



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Concluding observations on the initial report of Mozambique*

1. The Committee considered the initial report of Mozambique (CMW/C/MOZ/1) at its 397th and 398th meetings (see CMW/C/SR.397 and 398), held on 3 and 4 September 2018. At its 409th meeting, held on 12 September 2018, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of the State party, which was prepared in response to the list of issues prior to reporting (CMW/C/MOZ/QPR/1), and the additional information provided by the high-level delegation, headed by the Minister for Justice, Constitutional and Religious Affairs, and comprised representatives of the Ministry of Labour, Employment and Social Security, the Ministry of Justice, Constitutional and Religious Affairs and the Permanent Mission of Mozambique to the United Nations and other international organizations in Geneva.

3. The Committee appreciates the open and constructive dialogue held with the delegation. It regrets, however, that the initial report was only submitted on 14 August 2018, which did not allow sufficient time for translation of the report into the working languages of the Committee.

4. The Committee is aware that Mozambique, as a country of origin of migrant workers, has made progress in protecting the rights of its nationals working abroad. It also notes, however, that, as a country of transit, destination and return, the State party faces several challenges when protecting the rights of migrant workers and members of their families in its territory.

5. The Committee notes that many countries where Mozambican migrant workers are employed are not parties to the Convention, which may constitute an obstacle to the enjoyment by migrant workers of their rights under the Convention.

B. Positive aspects

6. The Committee notes with appreciation the ratification of or accession to the following instruments:

(a) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2014;

* Adopted by the Committee at its twenty-ninth session (3–12 September 2018).



(b) The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, in 2012.

7. The Committee welcomes the adoption of the following legislative measures:

(a) Decree No. 37/2016, approving regulations for mechanisms and procedures for the hiring of citizens of foreign nationality, in 2016;

(b) Decree No. 36/2016 (revised by Decree No. 16/2018), approving regulations on the licensing and operation of private employment agencies, in 2016;

(c) Decree No. 108/2014, establishing the legal regime applicable to foreign citizens, in 2014;

(d) Decree-Law No. 2/2011, providing for the employment of foreigners in the public service, in 2011;

(e) Decree No. 63/2011, approving a regulation on the hiring of citizens of foreign nationality in the oil and mines sector, in 2011;

(f) Law No. 6/2008, on preventing and combating trafficking in persons, especially women and children, in 2008;

(g) Law No. 23/2007 (Labour Law), in 2007.

8. The Committee also welcomes the following institutional and policy measures:

(a) The adoption of the Employment Policy Action Plan (2018–2022), in 2018;

(b) The adoption of the National Action Plan to Address Child Labour (2017–2022), in 2017;

(c) The establishment of the Commission for Labour Mediation and Arbitration, in 2016;

(d) The creation of the National Reference Group on Child Protection and Combating Trafficking in Persons, in 2015;

(e) The establishment of the National Migration Service, in 2014.

9. The Committee notes as positive the invitation extended by the State party to the special procedures of the Human Rights Council on 12 April 2016. The Committee appreciates the statement made by the delegation that the State party intended to strengthen cooperation further with United Nations human rights mechanisms.

C. Principal subjects of concern and recommendations

1. General measures of implementation (arts. 73 and 84)

Legislation and application

10. The Committee notes with appreciation the various laws, policies and other initiatives aimed at strengthening protection of the rights of migrant workers in the State party. It is concerned, however, about the absence of comprehensive legislation on migration protecting the rights of all migrant workers, including those in an irregular situation, the insufficient measures taken to ensure that the State party's legislation, in particular the Immigration Law and the Labour Law, is in conformity with the Convention and the Committee's general comments, and the delays in implementing the regulations on migration adopted in December 2014. The Committee is also concerned about the absence of information on the application of the Convention and Committee's general comments by domestic courts.

11. The Committee recommends that the State party adopt comprehensive legislation on migration, effectively implement the 2014 regulations on migration and take the steps necessary to bring its domestic legislation into line with the provisions of the Convention and the Committee's general comments. It also invites the State party

to provide, in its second periodic report, information regarding the application of the Convention and the Committee's general comments by domestic courts.

Articles 76–77

12. **The Committee recommends that the State party consider making the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive and consider communications from States parties and individuals concerning violations of rights established by the Convention.**

Ratification of relevant instruments

13. The Committee notes that the State party has ratified almost all the major human rights treaties, as well as a number of International Labour Organization (ILO) conventions. It notes, however, that the State party has not yet ratified the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the Domestic Workers Convention, 2011 (No. 189).

