

Human Rights and Business Country Guide

Mozambique



Table of Contents

How to Use this Guide	3
Background & Context.....	7
Rights Holders at Risk	17
Child Labour	30
Forced Labour	36
Occupational Health & Safety.....	39
Trade Unions	43
Working Conditions	47
Environment	54
Land & Property	64
Revenue Transparency & Management.....	70
Security & Conflict	78
Access to Remedy	83
Sector Profiles	87
Region Profiles	97
Sources	99
Endnotes	104

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How to Use this Guide

This Human Rights and Business Country Guide contains information regarding the potential and actual human rights impacts of businesses operating in Mozambique. The information in this Guide is gathered from publicly available sources, and is intended to help companies respect human rights and contribute to development in their own operations and those of their suppliers and business partners.

About the Human Rights and Business Country Guide

The Human Rights and Business Country Guide provides country-specific guidance to help companies respect human rights and contribute to development.

For companies to manage their potential human rights impacts, they must have comprehensive information about the local human rights context in which they operate. The Country Guide provides a systematic overview of the human rights issues that companies should be particularly aware of. For each issue, it provides guidance for companies on how to ensure respect for human rights in their operations or in collaboration with suppliers and other business partners.

The Country Guide is not only a resource, but a process. This Guide was produced through a systematic survey carried out by the Danish Institute for Human Rights (DIHR) and our local partner. The aim of this Guide is to improve the human rights practices of companies, including through facts-based dialogue regarding the issues presented here.

How the Human Rights and Business Country Guide can be used by companies

- Develop company policies and procedures related to human rights issues in the local environment.
- Assess and track the potential human rights impacts of your own operations or in suppliers, business partners and investments.
- Raise awareness among staff, suppliers and other business partners.
- Engage with workers, potentially affected communities, consumers and other stakeholders whose human rights might be affected by your operations.
- Engage with civil society organisations, government bodies or international organisations on human rights-related issues.
- Provide background information for auditors.
- Establish or collaborate with mechanisms for workers, communities and other whose human rights might be affected by your operations.
- Contribute to development initiatives that align with human development needs and priorities in the local context.

How the Human Rights and Business Country Guide can be used by governments

- Review and reform public policy and legislation relevant to the human rights impacts of business, including in the areas of labour, environment, land, equal treatment, anti-corruption, taxation, consumer protection or corporate reporting.

- Ensure respect for human rights in the state's own business affairs such as state-owned companies, sovereign wealth funds and other investments, public procurement, development assistance, export credit and other activities.
- Build awareness and capacity on human rights and business issues within relevant areas of public administration.
- Provide targeted advice to domestic companies.
- Inform the development of trade policy, trade and investment agreements and trade and investment promotion.
- Improve effective access to judicial and non-judicial remedies for victims of business-related human rights abuses.
- Enhance the contribution of the private sector in national and regional development programmes relevant to human rights.

How the Human Rights and Business Country Guide can be used by civil society organisations

- Inform human rights research and monitoring related to business operations.
- Work with affected workers and communities to define human rights and human development priorities related to the role of business.
- Provide capacity-building to government, business and civil society stakeholders on human rights and business.
- Work with local stakeholders to provide recommendations to business and government.
- Facilitate dialogue and engagement with, including multi-stakeholder forums, with state agencies and businesses.

The Country Guide aims to work with all stakeholders to promote, monitor and expand the activities described above. We request that all stakeholders who use the findings of the Country Guide in their work notify the Country Guide team of their activities and lessons learned. These experiences will be included in the Country Guide website, HRBCountryGuide.org.

Country Guide Process

The Country Guide is a compilation of publicly available information from international institutions, local NGOs, governmental agencies, businesses, media and universities, among others. International and domestic sources are identified on the basis of their expertise and relevance to the local context, as well as their timeliness and impartiality.

The Mozambique Country Guide was produced by the Danish Institute for Human Rights (DIHR) and The Mozambican League of Human Rights. The initial survey of publicly available, international sources was carried out by DIHR. The draft was then updated and localized by The Mozambican League of Human Rights.

Country Guide Content

The Country Guide contains the following information:

Areas for Attention

Each section of the Country Guide identifies areas for particular attention by businesses. The Country Guide identifies these areas through an analysis of the country's legal framework for human rights protection; enjoyment of human rights in practice; and the proximity of third-party human rights violations to company operations.

The headline and risk description describe the relevance of each issue for businesses. The text that follows the risk description presents the quantitative and qualitative information upon which this determination was based.

- **Background & Context** gives an overview of economic, political and demographic characteristics.
- **Rights Holders at Risk** identifies groups that may be vulnerable to workplace discrimination or community impacts.
- **Labour Standards** identifies areas for attention related to employees and working conditions. This section includes child labour, forced labour, trade unions, occupational health & safety and working conditions.
- **Community Impacts** identifies areas for attention related to communities whose human rights may be affected by company operations. This section includes impacts related to environment, land & property, revenue transparency & management and security & conflict.
- **Sector Profiles** identifies human rights and business impacts related to a particular industry sector, such as extractive operations, manufacturing or agriculture.
- **Region Profiles** identifies regions of the country where the risk of adverse human rights impacts differs markedly from the national profile. This may include underdeveloped regions, export processing zones or conflict areas.

Cases

Each rights issue includes cases from media and law where the rights issue in question has been allegedly violated. These cases are drawn from the Business and Human Rights Resource Centre, international and local NGOs and stakeholder consultations. The cases presented here should not be considered comprehensive.

Access to Remedy

Victims of corporate human rights abuses have the right under international law to mechanisms that provide for remedy. The UN Guiding Principles on Business and Human Rights explicitly obligate governments and businesses to provide and/or participate in such mechanisms.

The Country Guide includes information under each rights area about the remedy mechanisms available to redress violations of the right. Where possible, this also includes practice information about the effectiveness of such bodies, and the number of cases they have heard and redressed.

Human Rights Guidance for Businesses

This section includes guidance for businesses to prevent and mitigate their adverse human rights impacts. This guidance is drawn from the Danish Institute for Human Rights' (DIHR) existing library of

human rights due diligence recommendations, as well as international frameworks, principles and guidelines. Where available, this section includes recommendations issued by local NGOs and directed specifically at companies operating in the country.

This section also includes examples of initiatives carried out by companies to mitigate their human rights impacts. These are organized into Due Diligence Initiatives—activities that aim to meet the company’s responsibility not to violate human rights—and Beyond Compliance Initiatives—activities that aim to contribute to development beyond this baseline obligation.

Engagement Opportunities

Companies have a responsibility to prevent negative human rights impacts, but they also have an opportunity to contribute to positive human rights impacts. Each section of this Guide includes information for companies to link their policies and community engagement processes to ongoing governmental and institutional efforts to promote and fulfil human rights.

This includes Public Sector Initiatives—activities where the government is aiming to fulfil or promote the right in question through discrete programmes—as well as Development Priorities—themes identified by international institutions as warranting deliberate attention, or where companies could have the greatest impact with their development initiatives.

The purpose of the information in this section is to inspire further efforts and engagement by businesses, as well as to identify existing programmes that companies could support or take part in.

About DIHR

The Danish Institute for Human Rights is a National Human Rights Institution accredited under the UN Paris Principles, and carries out human rights and development programmes in Denmark and around the world. Since 1999, the Danish Institute has worked closely with the business and human rights communities to develop tools and standards for better business practice.

For more information, see humanrights.dk.

About The Mozambican League of Human Rights

The Mozambican League of Human Rights (*Liga Moçambicana dos Direitos Humanos*) was created in 1995, with headquarters in Maputo and regional offices in central and northern Mozambique. The League was created with the vision of leading the process of promoting and protecting human rights in Mozambique. It also has the mission of promoting human rights through advocacy, civic education, monitoring, and legal assistance whenever an institutional gap is identified. The general objective is to contribute to a greater respect for human rights, both by State institutions and civil society.

For more information, see ldh.org.mz

Background & Context

Overview of political and socio-economic conditions in which businesses operate. This information is designed to inform businesses of the broader political and development trends in the country.

