staff. Even though legal aid is free for both men and women, there are few women who resort to legal aid, mostly due to social and cultural pressures. Many women don't know, nor do they want to know anything about the existing legal aid, mostly due to cultural pressures. When women resort to courts to solve their problems, they are seldom seen with good eyes.

There are several awareness campaigns to inform women about their needs, and several organizations do frequently offer free legal advice, but they mostly work in urban centers. This limits their efficacy, because the majority of women live in rural centers.

Men and women have the right to the same indemnity in the same circumstances, and the sentences seem to be the same. Research has, however, revealed some differences between formal and community courts in the administration of justice. The main difference is that formal courts are based on written laws, while the community courts are based on customary norms.

There are no legal concepts that can be used by women as special cases of defense. For example, in the case of violence, women who commit an offense to protect themselves against gender-based violence are treated the same way as their male counterparts. They can only invoke self-defense as special defense, without making reference to violence resulting from gender inequality. Violation can be judged in courts, but there is no Law that defines domestic violence as a crime.

However, ignorance on equality of rights by women is the major factor of discrimination of women.

### ***Article 16: Equality in Marriage and Before Family Law***

Although the CRM in its article 67 makes use "men and women are equal before the law..." the existing Family Law which is an integral part of 1966 Civil Code, there still is Law of the effective

Family who is integrant part of the Civil Code of 1966, there are still many factors contributing to discrimination against women, among which we mention the following:

- ❑ The husband is the Head of the Family.
- ❑ The woman must adopt, when married, the residence of the husband.
- ❑ The woman needs the consent of the husband to exert commercial activities
- ❑ The man is the administrator of community properties, including the private properties of women.

These and other factors are a practical example that before the Family Law, women are discriminated and subordinated to men.

There various commonly accepted ways in Mozambique, to constitute a family, namely:

- ❑ The traditional marriage (the so called lobolo in Southern Mozambique) the religious marriages (Christian, Muslim, and others) the civil marriage and the union of fact.

As for the right to freely choose a partner, it can be said that only women have the right to do so. Sometimes, predominantly in the rural areas, it's the woman's family that selects "the ideal partner".

After the marriage, the woman whose husband is selected by her family sometimes sees her rights being violated, and in such cases there is no defense mechanism.

Regarding the responsibilities of the couple following marriage, these are also different, both before the Law and under the Customary Law.

Polygamy is a customary practice commonly accepted in Mozambique, even though it is legally prohibited. There are no statistical data, because this practice is legally recognized, but we are conscious that in rural areas this practice abounds. And we also know that the second, third and even fourth woman has no legal rights and protection whatsoever.

Concerning unions of fact, those involved are mutually bound to each other's commitments of official marriages, and once cohabitation ceases to exist, produces effects in what concerns minor children.

Regarding the custody of minor children, it matters to make reference to the fact that both parents (married or not) have the responsibility to provide for their sustenance, education, and clothing. This obligation exists even when the couple had never been married and continues for a long time, or even beyond marriage.

On the custody of the minor children, this also depends on specific circumstances of each case. However, when dealing with children aged 0 to 6 years, their mother normally decides their custody,

with the father being obliged to provide the food necessary for their sustenance. The attribution of custody does not depend on the marital status of the parents.

As for making of decisions that might affect the children, which constitutes an aspect of the exercise of the paternal power, we can say that normally decisions regarding the younger child or children are taken commonly, by both parents, in spite of the fact that the Family Law gives more rights to the father than to mother. When the parents do not live together, the parent who caters for the child makes most of the decisions.

Regarding the administration of the couple's assets, Law will hand this over to the husband, except where there exists a separation of goods regimen. In this case, each parent both spouses have the right to acquire, exactly without the consent of the other, good for the couple. However, the disposal of goods, free of charge, depends in some circumstances on the consent of both spouses. Always let us have in mind that, before the Law, man is the head of family, and the administrator of the common assets. Dissolved the marriage, by divorce or death, the part of the conjugal assets is done in accordance with the regimen of goods obtained during marriage. Therefore, being the regimen one of communion good, each one of the spouses has right to half of the said property or assets. When the marriage is dissolved through a litigious divorce, only the not guilty spouse can ask for food. This means that if the woman is declared guilty in the divorce, even in case of need she cannot ask her husband for foodstuffs. However, when the divorce is based on mutual agreement it is up to the two spouses to decide who will have or not, right to food installment and the respective amount.