14. **The Committee recommends that the State party consider ratifying or acceding to the above instruments as soon as possible.**

Comprehensive policy and strategy

15. The Committee is concerned that the State party has not yet adopted a comprehensive policy or strategy on migration, and also about the lack of information regarding the status of the draft national action plan on mixed migration developed in 2016.

16. **The Committee recommends that the State party develop a comprehensive, gender-responsive and human rights-compliant strategy on migration that is supported by sufficient human, technical and financial resources, and a monitoring mechanism for its implementation.**

Coordination

17. The Committee notes that the Ministry of Justice, Constitutional and Religious Affairs is responsible for intergovernmental coordination of the implementation of the Convention. It is concerned, however, about the lack of information on the mandate, the available staffing and resources, as well as monitoring activities and follow-up procedures, of the Ministry.

18. **The Committee recommends that the State party further enhance the role and capacity of the above-mentioned Ministry by providing it with the human, technical and financial resources, and the mandate, necessary for the effective coordination of comprehensive migration policies at all levels and with all relevant institutions, and to assess the impact of such policies and programmes on the rights of migrant workers and members of their families, both within the State party and abroad. These policies and programmes should have a human rights-based approach.**

Data collection

19. The Committee notes the implementation of the migratory phenomenon management system (SIMIGRA) and the launch of the employment portal. It is concerned, however, by the lack of statistical data on migration flows into, out of and through the State party, and in particular on migrant workers and members of their families in an irregular situation, as well as other migration concerns, such as migrant workers in detention in the State party, migrant workers who are nationals of the State party and who are in detention in their country of employment, and the number of unaccompanied migrant children or children who are in the State party and have become separated from their parents.

20. **The Committee recommends that the State party establish a centralized, comprehensive database covering all aspects of the Convention and ensure that data on the status of migrant workers in the State party are collected. The Committee**

encourages the State party to compile information and statistics, disaggregated by sex, age, nationality, marital and family status, reason for entry to and departure from the country and the type of work performed, in order to effectively inform relevant policies and the application of the Convention, in accordance with target 17.18 of the Sustainable Development Goals. The Committee also recommends that the State party build the capacity of public officials to improve the collection and analysis of accurate data on migration, including the situation of irregular migrant workers and victims of trafficking, and ensure the cooperation of its consular and diplomatic representations abroad in doing so. In cases where it is not possible to obtain precise information, such as that relating to migrant workers in an irregular situation, the Committee requests the State party to provide data based on studies or estimates.

Independent monitoring

21. The Committee notes with appreciation the establishment of the national human rights commission in 2012 pursuant to Law No. 33/2009. It also notes that the commission has the mandate to examine allegations of human rights violations and to monitor conditions in detention centres nationwide. The Committee is concerned, however, about the lack of information on the human, technical and financial resources the State party has allocated for its effective functioning, and about the number of places where migrant workers may be deprived of liberty that have been visited by the commission, and the outcome of those visits.

22. **The Committee recommends that the State party provide adequate human, technical and financial resources to the national human rights commission to enable it to effectively discharge its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and to promote and protect the rights of migrant workers and members of their families under the Convention, including when addressing complaints from migrant workers and monitoring the conditions in places where migrant workers may be deprived of liberty. It further recommends that the commission apply for accreditation to the Global Alliance of National Human Rights Institutions.**

Training on and dissemination of information about the Convention

23. The Committee notes the measures taken by the State party to disseminate information and provide training on the rights of migrant workers to various stakeholders. The Committee is concerned, however, that efforts to provide training on the Convention and to disseminate information on the rights enshrined therein to all relevant stakeholders have been insufficient.

24. **The Committee recommends that the State party:**

(a) **Develop education and training programmes on the rights of migrant workers and members of their families under the Convention, incorporating a gender perspective, and make such programmes available to all officials and persons working in the area of migration, particularly immigration officers, law enforcement and border authorities, judges, prosecutors, national and local officials, as well as relevant consular officials, social workers and civil society organizations;**

(b) **Intensify efforts to ensure that migrant workers have access to information and guidance on their rights under the Convention, particularly through pre-employment and pre-departure orientation programmes;**

(c) **Strengthen its work with civil society organizations and the media to disseminate information about the Convention throughout the State party.**

Participation of civil society

25. The Committee is concerned about the lack of participation of civil society in the process of preparing the initial report, and also the lack of alternative reports received by

the Committee from national non-governmental organizations on the implementation of the Convention.