Demographics & Economy	
Population	25.3 million (2015 est.)
Ethnic Groups	African 99.66% (Makhuwa, Tsonga, Lomwe, Sena, and others), Europeans 0.06%, Euro-Africans 0.2%, Indians 0.08%
Religious Groups	Roman Catholic 28.4%, Muslim 17.9%, Zionist Christian 15.5%, Protestant 12.2% (includes Pentecostal 10.9% and Anglican 1.3%), other 6.7%, none 18.7%, unspecified 0.7% (2007 est.)
Languages	Emakhuwa 25.3%, Portuguese (official) 10.7%, Xichangana 10.3%, Cisena 7.5%, Elomwe 7%, Echuwabo 5.1%, other Mozambican languages 30.1%, other 4% (1997 census)

Political, Economic & Development Statistics

Quantitative indicators and country rankings

Country Rankings & Ratings			
	2012	2013	2014
Reporters Without Borders: Press Freedom Index (Where 1 indicates the highest degree of freedom)	21,5	28	29
Freedom House: Map of Freedom - Political Rights	3	4	4

(On a scale of 1 through 7, where 1 indicates the highest level of freedom)			
Freedom House: Map of Freedom - Civil Liberties (On a scale of 1 through 7, where 1 indicates the highest level of freedom)	3	3	3
Form of government	Presidential Republic		
Most recent general election	15 October 2014		
Current head of state	President Filipe Nyusi		
Ruling party	Front for the Liberation of Mozambique (FRELIMO)		
Other major parties	- Mozambique National Resistance (RENAMO) - Democratic Movement of Mozambique (MDM)		

Development Indicators & Trends			
	2012	2013	2014
GDP growth	7.1	7.4	7.4
GDP growth in sub-Saharan Africa	4	3.8	4.5
GDP per capita (PPP)	US\$1,000	US\$1,100	US\$1,200
Human Development Index rank	185	178	n/a
Human Development Index score	0.32	0.393	n/a
Human Development Index score – sub-Saharan Africa average	0.47	0.5	n/a
HDI discounted for inequality	0.32	0.282	n/a
Gini coefficient	45,6 (2008)	n/a	n/a
Percentage of population below national poverty rate	50.7 (2011)	n/a	n/a
Population below absolute poverty rate (\$1.25 per day)	54% (2010)	n/a	n/a

Political Context

Governance structures and political developments

After 500 years of Portuguese colonial rule, Mozambique became independent in 1975, and was initially ruled by a single party, the Mozambique Liberation Front (FRELIMO). Opposition from the National Resistance Party (RENAMO) resulted in a civil war that began in 1977 and ended in 1992 with the signing of peace agreement.¹

After an assassination attempt by FRELIMO on RENAMO's leader in 2012, the peace agreement was nullified. Following persistent clashes between the two factions,² particularly in the Sofola province,³ a peace agreement was reached in September 2014.⁴

In 1990, an amendment to the constitution established a multi-party system, resulting in the country's first democratic election in 1994.⁵ Since then, free general elections have been held every five years, with criticism from opposition parties, particularly RENAMO.⁶ The most recent general elections were held on 15 October 2014 and Filipe Nyusi, FRELIMO's candidate, was declared president with 57 percent of votes.⁷

Political tensions before and after the presidential election led to the highest number of riots and protests since the civil war.⁸ RENAMO criticised the election for lacking validity and not providing election material at polling stations.⁹ The African Union considered the elections to be transparent, credible and conducted in a peaceful environment.¹⁰

AllAfrica reported in 2015 that RENAMO leader Alfonso Dhlakama issued several threats of taking provincial municipalities, areas where RENAMO won the majority of votes, in six northern and central provinces 'by force'.¹¹

The current political system is based on an independent separation of powers between the legislature, the executive and the judiciary. The president is the highest authority and is elected every five years.¹² The political and administrative structure of the country comprises 10 provinces ruled by governors appointed by the president and 1,200 districts ruled by a government officer appointed centrally.¹³

The constitution guarantees the right to freedom of expression.¹⁴ According to a 2014 Freedom House report, however, journalist were pressured, threatened and censored. The government reportedly controlled the media,¹⁵ and although no restrictions on internet existed under law, opposition leaders claimed that the government monitored online communication.¹⁶ The law limited freedom of association through notification requirements and time restrictions, resulting in the right of association to be subject to the government discretion in practice.¹⁷ Defamation was criminalised, which, according to the UN Human Rights Committee in 2013, discouraged the expression of critical media reporting on matters of public interest, thus further limiting the exercise of freedom of expression.¹⁸

Socio-Economic Context

Human development indicators and trends

By the end of 15 years of civil war in 1992, Mozambique was one of the poorest countries in the world, with a fragile economy, degraded infrastructure, unskilled human resources and frail institutional structures, according to the International Labour Organization in 2011.¹⁹ The civil war also displaced thousands of people, further hindering economic growth.²⁰

In 2006, the World Bank cancelled the majority of the Mozambican debt, an initiative promoted by the G8 nations.²¹ In 2014, despite GDP growth of 7 percent, Mozambique remained one of the least

developed countries in the world, ranking 178 out of 187 countries in the 2014 Human Development Index.²² With a Gini coefficient at 0.46 in 2008, inequality in the country was high, ranking Mozambique 116th out of 156 countries.²³

The Open Society Initiative for Southern Africa reported in 2013 that the unequal distribution of wealth was due to profits from the extractive sector and other growing sectors—including transport, communications, construction and financial services—not being harnessed for social development. In 2014, the Bertelsmann Foundation declared this situation the main cause of the 2010 food riots.²⁴

The national poverty line, as defined in terms of access to nutrition, decreased from 89.1 percent in 1992 to 54.7 percent in 2009, according to the World Bank in 2015.²⁵ However, according to the latest available data, almost 80 percent of the population lived in poverty if access to education and health and general living conditions were to be taken into account.²⁶

The latest Millennium Development Goals monitoring report, from 2010, stated that MDG 6 on combating HIV/AIDS, malaria and other diseases was unlikely to be met, mainly due to a lack of access to HIV/AIDS medications. However, there was a decrease in risky sexual behaviours.²⁷ The United Nations stated in 2010 that despite advances in economic and social development, key challenges remained in terms of child mortality rates, HIV/AIDS, Mozambique's vulnerability to climate-related impacts and weak infrastructure.²⁸

Development Frameworks

Companies should consult affected communities and align their development initiatives with national and local priorities. The following section identifies existing strategies for poverty alleviation and community empowerment.

Mozambique Five-Year Plan 2015-2019

The objective of the plan is to improve living conditions by increasing employment, production and competitiveness, creating wealth and generating balanced and inclusive development, in an environment of peace, security, harmony, solidarity, justice and cohesion among Mozambicans.²⁹

The Plan identifies five priorities:

- Consolidation of national unity, peace and sovereignty
- Development of human and social capital
- Promotion of employment, productivity and competitiveness
- Development of economic and social infrastructure
- Sustainable and transparent management of natural resources and the environment

In terms of private sector involvement, the plan primarily prioritises public – private partnerships for water provision and the development of infrastructure, including airports, highways, hydroelectric dams, urban transport systems, vocational training and Maintenance of public roads and bridges.

Poverty Reduction Action Plan for 2011-2014

The Action Plan is the medium-term strategy of the Government of Mozambique for putting into operation the Five-Year Government Program (2010-2014), focused on the objective of combating poverty and promoting a culture of work, with a view to achieving inclusive economic growth and reducing poverty and vulnerability.³⁰

The objectives of the Plan are: increasing output and productivity in the agriculture and fisheries sectors; promoting employment; and fostering human and social development, while maintaining a joint focus on governance and macroeconomic affairs and fiscal management.³¹

The government conducted broad consultations, including with civil society organizations, the World Bank and the IMF, while developing the Action Plan. It will be monitored on an annual basis through the Balance Sheet for the Economic and Social Plan.³²

In terms of private sector participation to meet the objectives of the Plan, the government will carry out the following activities:

- Undertake public-private partnerships in order for government revenues to grow.
- Encourage private investment to establish local systems for producing inputs.
- Use private investment to promote the expansion of infrastructure in areas with productive potential.
- Establish traineeship programs in partnership with private businesses to build on the technical capacities of recent graduates.
- Provide the private sector with incentives to expand secondary education.