Concerning the reasons justifying divorce, these are stated in Article 1778 of the Civil Code, and among them is adultery, abandonment of the family home and any other facts that establish the physical or moral integrity of the petitioning spouse. Both for women working in agriculture and for those house-makers, there is a need to follow or abide with, these rules. But the partition of goods obeys the criteria of who between the two spouses has contributed the most in the accumulation of joint assets.

Regarding family planning, there is a national health program known as the Mother-Child Program (SMI), which provides information and health care services to women in fertile age, as well as to the newborns.

In the context of that program, women receive information on the existing anti-contraceptive methods and family planning, so that they may be able to decide on how to space their children.

However, the program does not cover the entire country yet, in that there are still too many women, particularly in the countryside, who do not have the freedom to make decisions on their sexuality, nor on the spacing of their children. The majority of these women are subject to traditional and cultural constraints. So, it goes without saying that in most households that decision rests with men—they decide how many children their wives should have and when.



The husband determines the family name. However, should a given couple have sons, their names will have to be constituted by the parental last names followed by the maternal ones. But in the majority of families, the children receive their father's last name.

In Mozambique, the age of majority is reached at 21, for both men and women. But Law determines the minimum ages for marriage. So, the girl may get married at age 14, whereas boys get married with 16 years. These ages are consequently the minimum allowed to have sex as a married couple. There is no exception as to the minimum age of marriage. But on average, girls get married with 20-24 years and boys 24-30 years of age.

Sexual practice with minors can constitute a criminal offense leading to conviction. However, in many areas of our country, there are recurrent traditional marriages involving adults with girls aged less than 12 years, and these subsequently enter into precocious sexual activity, without any sanctioning to the perpetrators.

Traditionally, the payment of "a price for the bride" is usually paid and this is known as the *lobolo*. This practice is openly accepted, but it is not considered by Law, so, legally it does not produce any effects in marriage. But lobolo is one of the major factors leading to discrimination of women in marriage, because it's under lobolo that some husbands state that they have the full custody of their wives because they have paid lobolo for them. It's under lobolo that most women are openly abused.

Concerning inheritance, traditionally women have no right to inheritance. Even though the Law protects women on this matter, they never benefit from such protection, because in practice women benefit from inherited assets only if there is no older child or if no living relatives of the deceased exist. So, she really never comes to benefit from her husbands inherited assets.

However, given the existence of certain traditional practices, some women in certain regions of Mozambique are purified following their husbands' death. Regarding the widowed men, when subjected to these rites they are less heavy. Social study of widowed males differs from that of female widows.

### ***Family Law***

Mozambique still does not have a Family Law. All matters having to do with Family Law can be found in Book IV—Articles 1576 to 2023 of the 1967 Portuguese Family Law, and in Law 8/92 of May 06, 1992 which introduces non-litigious divorce.

The principle of the supremacy of the husband as the head of the household is consecrated in "our" Family law (C.C. Article 1674). From this departure, it is obvious that the role of women is always subordinate. That is why she is obliged to move to her husband's household (article 1672 of the C.C.), and the administration of the couple's assets, including women's private property is, by rule, attributed to the husband (article 1678 n°1 of the C.C.) who is not obliged to be accountable on their administration.

Concerning marriage dissolution via divorce, and particularly concerning divorce through mutual agreement, apparently the same rules apply both for men and for women.

Looking at what comes in Article 5 of Law 8/92 of May 06, 1992, it becomes obvious that in the concession of a litigious divorce, the couples must agree on:

- ❑ The regulation of the paternal power regarding minor children;
- ❑ The allotment of common assets;
- ❑ Provision of foodstuffs to the less privileged spouse;
- ❑ Destination of what used to be the couple's home.

It is in the application of this legal practice that through divorce, women become in a less privileged position in comparison with their male counterparts.

In more than half of existing litigious divorces, the paternal authority in regard to minor children is attributed to mothers, and fathers undertake the responsibility too provide a food pension to the minor children, and the amount of this is expected to be that able to satisfy their livelihood needs.

Regarding paternal power, the law gives right to both parents, but it distinguishes between those given to fathers and those to mothers (Article 1879, 1881 and 1882 of the CC).