26. The Committee recommends that the State party consider more proactive ways to involve civil society and non-governmental organizations systematically in the implementation of the Convention.

2. General principles (arts. 7 and 83)

Non-discrimination

27. The Committee notes the general constitutional and legislative prohibition of discrimination. It is concerned, however, that:

(a) The Constitution and national legislation do not cover all the prohibited grounds of discrimination included in articles 1 (1) and 7 of the Convention and do not specify the prohibition of both direct and indirect forms of discrimination;

(b) Protection for the rights of migrant workers in an irregular situation is insufficient, as the Labour Law and the Immigration Law stipulate that only foreigners who reside and work legally in the State party have the right to equal treatment and opportunities with nationals, thus excluding migrant workers in an irregular situation from the protection of the law.

28. The Committee recommends that the State party:

(a) **Amend its Constitution and/or national legislation to include a prohibition of direct and indirect discrimination on all the grounds enumerated in the Convention (arts. 1 (1) and 7) with respect to all aspects of employment and occupation and covering all workers, including those in the informal sector and in transit;**

(b) **Take the steps necessary to ensure that all documented and undocumented migrant workers and members of their families within its territory or subject to its jurisdiction enjoy the rights protected under the Convention without any discrimination, in accordance with article 7 thereof.**

Right to an effective remedy

29. The Committee notes that there are several remedies available to migrant workers and members of their families in the event of violation of their rights. It is concerned, however, that insufficient information has been provided about the number of cases and/or proceedings brought by migrant workers or members of their families, including those in an irregular situation, for violations of their rights under the Convention, which may reflect a lack of awareness of the legal remedies available to them. It is also concerned by reports that migrant workers and members of their families, especially those in an irregular situation, face many obstacles when attempting to exercise an effective remedy.

30. The Committee recommends that the State party:

(a) **Take the steps necessary to remove all obstacles faced by migrant workers and members of their families, including those in an irregular situation, when seeking access to an effective remedy, and ensure that they have, in law and in practice, the same opportunities as Mozambican nationals to have access to justice, including cross-border justice, and to obtain effective redress in the courts in cases where their rights under the Convention are violated;**

(b) **Take additional measures to inform migrant workers and members of their families, including those in an irregular situation, about the judicial and other remedies available to them in the event of a violation of their rights under the Convention;**

(c) **Erect “firewalls” between immigration services and public services in order to allow migrant workers, including those in an irregular situation, to have**

access to justice, police services, health care, education, social security and housing without fear of being arrested, detained or deported by the authorities.

3. Human rights of all migrant workers and members of their families (arts. 8–35)

Labour exploitation and other forms of ill-treatment

31. The Committee notes the State party's efforts to prevent forced labour. It is concerned, however, about:

(a) Reports that migrant workers, in particular those in an irregular situation working in the State party, are often subjected to labour and sexual exploitation, including forced labour, particularly in the mining, agriculture, manufacturing, tourism and domestic work sectors;

(b) The large number of migrant children exposed to hazardous conditions or the worst forms of child labour working in mines, construction sites and quarries, market vending or as domestic or sex workers, their early dropout from school and their vulnerability to violence and exploitation, including physical, psychological and sexual abuse, child trafficking and forced labour.

32. The Committee recommends that the State party:

(a) **Provide adequate assistance, protection and rehabilitation, including psychosocial rehabilitation, to all migrant workers who are victims of sexual and labour exploitation, especially women and children;**

(b) **Increase labour inspections and prosecute, punish and sanction all persons or groups that exploit migrant workers, both documented and undocumented, or subject them to forced labour and abuse, especially in the informal economy, in accordance with targets 8.7 and 16.2 of the Sustainable Development Goals;**

(c) **Incorporate specific interventions regarding migrant children into the National Action Plan to Address Child Labour (2017–2022).**

Due process, detention and equality before the Courts

33. The Committee notes with appreciation the information provided by the State party that irregular migration is not criminalized and that detention is not used for foreign nationals awaiting deportation from the national territory. The Committee is concerned, however, about the lack of information regarding measures to ensure that migrant workers and members of their families, in particular those in an irregular situation, are guaranteed due process on an equal basis with nationals of the State party and that they have access to information in a language that they understand in all migration-related administrative proceedings.