African Development Bank Country Strategy Paper 2011-2015

The goal of the plan is the promotion of private sector competitiveness through infrastructure development and social inclusion. It aims to promote business and expand small and medium enterprises, increase foreign direct investment and increase co-financing opportunities.

The strategy was developed through discussions between the government, development partners and civil society.

Pillar I of the strategy is focused on promoting SME competitiveness and contributing to increased access to regional markets and creation of jobs. Activities include:

- Expand and improve access to transport and infrastructure;
- Expand access to electricity for domestic users, businesses, health and education facilities, while curbing the environmental impact of its use;
- Increase agricultural and fisheries production and productivity;
- Increase access to drinking water and safe sanitation.

Pillar II of the strategy prioritises governance, and includes the following activities:

- Develop policies to create an enabling business environment;
- Enhance public finance management and reduce corruption;
- Improve the regulatory framework for management of natural resources;
- Improve public sector efficiency;
- Simplification of business procedures;
- Improve access to financial services, skills and technology for SMEs.

The strategy contemplates opportunities for strong direct support to the private sector, particularly in the energy and extractive sectors, agribusiness, infrastructure, and SME financial intermediation.

UN Development Assistance Framework

A programme document between the government and the UN Country Team describing collective actions and strategies toward achieving national development

The UNDAF coordinates 21 UN agencies in Mozambique to provide focused, effective and efficient support to the government's Five Year Plan.

The UNDAF was developed through a consultative planning process accompanied by strategic meetings with the highest level of Government counterparts and consultations extended with civil society and international development partners.

The UNDAF seeks to achieve 8 strategic results in the following areas:

- *Economic:* (I) Support productivity growth in the primary sector, which will have direct impact on rural livelihoods, particularly to subsistence farmers; (II) vulnerable groups access to new opportunities for improved income and livelihoods, with a special focus on decent employment; and (III) sustainable and effective management of natural resources and disaster risk reduction to benefit all people in Mozambique, especially the most vulnerable;
- *Social:* (IV) equitable provision of quality and essential social services to ensure improved well-being for all vulnerable groups; and (V) ensure that vulnerable groups demand, access and use quality and equitable delivered social services;
- *Governance:* (VI) Strengthened democratic governance systems and processes to guarantee equity, rule of law and respect of human rights at all levels; (VII) participation of the Mozambique people in shaping and monitoring a transparent and equitable national development agenda; and (VIII) provision by government and civil society of coordinated, equitable and integrated services at decentralized level.³³

The UNDAF invites the participation of the private sector in fulfilling outcomes II and V particularly.

World Bank Country Partnership Strategy 2012-2015

International priorities and activities to help end extreme poverty increase share prosperity and drive private sector growth

The strategy is aligned with the priorities set out by the government and the African Regional Strategy framework for Mozambique. World Bank staff undertook consultations with civil society organizations, local and central government officials, and development partners.

Under Pillar I, competitiveness and employment, the following objectives have been set: (a) improved regulatory environment; (b) improved management of development process through spatial planning; (c) increased crop yields and overall productivity; (d) increased employment and growth in the tourism sector; (e) improved provision and management of road infrastructure; (f) improved provision of water and sanitation service; (g) improved access to electricity; (h) improved access to affordable telecommunications; and (i) better educated, skilled, and healthier workforce.

Pillar II, vulnerability and resilience, will be addressed in the following objectives: (a) effectively respond to macroeconomic and idiosyncratic shocks; (b) improve resilience to natural disasters and the impacts of climate change; and (c) strengthen social safety net for the most vulnerable people.

The strategy recommends the participation of the private sector in achieving all objectives under Pillar I. Private sector involvement will be also supported in developing one of the region's largest hydroelectric projects and helping rehabilitate or upgrade rail, road, and other infrastructure.

ILO Decent Work Country Programme 2011-2015

The objective of the programme is to contribute to the national priorities of inclusive and sustainable growth and poverty reduction by promoting decent work for all. Emphasis is placed on the most vulnerable and disadvantaged groups in the labour market: young people, women, people with disabilities and people infected with, or affected by, HIV/AIDS. The focus is on young people, which make up the majority of the population.³⁴ The programme is aligned to the National Poverty Reduction Action Plan 2011-2014, the Employment and Vocational Training Strategy 2006-2015 and the Strategic Plan for Reducing Urban Poverty 2011- 2014.

The DCWP was adopted in a process that was coordinated by the Labour Advisory Committee under a tripartite DWCP drafting committee composed of Ministry of Labour officials; representatives from workers organizations (OTM-SC and CONSILMO) and employers organizations (CTA), and the ILO. The process was based on social dialogue and active consensus-seeking among the partners, and involved further consultations with a wider group of stakeholders.

The priorities of the programme are:

- Poverty reduction through the creation of decent work;
- Extension of social protection to all;
- Strengthening fundamental principles and rights at work through social dialogue mechanisms.

Cross-cutting issues for all these priorities are gender issues, HIV/AIDS and tuberculosis, inclusion of the informal economy, de-bureaucratisation of administrative procedures, and good governance.

International Legal Commitments

Accession and ratification of international human rights instruments

UN Conventions	
International Covenant on Economic, Social and Cultural Rights	NOT SIGNED
International Covenant on Civil and Political Rights	ACCEPTED
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty	ACCEPTED
Convention Against Corruption	RATIFIED
Convention Against Torture	ACCEDED
Convention on the Elimination of All Forms of Racial Discrimination	ACCEDED
Convention on the Elimination of All Forms of Discrimination Against Women	ACCEDED
Amendment to article 20, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women (1995)	NOT SIGNED
Optional Protocol to the Convention on the Elimination of All Forms of	ACCEDED

Discrimination against Women (1999)	
Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity (1968)	NOT SIGNED
Convention on the Prevention and Punishment of the Crime of Genocide (1948)	ACCEDED
Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination (1992)	NOT SIGNED
Convention on the Rights of Persons with Disabilities	RATIFIED
Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006)	ACCEDED
Convention on the Rights of the Child	RATIFIED
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	ACCEDED
Optional Protocol on the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	ACCEDED
International Convention for the Protection of All Persons from Enforced Disappearance (2006)	SIGNED
International Convention on the Protection of All Migrant Workers and Members of Their Families	RATIFIED
Convention Against Transnational Organized Crime	RATIFIED
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime	RATIFIED
Regional Instruments	
African Charter on Human and People's Rights	RATIFIED
Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa	RATIFIED
African Convention on the Rights and Welfare of the Child	ACCEDED
African Convention on Nature and Natural Resources	ACCEDED
African Union Convention on Preventing and Combating Corruption	RATIFIED

International Labour Organization Conventions	
ILO Hours of Work (Industry) Convention (C1, 1919)	RATIFIED
ILO Forced Labour Convention (C29, 1930)	RATIFIED
ILO Hours of Work (Commerce and Offices) Convention (C30, 1930)	RATIFIED
ILO Night Work of Young Persons (Non-Industrial Occupations) Convention (C79, 1946)	NOT RATIFIED
ILO Labour Inspectors Convention (C81, 1947)	RATIFIED
ILO Freedom of Association and Protection of the Right to Organise Convention (C87, 1948)	RATIFIED
ILO Night Work of Young Persons Employed in Industry Convention (C90, 1948)	NOT RATIFIED
ILO Protection of Wages Convention (C95, 1949)	NOT RATIFIED
ILO Right to Organise and Collective Bargaining Convention (C98, 1949)	RATIFIED
ILO Equal Remuneration Convention (C100, 1951)	RATIFIED
ILO Social Security (Minimum Standards) Convention (C102, 1952)	NOT RATIFIED
ILO Abolition of Forced Labour Convention (C105, 1957)	RATIFIED
ILO Discrimination (Employment and Occupation) Convention (C111, 1958)	RATIFIED
ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962)	NOT RATIFIED
ILO Equality of Treatment (Social Security) Convention (C118, 1962)	NOT RATIFIED
ILO Employment Policy Convention (C122, 1964)	RATIFIED
ILO Minimum Age (Underground Work) Convention (C123, 1965)	NOT RATIFIED
ILO Medical Care and Sickness Benefits Convention (C130, 1969)	NOT RATIFIED
ILO Minimum Wage Fixing Convention (C131, 1970)	NOT RATIFIED
ILO Holidays with Pay (Revised) Convention (C132, 1970)	NOT RATIFIED
ILO Workers' Representatives Convention (C135 of 1971)	NOT RATIFIED
ILO Minimum Age Convention (C138, 1973)	RATIFIED
ILO Migrant Workers (Supplementary Provisions) Convention (C143, 1975)	NOT RATIFIED