If one is to analyze the aforesaid legal dispositions, it is concluded that women are discriminated, even though in most families it's quite clear that it is women who take care of the children, look after them and even after their education.

In face of Article 1881 of the C.C., the responsibilities of fathers as heads of families are:

- ❑ To Provide for the sustenance, education and instruction of the minor;
- ❑ To emancipate him/her;
- ❑ To defend him/her and to represent him/her, including the unborn;
- ❑ To authorize him/her to practice certain acts, that depend on the consent of both parents;
- ❑ To authorize him/her to exert a profession, art or craft, and to live independently, and:
- ❑ To manage his/her goods.

Concerning the mother, she has only to be consulted on all matters related to her child or children and must insure the physical, moral and mental integrity of the minor children.

Therefore, fathers, who have full legal coverage for this, take all-important decisions regarding the life of the child or children.

### **Inheritance Rights**

Inheritance Rights are a set of legal rules that deal with the regimen of transmission of assets of single individuals, or either, a set of rules regulating how the assets that belonged to a deceased person should be transmitted to third parties. Inheritance Rights existing in Mozambique also a legacy from the Portuguese system are being presently changed. Given the rules contained in Book V of the Civil Law, one cannot say, simply, that there discriminating rules in relation to women, and this because we are dealing with a Law that questions if the successor, or the would be beneficiaries are male or female. The problem emerges in practice. In fact, given various inherited cultural values via customary law, and due to the existence in Mozambique of several ethnic groups with different traditions, and because of total lack of knowledge of existing law, the application of existing Inheritance Rights becomes problematic.

In order to better understand the origin of the problem of practical application of written law, it is necessary to know what the customary law says on the subject matter. There are basically systems of Inheritance, based on matrilineal and matrilineal families.

In the matrilineal system, when the husband dies, the widower can be obliged to remain in the late husbands nuclear family with her children, having right to benefit from the inheritance. However, the right to property or inheritance of the assets of the decease goes automatically to the first-born son in the family and, it is his responsibility to share these with his younger brother if he chooses to do so. There are, however, patrilineal systems where all sons share inheritance rights, with the first-born having the bigger share.

It should be mentioned here that in any case, the female widow does not receive any inheritance rights, and this leaves her without any rights to access of the goods left by her late husband. Concerning the matrilineal system, in case of death of a husband, the beneficiary becomes the first-born nephew/sister's son or the deceased's older cousin. The woman inherits the hut and all domestic utensils thereof.

Despite the common norms being used currently, most recently there have been situations that are far from being compatible with customary law. Most of these behaviors come from the husband's family that, whenever there are valuable goods, insists on repossessing them thus leaving the widowed woman and her children without anything whatsoever.

### **Situation of Women in Marital Relationships**

Before approaching other areas of Law in which women are discriminated, there is a need to analyze the situation of married women, because the existing Law does not contemplate this. Through the Draft Family Law, implemented through Decree 01/82 of 27 of February of 1982 of the Supreme Court, attempts were made to give legal coverage to the dissolution of marital union, due to the

personal and assets problems that emerged at that time. Although with some virtues, the said project sinned by comparing factual union to marriage in all of its facets.

Today, women living in factual union or common-law married do not have any legal coverage, and their situation is analyzed by Courts only where assets are concerned and in the regulation of paternal power. This happens when such a union ends.

During the common law marriage, women keep their marital status to that of single and for this reason they are not forced to the name of her male counterpart nor does she have to live in his home.

Regarding assets, and because there are no common assets here, all that exists is property belonging to women, which they can dispose off at their whim. Major problems exist when the husband dies during this union.

In these cases, the woman does not inherit anything, and has no inheritance rights even where she has contributed toward the purchase of such assets.

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## Contributing Institutions

Ministry of State Administration

Ministry of the Education

Health Department

Ministry of Agriculture and Fisheries

Ministry of the Foreign affairs and Cooperation

Ministry of the Culture, Youth and Sports

Ministry for the Coordination of the Environment

Ministry of Industry, Commerce and Tourism

Ministry of Transports and Communications

Ministry of the Work

National Institute of Social Welfare

Ministry of the Interior

Ministry of Justice

Ministry Housing and Public Works

Ministry of Woman Coordination of Social Welfare

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