34. The Committee recommends that the State party take the steps necessary to ensure that, in administrative and judicial proceedings, including detention and expulsion proceedings, migrant workers and members of their families, particularly those in an irregular situation, are guaranteed due process on an equal basis with nationals of the State party before the courts and tribunals.

Expulsion

35. The Committee notes that article 29 (2) of the Immigration Law provides for a right of appeal against expulsion orders. It is concerned, however, about:

(a) The lack of legal provisions guaranteeing the right to request the suspension of an expulsion order pending the review of an appeal;

(b) The fact that national legislation does not expressly prohibit collective expulsion;

(c) Reports that, in February 2017, hundreds of migrant workers mostly engaged in artisanal mining in the province of Cabo Delgado were subjected to arbitrary arrest and detention, extortion, ill-treatment and expulsion;

(d) The lack of information and statistical data on migrant workers and members of their families expelled from Mozambique, the number of administrative appeals lodged by migrants, and information concerning the decisions handed down in this regard.

36. **The Committee recommends that the State party:**

(a) **Amend its legislation governing expulsion/deportation procedures so as to explicitly prohibit collective expulsion and to ensure that it is consistent with the provisions of the Convention and in line with general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families, which provide for the effective right to a suspensive appeal;**

(b) **Establish monitoring mechanisms to ensure that deportations of migrant workers are conducted in full compliance with international standards, and ensure effective coordination with the State of origin or the State receiving the migrant workers who have been expelled;**

(c) **Provide up-to-date data, disaggregated by sex, age, nationality and/or origin, on migrant workers and members of their families expelled from Mozambique since 2013, the number of administrative appeals lodged by migrants, and information concerning the decisions handed down in this regard.**

Consular assistance

37. While noting the consular and diplomatic assistance provided by the State party to migrant workers residing abroad, the Committee is concerned that not enough practical information has been made available to the Committee on the specific assistance offered to migrant workers and members of their families, including those in an irregular situation, to ensure the protection of their rights. The Committee is also concerned about the lack of information on the visits made by the diplomatic or consular authorities to places of detention in host countries to inform themselves on the condition of Mozambican detainees and on the measures taken to inform diplomatic or consular staff of countries of origin about the situation of migrant workers who may have been deprived of liberty in Mozambique.

38. **The Committee recommends that the State party:**

(a) **Take the steps necessary to ensure that its consular and diplomatic services can effectively meet the needs of Mozambican migrant workers and members of their families residing abroad by protecting their rights and providing them with assistance, particularly in cases of detention or expulsion;**

(b) **Allocate sufficient human resources and funding and develop continuing training programmes for consular officials on the Convention and other human rights treaties;**

(c) **Ensure that the consular or diplomatic authorities of countries of origin, or of a country representing the interests of those countries, are systematically notified of the deprivation of liberty in the State party of one of their nationals, in accordance with article 36 (1) (b) of the Vienna Convention on Consular Relations (1963).**

Remuneration and conditions of work

39. The Committee notes that migrant workers in the State party are protected under the principle of equal pay for work of equal value. The Committee also notes the efforts made by the State party to conduct regular labour inspections in this regard. The Committee is concerned, however, about:

(a) The lack of data on the actual cases involving non-compliance with the principle of equal pay for work of equal value by employers of migrant workers and on the working conditions of migrant workers;

(b) Inappropriate deferred pay arrangements for Mozambican migrants working in South African mines;

(c) The insufficient measures taken by the State party to ensure that Mozambican migrant workers who emigrated to the German Democratic Republic in the 1970s and returned to the State party in 1990–1991 receive the entirety of their salary earned while working abroad and are provided with adequate reparation for the material and moral damage suffered.