ILO Working Environment (Air Pollution, Noise and Vibration) Convention (C148, 1977)	NOT RATIFIED
ILO Occupational Safety and Health Convention (C155, 1981)	NOT RATIFIED
ILO Workers with Family Responsibilities Convention (C156, 1981)	NOT RATIFIED
ILO Termination of Employment Convention (C158, 1982)	NOT RATIFIED
ILO Indigenous and Tribal Peoples Convention (C169, 1989)	NOT RATIFIED
ILO Night Work Convention (C171, 1990)	NOT RATIFIED
ILO Prevention of Major Industrial Accidents Convention (C174, 1993)	NOT RATIFIED
ILO Worst Forms of Child Labour Convention (C182, 1999)	RATIFIED
ILO Maternity Protection Convention (C183, 2000)	NOT RATIFIED

Environmental Instruments

Stockholm Convention on Persistent Organic Pollutants (2001)	RATIFIED
Kyoto Protocol (1997)	ACCEDED
United Nations Convention on Biological Diversity	RATIFIED
United Nations Framework Convention on Climate Change	RATIFIED
Montreal Protocol on Substances that Deplete the Ozone Layer, 1987	ACCEDED
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, 1989	ACCEDED

Other International Instruments

Declaration on the Rights of Indigenous Peoples	SIGNED
Rome Statute of the International Criminal Court	SIGNED
UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	RATIFIED

Rights Holders at Risk

Societal groups particularly vulnerable to employment-related discrimination or poor development outcomes

Operating Environment		
	Mozambique	Sub-Saharan Africa
HIV/AIDS prevalence (ages 15-49)	11.2 (2012)	4.7 (2012)
Female labour participation rate	86 (2012)	63.5 (2012)
Percentage urban population	32 (2013)	37.2 (2013)
Percentage rural population	68 (2013)	62.8 (2013)
Human Development Index score	0.393 (2013)	0.502 (2013)
HDI adjusted for inequality	0.277 (2013)	0.334 (2013)
HDI Gender Equality Gap Index score	0.657 (2013)	0.578 (2013)
Population below PPP US\$1.25 per day (%)	60.9 (2009)	n/a
Literacy rate, 15-24 years old (%)	MDG: 100 by 2015 67.1 (2009)	69.6 (2010)
Maternal mortality ratio (per 100,000 births)	540 (2010)	510 (2013)
Seats held by women in national parliament (%)	39,2	22.3 (2013)
OECD Social Institutions and Gender Rank	39 (2012)	
Labour force	10.5 million (2013)	
Percentage of population 15-24 years old	21.3 (2014)	
Law prohibits discrimination on the grounds of	Colour, race, sex, ethnic origin, place of birth, religion, level of education, social position, physical or mental ability, the marital status	

	of one's parents, profession or political preference.
Major ethnic groups	Roman Catholic 28.4%, Muslim 17.9%, Zionist Christian 15.5%, Protestant 12.2% (includes Pentecostal 10.9% and Anglican 1.3%), other 6.7%, none 18.7%, unspecified 0.7% (2007 est.)
Recognition of indigenous groups in law	Indigenous people are not recognized in the constitution and Mozambique has not adopted the ILO 169 convention.
Major religious groups	Roman Catholic 28.4%, Muslim 17.9%, Zionist Christian 15.5%, Protestant 12.2% (includes Pentecostal 10.9% and Anglican 1.3%), other 6.7%, none 18.7%, unspecified 0.7% (2007 est.)
Major migrant groups	Malawi and Zimbabwe
Major migrant workers	Portugal, South Africa, India and China.
Persons with disabilities	475,000 (2012) ³⁵
Relevant legislation	• Constitution, 2004 • Decree No. 53 on Accessibility, 1992 • Law 5 that prohibits discrimination against people living with HIV and AIDS in the workplace, 2002 • Family Law, 2004 • Labour Law, 2007 • Law No. 12 that regulates auditing and administrative inspection of the state, 2009 • Law on Domestic Violence Practised against Women, 2009 • Criminal Code, 2015
Responsible agencies	• Ministry of Health • Ministry of Labour, Employment and Social Security • Ministry of Justice, Constitutional and Religious Affairs • Ministry of Women, Children and Social Affairs • Ministry of Youth and Sports

	• National AIDS Council
Local NGOs addressing this issue	• Associação Moçambicana de Defesa das Minorias Sexuais • Centro de Arbitragem Laboral • Coalition for Mozambican Youth • Fórum Mulher³⁶ • Handicap International Mozambique • Mozambican Association for the Development of the Family • Mozambican Association for the Disabled

Country Context

Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.

Mozambique's 2004 constitution guarantees equality of citizens before the law and prohibits discrimination based on colour, race, sex, ethnic origin, place of birth, religion, level of education, social position, the marital status of their parents, profession or their political preference.³⁷

The Labour Code and regulations prohibit discrimination on grounds of race, disability, language, sexual orientation, gender identity, social status and living with HIV/AIDS.³⁸

Ethnic Minorities

The constitution states that discrimination is prohibited, including on grounds of race or ethnic origin.³⁹

The seven largest ethnic groups in Mozambique are the Macua (5.5 million), Lómuè (1.6 million), Sena (1.4 million), Chuabo (785,000), Marendje (75,000), Nyanja (500,000) and Ndau (1.9 million).⁴⁰ The Macua are concentrated in the northern part of the country, while the Sena and Ndau mainly live in the province of Zambezia.⁴¹

Minority Rights Group International's latest report, from 2007, noted that unequal colonial development has led to northern resentment against a southern-dominated political class.⁴² However, in 2013 members of ethnic groups held key positions in legislative and executive branches, and there were no signs of ethnic groups being excluded from participation in political processes, according to the U.S. Department of State in 2014.⁴³ Furthermore, this research found no evidence that ethnic minorities were discriminated against in the workplace based on their ethnicity.

Internally Displaced People

Conflicts resulted in large-scale population movements within in the country, according to the United Nations High Commissioner for Refugees in 2015.⁴⁴ Extreme weather events such as floods and tropical cyclones also reportedly forced people to move.⁴⁵ In 2015, the worst flooding in Mozambique's Licungo River since 1971 affected agriculture land and infrastructure, displacing thousands of families.⁴⁶

Displaced persons were at risk of inadequate access to safe water, sanitation and shelter, according to the Ludwig Boltzmann Institute in 2013.⁴⁷ As of 2015, approximately 13,200 families were displaced in the province of Zambezia, according to the International Organization for Migration. Many displaced

people suffered from malaria and had limited access to food and health services. However, in terms of access to education, almost 75 percent of displaced children attended school.⁴⁸

Migrant Workers

UNICEF reported that the total number of migrants in Mozambique in 2013 was 218,811, an increase from 122,332 in 1990.⁴⁹ Most migrants came from Malawi (76,058) and Zimbabwe (24,961) followed by South Africa, Lesotho and Tanzania.⁵⁰ Most migrant workers came from Portugal, South Africa, India and China.⁵¹

The Labour Law states that the national authorities must protect migrant workers on the same basis as national workers. This protection covers the right to equal work opportunities and duties.⁵² The law also stipulates that no more than 5 percent of employees in companies larger than 100 employees may be foreigners. The limit is 8 percent in companies with 10-100 employees and 10 percent in companies with fewer than 10 employees. Authorization for hiring additional foreigners requires approval by the Ministry of Labour.⁵³

Companies reportedly did not comply with the quota to hire foreign employees. Companies who reached their quotas reportedly used recruiting agencies to file work permits on their behalf to employ more workers than legally permitted.⁵⁴

The sector that provided employment to most foreign workers was non-financial services, followed to a lesser extent by construction, according to the news organisation Macau Hub in 2015.⁵⁵