40. **The Committee recommends that the State party:**

(a) **Ensure that migrant workers enjoy treatment not less favourable than that which applies to nationals with regard to remuneration and that this is strictly enforced through the conduct of regular and unannounced labour inspections in sectors where migrant workers are employed, in accordance with target 8.8 of the Sustainable Development Goals;**

(b) **Collect data on cases involving non-compliance with the principle of equal pay for work of equal value, including on sanctions imposed on non-compliant employers;**

(c) **Review the labour agreement of 1964 and/or the memorandum of understanding of 2015 between the State party and South Africa to ensure adequate pay arrangements for Mozambican migrant workers;**

(d) **Increase its efforts to ensure that Mozambican migrant workers who returned from the German Democratic Republic are paid the entirety of their salary earned while working abroad, and that fair and adequate compensation is provided.**

Social security

41. The Committee notes that the State party provides a social security framework through the adoption of Law No. 4/2007 on Social Protection and the National Strategy for Basic Social Security. It also notes the social security agreements concluded with Portugal and Brazil. Nevertheless, the Committee is concerned about the lack of information on the practical implementation of the right to social security, such as information on the legal requirements that migrant workers in an irregular situation would have to fulfil to have access to social security on equal terms as nationals. It is also concerned about the insufficient information available on how bilateral and multilateral agreements concluded in the area of migration, in particular the labour agreement of 1964 and the memorandum of understanding of 2015 signed by Mozambique and South Africa, guarantee social protection for Mozambican migrant workers abroad, as well as the portability of social security benefits upon their return.

42. **The Committee recommends that the State party:**

(a) **Ensure that all migrant workers and members of their families are able to subscribe to a social security scheme, and that they are informed of their rights in this regard;**

(b) **Ensure that social security arrangements are introduced in all bilateral and multilateral agreements, guaranteeing that Mozambican migrant workers and members of their families enjoy the same treatment granted to nationals with regard to social protection in countries of destination.**

Medical care

43. The Committee notes the measures taken to ensure that migrant workers and members of their families have access to health services. It is concerned about the lack of information on specific programmes to guarantee access to emergency medical care for migrant workers and members of their families who are in an irregular situation in the territory of the State party. It is also concerned about reports that migrant women in prostitution are often denied, or required to pay higher fees in order to have, access to adequate medical care, including emergency medical care, as well as HIV/AIDS treatment and sexual and reproductive health services.

44. **The Committee recommends that the State party:**

(a) **Take the measures necessary to ensure that all migrant workers and members of their families, irrespective of their migration status, are able, in law and in practice, to have access to emergency medical care and basic health services on a basis of equality of treatment with nationals of the State party;**

(b) **Provide migrant women in prostitution with access to gender-responsive health-care services, including emergency medical care and HIV/AIDS treatment, ensuring that such access is not restricted on the basis of immigration status.**

Birth registration and nationality

45. The Committee is concerned that a large number of births in the State party have not been registered and that a lack of information, bureaucratic obstacles and financial barriers prevent Mozambican migrant workers abroad from registering the birth of their children and from obtaining identity documents for them, particularly for those born outside maternity hospitals or whose parents are absent, which may put them at risk of statelessness and deprive them of their rights.

46. **The Committee recommends that the State party:**

(a) **Ensure that all children of migrant workers born in the State party and children of Mozambican migrant workers born abroad are registered at birth and issued with identity documents, and that birth registration is facilitated and free of charge everywhere and under all circumstances, in accordance with target 16.9 of the Sustainable Development Goals;**

(b) **Raise awareness of the importance of birth registration among migrant workers and members of their families, especially those in an irregular situation.**

Education

47. The Committee notes that the Education Strategic Plan and other legal provisions provide for every child of school age, including children of migrant workers, the right to free and compulsory access to primary education. The Committee is concerned, however, about the lack of information regarding the general situation of children of migrant workers, in particular those in an irregular situation, in the State party with regard to access to education.

48. **The Committee recommends that the State party conduct a nationwide study and provide information in its next periodic report on the general situation with regard to access to education by children of migrant workers, in particular those in an irregular situation, in the State party.**

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)

Pre-departure programmes and the right to be informed

49. The Committee notes with appreciation the State party's efforts to strengthen the provision of pre-departure training and information for prospective migrant workers. The Committee is concerned, however, that:

(a) There is a lack of statistical data on pre-departure programmes and a lack of information on how the State party ensures in practice that private agencies provide migrant workers with adequate pre-departure information;

(b) Pre-departure training does not sufficiently inform migrant workers about their rights under the Convention and in countries of destination or about access to justice and available complaint mechanisms.

50. **The Committee recommends that the State party:**

(a) **Empower migrant workers, through pre-departure programmes, to know their rights and how to claim them, including by providing them with**

information on fair recruitment, decent work standards, available social protection, financial matters and the local culture and lifestyle, important legislation in the destination country, making it clear where there are different standards for women, and also contact information for labour attachés and welfare officers in the States of employment;

(b) **Ensure that migrant workers are properly informed about the migration process and, in particular, that employment contracts signed by migrant workers are always written in a language that they can read and understand.**

Right to transfer earnings and savings

51. The Committee notes the various measures taken by the State party to facilitate remittances. It is concerned, however, about the absence of specific information on partnerships with financial institutions to facilitate the transfer of earnings and savings by Mozambican migrant workers abroad and by migrant workers living in the State party.

52. **The Committee recommends that the State party:**

(a) **Provide information on partnerships established with financial institutions to facilitate the transfer of remittances;**

(b) **Take the steps necessary to make savings more accessible and to reduce the cost of sending and receiving funds, including by applying preferential rates, in accordance with Sustainable Development Goal 10 (c);**

(c) **Intensify its efforts to help the recipients of remittances to acquire the capacity necessary to invest in sustainable income-generating activities.**

5. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64–71)

Children in situations of international migration

53. The Committee notes the State party's efforts to secure the welfare of the children of migrant workers in the State party and the children of Mozambican migrant workers who remain in the State party when their parents go abroad. The Committee is concerned, however, that Mozambican children who remain in the State party when their parents go abroad are vulnerable in terms of disruption of their education, violence, neglect, abandonment, abuse and exploitation.

54. **In accordance with joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recommends that the State party:**

(a) **Conduct nationwide data collection and research on children of migrant workers in the State party and on children of Mozambican migrant workers who remain in the State party when their parents go abroad, in order to inform national policies and programmes;**

(b) **Adopt a comprehensive strategy to promote and protect the rights of children and families of Mozambican workers, involving in particular education and entrepreneurial, training and community welfare programmes, and further its cooperation to that end with civil society actors in the State party and in countries of origin.**

International cooperation with countries of transit and destination

55. The Committee notes the existence of cooperation agreements on migration with South Africa, Portugal and Brazil. It is concerned, however, that the State party has not signed any bilateral or multilateral agreements with other States of employment in order to guarantee Mozambican migrant workers and members of their families' sound, equitable and humane migration conditions or to respond to their social, economic and cultural needs.

The Committee is also concerned that memorandums of understanding and bilateral agreements may not adequately cover the provisions contained in the Convention, particularly with regard to the regulatory framework applicable to private recruitment agencies, information about and provisions for working and living conditions of migrant workers and the protection of their social and cultural rights, or arrangements concerning their right to social security and deferred payment in their country of origin.

56. **The Committee recommends that the State party:**

(a) **Actively promote the ratification of the Convention by States of origin and destination, and strengthen its cooperation with those States in order to prevent violations of the human rights of migrant workers;**

(b) **Negotiate with all destination States binding bilateral agreements that are gender-responsive and non-discriminatory and provide for the protection of the human rights of migrant workers, including their right to adequate working and living conditions, social security and deferred pay arrangements, and ensure that the implementation of those agreements is monitored effectively.**

Recruitment agencies

57. The Committee notes the various legislative and other measures taken by the State party to strengthen the regulation and monitoring of recruitment agencies. The Committee is concerned, however, that:

(a) Recruitment agencies in the State party are given extensive powers with regard to the signing of contracts, pre-departure training, grievance handling, conciliation and repatriation;

(b) Malpractice in the State party's recruitment system may include the forgery of documents, the charging of unauthorized fees for services, contract substitution, obtaining signatures on blank or incomplete contract forms, debt bondage, recruitment without a valid licence, the sending of unregistered workers abroad through fraudulent means, the processing of workers without proper documentation, and the recruitment of children;

(c) Limited action is taken to punish agents or recruiting agencies involved in unlawful and fraudulent practices.