In 2014, the International Organization for Migration (IOM) reported that Mozambique was a destination and transit country for migrants. Economic migrants and refugees from the Horn of Africa, notably Ethiopia, Somalia and the Democratic Republic of the Congo, generally transited through Mozambique to reach South Africa.⁵⁶

Episodes of discrimination, including xenophobic attacks against foreign nationals, were reported, particularly against those coming from South Africa, according to The Guardian in 2015.⁵⁷

Persons with Disabilities

The constitution guarantees persons with disabilities the enjoyment of rights on an equal basis.⁵⁸ The Labour Law states that all employers must establish and promote appropriate measures to secure employees with disabilities or chronic illness the same rights and duties as their colleagues. These measures include equal access to employment, vocational training and promotion.⁵⁹ The law indicates that working conditions should allow all employees to perform socially useful activities in consideration of their individual capacity.⁶⁰ Decree No. 53 on Accessibility, adopted in 1992, seeks to promote accessibility of construction and maintenance and of public service systems to persons with disabilities.⁶¹

There were approximately 475,000 persons with disabilities in Mozambique, according to the U.S. Department of State in 2014.⁶² Injuries from landmines or other ordnance during or after the civil war have resulted in many persons with disabilities.⁶³ Handicap International reported in 2014 that 86 percent of landmine survivors in Mozambique had limited or no access to work.⁶⁴

In 2013, the Friedrich Ebert Foundation reported that despite legal protections, the general approach to persons with disabilities was charity donations instead of rights.⁶⁵ The main obstacles to employment of persons with disabilities were the lack of assistive technology; lack of access to buildings; lack of legal implementation; high levels of illiteracy and low levels of education; and prejudice.⁶⁶ According to the latest census, from 1997, 80 percent of persons with disabilities lived in rural areas and lacked access to

health and education.⁶⁷ A group of Mozambican NGOs reported in 2010 that only two schools for children with disabilities existed in the country and were located in Maputo and Beira.⁶⁸

In 2014, the UN Special Rapporteur on Extreme Poverty and Human Rights noted societal discrimination and stigmatisation against persons with disabilities.⁶⁹ Persons with disabilities were considered to be cursed or victims of witchcraft, making them particularly vulnerable to discrimination, according to a 2014 International Task Force on Teachers report.⁷⁰

The Ministry for Women and Social Welfare reportedly had limited resources to implement laws in relation to persons with disabilities.⁷¹

People Living with HIV/AIDS

The constitution guarantees the right to health care.⁷² A special law prohibits discrimination against people living with HIV/AIDS in the workplace⁷³, while the labour law protects the rights of people living with HIV/AIDS and requires companies to have an HIV/AIDS Workplace Program in place.⁷⁴ The government stated in 2014 that most companies did not have HIV/AIDS programmes or were weakly implementing them.⁷⁵

According to a 2013 Ludwig Boltzmann Institute study, Mozambique had a high prevalence of communicable diseases, including HIV/AIDS, malaria, tuberculosis and tropical diseases.⁷⁶ Malaria was the most common cause of death, as reported by the World Bank in 2015.⁷⁷

As of 2013, Mozambique had one of the world's highest HIV/AIDS prevalence rates, with 10.8 percent of the population between 15 and 49 infected.⁷⁸ UNAIDS reported that 1.6 million people were living with HIV/AIDS, with 810,000 children orphaned by AIDS.⁷⁹

Tuberculosis incidence in 2012 was 552/100,000 people. Almost 85 percent of persons living with HIV/AIDS had tuberculosis in 2013, and the co-infection rate has increased over the last couple of years, according 2014 official statistics.⁸⁰

In 2013, the IOM reported that the highest HIV and tuberculosis rates in the country were in the south, due to transport corridors to South Africa and Swaziland and high levels of sex work.⁸¹ The province of Gaza had the highest prevalence rate at 25.1 percent, though official statistics have not been gathered since 2011.⁸²

Migrant mine workers and truck drivers were among the most vulnerable to HIV/AIDS infection and transmission, particularly in areas bordering South Africa.⁸³

In 2013, 59 percent of persons living with HIV/AIDS received anti-retroviral treatment, an increase from 41 percent in 2012.⁸⁴ According to 2014 official statistics, migrant mine workers with tuberculosis had particular difficulties accessing effective treatment.⁸⁵

Rural Poor

Seventy percent of the population lives in rural areas, where poverty rates are highest. Nearly 96 percent of rural people worked in the agriculture sector.⁸⁶ The Rural Poverty Portal noted that people living in rural areas were more vulnerable to natural disasters and environmental degradation, particularly in central and southern provinces.⁸⁷

The reasons for rural poverty rates included inadequate infrastructure; lack of access to goods and services, lack of access to safe water; lack of access to education and health; and a lack of appropriate agricultural technologies and support services, according to a 2013 Ludwig Boltzmann Institute study.⁸⁸

Sexual Minorities

The labour law prohibits discrimination against employees on grounds of sexual orientation or gender identity.⁸⁹ In June 2015, the new Criminal Code removed the provision stating the imposition of security measures on people 'who habitually practice acts against nature'.⁹⁰

Homosexuality, according to a 2014 Associacao Mocambicana de Defesa das Minorias Sexuais study, was seen as a 'deviation from what is considered to be normal, an illness or a behavioural disturbance that should be fixed'.⁹¹ The study found that sexual minorities faced barriers to expressing their sexual identity in the workplace and were subject to stigmatization, discrimination and exclusion. Workers reportedly suffered from harassment, intimidation, isolation and humiliation in the workplace due to their sexual identity.⁹²

According to the U.S. Department of State incidents of discrimination of sexual minorities in the workplace were reported in 2014.⁹³

Women

The constitution establishes that women and men are equal before the law in all spheres of political, economic, social and cultural life.⁹⁴ The Family Law, adopted in 2004, formulates equal opportunities for men and women to own and administer property.⁹⁵

The law provides equal rights for men and women regarding treatment and career progression, and provides punishment for sexual harassment in the workplace.⁹⁶ It also guarantees the right to equal pay for the same work, which is less protection than the international standard 'equal pay for work of equal value', according to the International Labour Organization's (ILO) Committee of Experts on the Application of Conventions and Recommendations (CEARC) in 2013.⁹⁷

The Labour Law, adopted in 2007, protects the rights of parents or guardians in their function as caretakers of their children. This includes special rights to maternity, paternity and childcare. The labour law provides for 60 days of maternity leave, which is below the international standard of 90 days.⁹⁸ Furthermore, women have special rights up to one year after giving birth such as the right not to perform night work and breastfeeding breaks without losing remuneration.⁹⁹

In terms of access to the labour market, the UN Special Rapporteur on Extreme Poverty and Human Rights noted in 2014 that high illiteracy rates among women constituted one of the main difficulties for women in accessing employment.¹⁰⁰ A 2014 Danish Trade Union Council for International Development Cooperation (LO/FTF Council) report stated that women had the same employment rate as men.¹⁰¹ However, in 2013 the UN Human Rights Committee reported a low representation of women in decision-making positions at local level.¹⁰²

In 2013, Wage Indicator reported that women were often employed without contracts,¹⁰³ and were three times less likely to be employed in the public and formal private sector than men.¹⁰⁴

Women earned less than the minimum wage, especially those working in small industries with less than 10 employees,¹⁰⁵ and were paid less than their male colleagues for the same amount of work, according to the ILO in 2009.¹⁰⁶ Sexual harassment was reportedly widespread in business.¹⁰⁷

Ninety-four percent of women were employed in agriculture,¹⁰⁸ working on average 16 hours a day and spent a considerable part of their working days on unpaid activities, according to the World Food Programme in 2014.¹⁰⁹

In 2014, the LO/FTF Council reported that women and girls from rural areas and from neighbouring countries, especially Malawi and Zimbabwe, were vulnerable to exploitative domestic labour in urban areas.¹¹⁰