58. **The Committee recommends that the State party:**

(a) **Reinforce the regulatory regime for private recruitment agencies and strengthen the existing licensing system for recruitment agencies to ensure the rights of migrant workers, in accordance with the Convention;**

(b) **Strengthen recruitment monitoring and inspections to prevent private recruitment agencies from charging fees for their services to migrant workers and from acting as intermediaries for abusive foreign recruiters;**

(c) **Ensure that private recruitment agencies provide complete information to individuals seeking employment abroad and that they guarantee the effective enjoyment of all agreed employment benefits, in particular salaries;**

(d) **Investigate and punish illegal practices by recruiters with a view to punishing those involved in exploitative practices;**

(e) **Adopt a "no placement fees" policy for persons intending to work abroad;**

(f) **Ratify the ILO Private Employment Agencies Convention, 1997 (No. 181).**

Return and reintegration

59. The Committee notes that a considerable number of Mozambican migrant workers returned to the State party following the xenophobic attacks in South Africa in May and June 2008. It is concerned about the lack of information on the measures taken by the State

party to receive and assist such individuals, and on the steps taken to protect the rights and promote the integration of returning Mozambican migrants and members of their families in general.

60. The Committee recommends that the State party take, in accordance with article 67 of the Convention and target 10.7 of the Sustainable Development Goals, take appropriate measures to ensure the social, economic and other conditions necessary to facilitate the return and durable reintegration of Mozambican migrant workers and members of their families, including by providing for decent jobs and livelihood opportunities, family reintegration, social services and mental health support.

Trafficking in persons

61. The Committee notes with satisfaction the efforts made by the State party to combat trafficking in persons. The Committee is concerned, however, that:

(a) The draft implementing regulations on the victim protection and prevention provisions of the 2008 anti-trafficking law and the draft national action plan on trafficking have not yet been adopted;

(b) Information has been received by the Committee concerning Mozambicans who have been victims of trafficking and forced labour in mining, agriculture and construction in countries of the region, as well as of sexual exploitation and domestic servitude, particularly in European countries;

(c) The human and financial resources allocated to prevent and eradicate trafficking in persons are insufficient, as is the training given to officials responsible for the implementation of anti-trafficking legislation;

(d) Investigations into cases of human trafficking are rarely followed by prosecutions and convictions; information has been received indicating that some traffickers benefit from complicity within the Mozambican police force;

(e) There is no national referral mechanism, the number and coverage of shelters for victims of trafficking is insufficient, and the medical and psychological assistance provided to them with a view to their recovery and social reintegration is inadequate.

62. The Committee recommends that the State party, in accordance with the Principles and Guidelines on Human Rights and Human Trafficking, intensify its efforts to combat trafficking in persons, and in particular:

(a) **Expediently adopt the draft implementing regulations on the victim protection and prevention provisions of the 2008 anti-trafficking law, as well as a strategy and a national action plan to combat trafficking in persons;**

(b) **Scale up its campaigns for the prevention of trafficking in migrant workers and take appropriate measures to counter the dissemination of misleading information regarding emigration and immigration;**

(c) **Allocate sufficient human, technical and financial resources to the National Reference Group on Child Protection and Combating Trafficking in Persons for the effective implementation of laws and strategies to prevent and eradicate trafficking in persons;**

(d) **Improve the training of police officers and other law enforcement officials, border guards, judges, prosecutors, labour inspectors, teachers, health-care providers and the State party's embassy and consular personnel with regard to the means for combating trafficking in persons;**

(e) **Conduct prompt, efficient and impartial investigations into all acts of trafficking in persons, and prosecute and punish the perpetrators of such acts and their accomplices, including public officials;**

(f) **Establish a national referral mechanism to identify victims of trafficking and to provide them with protection and assistance, including accommodation,**

medical care and psychosocial support, take other steps to facilitate their social reintegration, and ensure that they are not punished for offences they may have committed as a direct result of being trafficked.

6. Dissemination and follow-up

Dissemination

63. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels, including to government ministries, the legislature, the judiciary and relevant local authorities, as well as to non-governmental organizations and other members of civil society.

Technical assistance

64. The Committee recommends that the State party avail itself of technical cooperation from the international community for the implementation of the recommendations contained in the present concluding observations and in line with the 2030 Agenda for Sustainable Development.

Follow-up to concluding observations

65. The Committee requests the State party to provide, within two years (that is, by 1 October 2020), written information on the implementation of the recommendations contained in paragraphs 16, 32 (b) and 62 (a) above.

Next periodic report

66. The Committee requests the State party to submit its second periodic report by 1 October 2023. In doing so, the State party may wish to follow the simplified reporting procedure. The Committee draws the State party's attention to its harmonized treaty-specific guidelines (HRI/GEN.2/Rev.6).