A 2015 Land Governance report stated that the wide use of primary formal legislation such as the 1966 Portuguese Civil Code, which may result in men being favoured over women in court issues concerning marital property and common heritage.¹¹¹ The Social Institutions and Gender Index reported in 2012 that customary practices forced widows to remain unmarried if they were to retain their husband's property and guardianship of their fellow children.¹¹² Their lack of access to land resulted in low farming productivity and access to technical services compared to men.¹¹³ No land registration title was reported to be held by a woman, according to the local organization Justica Ambiental in 2011.¹¹⁴

Access to health and education were particularly challenging for women, characterised by high mortality rates, and physical abuses by teachers in schools, resulting in high dropout rates, as further reported by the UN Special Rapporteur.¹¹⁵

The UN Human Rights Committee also reported in 2013 harmful traditional practices such as forced and early marriage and polygamy, despite their legal prohibition.¹¹⁶

A law against domestic violence against women was adopted in 2009. The UN Human Rights Committee noted in 2013 that domestic violence existed and oftentimes such cases were not reported due to traditional societal attitudes.¹¹⁷ In 2014, the U.S. Department of State stated that the law was not enforced in rural areas, where most rapes took place.¹¹⁸

Young Workers

In 2013 the government adopted a new youth policy, which ensures their right to equal access to employment. It also includes priorities such as technical and vocational education; fostering labour, employment and entrepreneurship.¹¹⁹ The law defines youth as citizens 15-35 years old.¹²⁰

According to the latest census, from 2007, 33 percent of the population was between 15 and 35, of which 12 percent lived in urban areas.¹²¹ The World Bank noted in 2013 that youth represented approximately 14 percent of total labour force in Mozambique.¹²²

The unemployment rate of youth was 13 percent compared to 8 percent of the general population. This disparity was more pronounced in urban areas, according to the LO/FTF Council in 2014.¹²³

Around 300,000 youth entered the work market annually, according to the Africa Economic Outlook Organization in 2015. Many of them were employed in the informal sector, as the economy has not created sufficient employment for youth.¹²⁴ Youth generally worked in the agriculture and small and medium-size enterprises.¹²⁵

Cases

Reports of business-related human rights issues from NGOs, multilateral institutions and the media.

- **April 2015, Jornal de Noticias:** Mozambican citizens attacked two busses from the South African company Translux. The violent act occurred in a border city with South Africa and was reportedly retaliation for xenophobic attacks in South Africa against Mozambicans.¹²⁶
- **December 2013, O Pais:** Mozambican workers at the company Jan Drilling Alfa Furor de Agua in Nampula province, owned by a South African national, denounced patterns of discrimination by management. The workers said they were subject to harassment at the workplace, and were paid based on 'their skin colour'.¹²⁷

Company Initiatives

Private-sector programmes that aim to ensure respect for human rights or contribute to development

Company Due Diligence Initiatives

Rio Tinto: The company has a Human Rights Policy and runs a global whistleblowing programme called Speak-OUT, a confidential, free telephone line for all employees to bring human rights concerns to senior management. Every month, summaries of the calls are sent to the chief executive and global head of compliance. It is available 24 hours a day and in over 40 languages.¹²⁸

Vale: The company delivered human rights training to managers in Maputo, Beira, Nampula, Nacala and Teté provinces in 2013 and 400 employees participated in a human rights awareness-raising event.¹²⁹

Sasol: The oil and gas company, with operations in Ressano García, has developed a 10-Point Plan that provides a set of qualitative measures for diversity, including the recruitment, development and retention of candidates from under-represented groups, as well as measures to enhance gender equity. The company has developed a women empowerment strategy and the Sasol Women Network, which holds seminars to develop the skills of women and improve access to career advancement. Facilities were improved to accommodate people in wheelchairs and awareness sessions were conducted to better prepare employees to accommodate colleagues with disabilities.¹³⁰

Anadarko: The gas company, with operations in and around Rovuma Basin, developed a programme to prepare new workers for their future role in topics including health and safety, gathering and liquefying natural gas, plant operations, project management, leadership and language skills.¹³¹

Company Development Initiatives

Cervejas de Moçambique: The company conducted 10,016 training days equivalent to 9 days per worker, during 2013. Themes included competence acquisition processes, sales and manufacturing.¹³²

ECOSIDA: This business network was established in 2005 by 23 companies to fight discrimination related to HIV/AIDS, tuberculosis and malaria in the workplace. As of August 2015, the network had 81 members. In 2011, the network established an information gathering system to include companies' activities related to HIV/AIDS, which were then reported to the National AIDS Council. The network also established the annual Business Excellence Award to acknowledge company responses to the HIV/AIDS epidemic.¹³³

Moza Banco (2015): The Bank committed 200 million meticals (US\$5,000) to finance women entrepreneurs' projects.¹³⁴

Vale (2013): The company implemented the Issues and Stakeholders Model in 2013. This model includes: 1) dialogue between the company and local communities, 2) a database on communities' complaints in Nacala and Nampula 3) socio-economic studies on the company's operations and 4) a Multi-Year Plan for Social Spending in response to communities' demands and socio-economic studies.¹³⁵ The company also organised vocational trainings to empower local communities in the vicinities of the coal mine in Moatize in the Teté province. In 2012 and 2013, more than 1300 people over 18 and with a sixth grade level of education in the province were trained to work in the mine.¹³⁶

The company also runs educational programs for employees and contractors on malaria and how to combat transmission, provides for tools for individual protection (i.e. repellent and mosquito nets), and access to health care facilities.¹³⁷

BHP-Billiton (2014): The company launched a five-year, US\$8.8 million project supporting small-scale farmers in Boane, Marracuene and Namaacha districts in the Maputo province. The project aims to increase income and business opportunities, improve production capacity through training and facilitate access to finance, and should benefit 6,500 households.¹³⁸

Companhia Industrial de Matola and MEREC (2013): Two major Mozambican food processing companies launched a partnership with the government, the Food Fortification Programme, with the objective of fighting malnutrition by producing micronutrient rich food.¹³⁹

Ncondezi Energy (2012): The company entered a public-private partnership with the Mozambican government and the local community in the Moatize District. US\$2 million was allocated to a three-year social development plan with the objectives of partnering with the Mozambican government to contribute to sustainable development and create opportunities for the local community.¹⁴⁰

Coca Cola Sabco Mozambique: The company adopted the 5by20 vision to empower women entrepreneurs in their value chain. Over 150 Mozambican women received their Coca-Cola vendor kits after completing the Shopkeeper Training and Resources programme in Matola city. The trainees were trained on skills to launch their own small businesses.¹⁴¹

Stakeholder Recommendations

Associação Moçambicana de Defesa das Minorias Sexuais (LAMBDA): The organization recommends that companies take the following actions:

- establish instances where cases of discrimination based on sexual orientation can be presented;
- conduct seminars, campaigns and meetings at the managerial level on issues related to the negative impacts of discrimination based on sexual orientation to the company's assets;
- work with other companies in order for them to include in their core policies and values issues related to discrimination based on sexual orientation;
- develop flyers, hold seminars and debates to eliminate stereotypes on homosexuality at the workplace;
- disseminate the content of ILO Convention 111 and the local mechanisms available to protect sexual minorities' rights in the workplace.¹⁴²

Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

Discrimination

Does the company ensure that employment-related decisions are based on relevant and objective criteria?

- The company identifies different types of discrimination, including those rooted in formal structures and cultural traditions.

- It is company policy to ensure that decisions concerning hiring, wages, promotion, training, discipline, retirement and termination are based only on unbiased criteria, and are not linked to any of the discriminatory characteristics listed in the description for this question.
- Each job category in the company has a written description stating the salary level and the qualifications required for that job category.
- The company ensures that employment advertisements do not reference discriminatory criteria, such as race, gender or age (unless listed as part of a legal equal opportunities promotion).
- The company ensures that job applicants are not asked to give information about their marital status, pregnancy, intent to have children, number of dependents, or similar information that may lead to discriminatory hiring decisions.
- All hiring managers receive training regarding the company's non-discrimination policies.
- The company has established a procedure, accessible and known to all workers, where workers can safely report incidents of workplace discrimination.
- The company takes reasonable steps to enable qualified persons with disabilities or health conditions to gain employment opportunities with the company, for example by providing wheel chair access, flexible working hours, longer breaks etc.

Fair Treatment

Does the company protect workers from workplace harassment including physical, verbal, sexual or psychological harassment, abuse, or threats?

- The company has a commitment to prevent workplace harassment.
- The company actively informs workers of their obligations to refrain from violent, threatening or abusive conduct.
- Managers receive training on how to identify and deal with instances of harassment in the workplace.
- The company investigates all complaints of workplace harassment and takes appropriate preventative and disciplinary action including reporting of criminal actions to the appropriate authorities.

Privacy

Does the company respect the privacy of its employees whenever it gathers private information or monitors the workplace?

- The company has a procedure stating which kinds of workplace monitoring are allowed; what kind of personal worker information is retained; where it is stored; who has access; and why the information is necessary.
- Workers are made aware of all workplace monitoring, including cameras and Internet or e-mail monitoring, and the specific purpose of the monitoring.
- The company obtains the worker's prior written consent before gaining information from an individual with whom the worker has a privileged relationship, including a former employer, doctor or lawyer.
- Workers have access to all personal data collected about them, including data concerning disciplinary decisions and data obtained through monitoring, but excluding confidential

management specific information related to performance evaluations, salary negotiations, promotions, rotation and similar employment decisions.

Community Engagement

Does the company engage with local communities on the actual or potential human rights impacts of its operations?

- The company has a commitment to engage openly with communities in and around its area of operations, prior to, during and after commencing activities that may negatively impact their access to resources (e.g. water, food, land) or livelihoods (e.g. fishing or hunting grounds).
- The company communicates and consults with local communities prior to, during and after commencing activities to prevent, reduce and mitigate impacts.
- The company takes steps to remedy the legitimate concerns of local communities regarding any negative impacts of the company's operations on the access to resources or livelihoods.

Country Risk

Does the company seek to avoid involvement in human rights abuses owing to government or societal practices?

- If operating in a country or region with systematic human rights abuses, the company seeks to become aware of and avoid the risk of contributing to, endorsing or benefiting from such abuses.
- Where the company risks involvement in systematic human rights abuses owing to government or societal practices, the company seeks to identify solutions through dialogue with other businesses, civil society organisations, experts and other relevant stakeholders, including where possible with the authorities.
- The company ensures that it does not endorse any state imposed discriminatory limitations on the right to vote, and does not pass along information concerning religious, racial, political affiliations or other characteristics of employees which could be used by the government as a reason to restrict the right to vote.

Standards & Guidance

NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre

- International Labour Organization Core Labour Standards on Non-discrimination and the ILO Bureau for Gender Equality: Non-discrimination comprises one of the four core areas of the ILO Declaration on Fundamental Principles and Rights at Work, which comprises the ILO core labour standards. The ILO integrates gender throughout its work, with the objective of achieving gender equality as an essential feature of decent work. This can include advisory services, research and information dissemination, training and capacity building.
- Oxfam Australia: Women, Communities and Mining: The Gender Impacts of Mining and the Role of Gender Impact Assessment (2009): This Guide is intended to inform mining company staff of potential gender impacts of mining projects and introduces some tools and approaches that can be used to conduct a gender impact assessment.
- Women's Empowerment Principles (2010): Developed in collaboration between UN Women and the UN Global Compact, the Women's Empowerment Principles are a set of principles for

businesses offering guidance on how to empower women in the workplace, marketplace and community.

- The Forest Peoples Programme: Established in 1990, the Programme is dedicated to supporting Indigenous Forest Peoples protect their land rights and human rights. The Programme works directly with indigenous communities, assisting them in building their own capacities and exercising their human rights.
- IFC Performance Standard 7: Indigenous Peoples (2012): The IFC PS7 and its accompanying guidance offer directions on how private sector projects can respect the human rights of Indigenous Peoples through following the stated requirements.
- International Council on Mining and Metals Good Practice Guide: Indigenous Peoples and Mining (2010): The ICMM is the industry organisation for the mining and metals sector. The Guidance provides advice to companies on how they can build effective relationships with Indigenous Peoples, as well outlining ways in which companies can effectively engage throughout the lifecycle of a project.
- International Working Group for Indigenous Affairs (est. 1968): IWGIA is an international human rights organization specialising in Indigenous Peoples' rights. IWGIA works to further the understanding, knowledge, and engagement with the rights of Indigenous Peoples through publications, advocacy programmes and support of local projects.
- The Manila Declaration of the International Conference on Extractive Industries and Indigenous Peoples (2009): The Declaration is a statement on behalf of Indigenous Peoples and support organisations from 35 countries that calls on different stakeholder groups, such as extractive companies, communities and civil society organisations, to respect and uphold the recognised rights of Indigenous Peoples.
- Tebtebba Foundation (Indigenous Peoples' International Centre for Policy Research and Education): The Foundation's main purpose is to work for the respect, protection and fulfilment of Indigenous Peoples' rights and the operationalisation of Indigenous Peoples' self-determined sustainable development. The Foundation offers a number of relevant resources on issues such as traditional knowledge and traditional livelihoods, biodiversity and climate change.
- UN Permanent Forum on Indigenous Issues (est. 2000): The Forum was formed to advise the United Nations Economic and Social Council on a number of Indigenous Peoples' rights issues, such as economic and social development, culture, education, environment, health and human rights.
- UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples (est. 2001): The Special Rapporteur mandate is to advise on and monitor the human rights situation of Indigenous Peoples. This includes country reports, promoting good practice, addressing relevant human rights violations and contributing to thematic study on topics related to Indigenous Peoples.

Engagement Opportunities

Development initiatives by public and private actors that provide opportunities for companies to contribute to human development

Public Sector Initiatives

Programme to Eliminate Severe Hunger (2013): The €67.3 million (US\$91.5 million) programme was launched with the cooperation of the European Union aimed at contributing to the achievement of Millennium Development Goal 1. The programme focuses on improved production for farmers and small-scale fishermen, through access to inputs (e.g. seeds, fertilizer and fishing nets). It aims to cover about 200,000 households in 46 districts in the centre and north of the country.¹⁴³

National Plan for the Disabled (2012-2019): The plan aims to offer persons with disabilities equal opportunities in vocational guidance, professional training, self-employment and access to the formal and informal job market.¹⁴⁴

It offers funding to persons with disabilities in the provision of basic education and medical assistance, among other areas, and assessment of implementation by organizations that support people with disabilities. The government committed to allocate US\$30 million during 2012-19 for the implementation of the plan.¹⁴⁵

NGO Initiatives

Forum Mulher is a network of NGOs promoting women's human rights working in the following areas: female political participation and movement creation; women's economic autonomy; sexual and reproductive rights; and gender-based violence.¹⁴⁶

Associação Progresso is a network of community centres that provide microfinance and other services in health, education, and agriculture to the poor in the northern province of Cabo Delgado.¹⁴⁷

Child Labour

Work that interferes with the health, development, education or family life of persons under 18

Operating Environment		
	Mozambique	Sub-Saharan Africa
Net Enrolment Ratio in Primary Education (% both sexes)	86.5 (2011)	77(2011)
Percentage of pupils starting grade 1 and reaching last grade of primary	31.6 (2011)	n/a
One-year-old children immunised against measles (%)	82 (2011)	72.1 (2012)
Mortality rate of children under 5 years old (per 1,000 live births)	90 (2012)	97.9 (2012)
Percentage of population below 14	45.3 (2014)	
Restrictions on children under 18 from working	The law permits children between ages 15 and 18 to work, but the employer is required to provide for education, training, and conditions of work that are not damaging to their physical or moral development. The maximum workweek is 38 hours and the maximum workday is seven hours. Children are not permitted to work in occupations that are unhealthy or dangerous or require significant physical effort.	
Minimum age of employment	18	
End of compulsory education	Age 13 (grade 7)	
Relevant legislation	• Constitution, 2004 • Labour Law, 2007 • Law for the Protection of Children's Rights, 2008 • Law No. 6 on Preventing and Combating Trafficking in Persons, especially women	

	and children, 2008 • Penal Code, 2014
Responsible ministries	• Ministry of Labour, Employment and Social Security • Ministry of Women, Children and Social Affairs • National Council on the Rights of the Child • National Commission on Children's Rights • General Inspectorate of Labour
Local NGOs addressing this issue	• Rede de Comunicadores Amigos da Criança • Fórum da Sociedade Civil para os Direitos da Criança • CAME Network

Country Context

Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.

The constitution establishes that every child has the right to the protection and care required for their well-being and prohibits child labour.¹⁴⁸ Children between 15 and 18 can work provided that working conditions are not physically, psychologically or morally harmful for their development and are adequate for educational and professional training. The maximum working hours for minors 15 to 18 is 38 hours a week and seven hours per day.¹⁴⁹ Prior to commencing work, minors must be granted a medical certificate to secure that they are mentally and physically capable of carrying out the assigned work.¹⁵⁰

The law forbids companies to hire children under the age of 15 without permission from their legal guardian. In certain cases minors between 12 and 15 may be hired if a diploma outlining the exact working tasks and conditions is issued by the Council of Ministers.¹⁵¹ The Council of Ministers defines the special conditions under which children between 12 and 15 can work.¹⁵²

In 2013, the UN Human Rights Committee expressed concern about the high rate of child labour in Mozambique.¹⁵³ According to the latest national survey, from 2008, 22 percent of children 5 to 14 and 27 percent of children 12 to 14 were working. In urban areas only 15 percent of children were involved in child labour, while in rural areas the rate was 25 percent.¹⁵⁴ More recent national statistics were not available.

Inhambane and Sofala provinces reportedly had the highest rates of child labour. Children primarily worked in family-run businesses and their involvement in child labour was linked to the mother's level of education and the family's income.¹⁵⁵

Child labourers were commonly seen in bordering towns among migrant children. In the town of Ressano García particularly, children were working 10 to 12 hours a day, without pay, according to a 2013 UNICEF study.¹⁵⁶

Worst Forms of Child Labour

The labour law prohibits labour that is dangerous, unhealthy or requires great physical strength for minors.¹⁵⁷ However, the law did not prohibit hazardous activities for children.¹⁵⁸ The Penal Code prohibits child trafficking and commercial sexual exploitation of children.¹⁵⁹

The UN Human Rights Committee noted in 2013 that most child labourers were working in the agriculture sector. The U.S. Department of Labor reported that children were mostly employed harvesting cotton, sesame, cashews, tobacco, or tea.¹⁶⁰ A 2012 Africa 21 article referred to a UNICEF report stating that 15 percent of working children, mainly employed in agriculture, experienced work-related injuries from carrying heavy loads and using sharp knives, especially in sugarcane plantations.¹⁶¹ Working children were also exposed to chemicals and hazardous substances, long working hours and night work.¹⁶²

Hazardous child labour was also reported in the informal and construction sector, according to the Mozambican network Rede de Comunicadores Amigos da Crianca (RECAC) in 2013.¹⁶³ The UN Committee against Torture expressed concern in 2013 about the existence of child debt bondage.¹⁶⁴

In 2015, UNICEF reported that approximately 1.2 million orphaned children were vulnerable to exploitative hazardous labour and sexual abuse, with lack of access to education and health care.¹⁶⁵ HIV/AIDS orphans were reportedly more likely to be involved in hazardous child labour.¹⁶⁶

The U.S. Department of Labor noted in 2014 that girls from Malawi, Swaziland and Zimbabwe were trafficked to Mozambique for commercial sexual exploitation, especially in rural areas. Children were trafficked internally for forced labour in agriculture, mines and domestic service.¹⁶⁷ *Diario de Noticias* noted that 53 persons were found to have been trafficked in 2014, of which 47 were children.¹⁶⁸

The U.S. Department of Labor reported in 2014 that the Labour Inspectorate Office had 135 inspectors for the entire country. There were limited funds to cover rural and agricultural areas.¹⁶⁹

Education

The constitution guarantees the right to education.¹⁷⁰ The law provides for compulsory education from age 6 to 13, or grade one to seven. According to a 2012 ILO report, the two years between the end of compulsory education (13) and the start of working age (15) left children vulnerable to child labour.¹⁷¹ The U.S. Department of Labor reported in 2014 that although school was free, the cost of school supplies was prohibitive for many families.¹⁷²

Many children were missing out on quality education as a result of lack of schools in Mozambique's rural areas, according to the NGO Plan in 2014.¹⁷³ The latest national survey (2008) reported that while 25 percent of children whose mothers never went to school were involved in child labour, the percentage dropped to 10 when the mothers had a secondary or higher level of education.¹⁷⁴

The U.S. Department of Labor reported in 2014 that verbal, physical and sexual abuse in schools was common and in many cases was the reason for school withdrawal.¹⁷⁵

Cases

Reports of business-related human rights issues from NGOs, multilateral institutions and the media.

- *July 2015, Verdade:* Approximately 20 children aged 8 to 15 were rescued by the authorities every year in Manica province from being trafficked to mines in South Africa.¹⁷⁶

- *May 2015, Verdade:* Representatives from the Democratic Movement of Mozambique reported that children were allegedly employed by the Mocuba local government to clean the city, particularly the Rural Hospital. The children were not provided with protective equipment.¹⁷⁷
- *October 2014, Verdade:* Two children, 8 and 10 respectively, were found working in a family business shop selling alcoholic beverages in Mecuburi, Nampula province.¹⁷⁸

Company Initiatives

Private-sector programmes that aim to ensure respect for human rights or contribute to development

Company Due Diligence Initiatives

Illovo Sugar – Maragra Açúcar Limited: The company, with operations in the Manhiça district, has a policy that includes a clause on the prohibition of child labour, extending also to its supply chain.¹⁷⁹

British America Tobacco: The company, which has operations in Mozambique, has committed to the UN Guiding Principles on Business and Human Rights. The company's human rights policy states that it does not condone or employ child labour, and that it seeks to ensure the welfare, health and safety of children at all times. It has also developed a Social Responsibility in Tobacco Production Programme, which makes reference to child labour. Through the programme, the company tries to understand what children are doing and why, and promote access to schooling and track efforts to address vulnerabilities.¹⁸⁰

Company Development Initiatives

Companhia Moçambicana de Hidrocarbonetos: The Mozambican hydrocarbon company is committed to supporting communities surrounding its natural gas projects. Access to education is one of the company's priorities. It provides support to young girls' education at the Secondary School Emilia Duasse in Inhambane province; has built two new classroom blocks and one administrative block and toilets at the Josina Machel Primary School in the Manhiça district; and has donated used computers, printers and scanners to schools in Maputo.¹⁸¹

Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

- The company does not employ workers under 15 years of age for full-time work, 13 years of age for light work and 18 years of age for hazardous work (please see the question description for exceptions).
- If the company employs minors below the age of 18, the company has a list of job functions that can safely be performed by minors.

- The company is aware of local age-levels for completion of compulsory education and does not employ workers under that age for work that may interfere with such education.
- The company has a reliable procedure to check the age of young job candidates by birth certificate, other official forms of identification, or by alternative means such as physical appearance or knowledge of historic events.
- Company apprenticeship programmes do not constitute the main portion of the workforce, are limited in duration, are performed in conjunction with a school programme (or supervised by Labour Ministers or Labour Organisations), and do not interfere with the child's compulsory education.
- If the company becomes aware that it is employing young workers below minimum age, it ensures that they are enrolled in education programme, and that their dependents are compensated for the resulting loss of income.

Standards & Guidance

NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre

- Business and Human Rights Resource Centre, Business & Children Portal: The Portal is an information hub developed to give practical assistance to people from all business sectors in their work and decision-making, leading to better protection of the rights and welfare of children. The Portal has sections on: issues, positive initiatives, alleged abuses, lawsuits and guidance.
- Children's Rights and Business Principles (2012): Developed by UNICEF, UN Global Compact and Save the Children, these Principles are the first comprehensive set of principles to guide companies on the full range of actions that they can take in the workplace, marketplace and community to respect and support children's rights.
- ILO Programme on the Elimination of Child Labour (est. 1992): The Programme has the overall goal of the progressive elimination of child labour, to be achieved through strengthening the capacity of countries to address it and promoting a worldwide movement to combat child labour.
- UN Committee on the Rights of the Child General Comment No.16 on State obligations regarding the impact of the business sector on children's rights (2013): The Committee is the body of independent experts that monitors the implementation of the Convention on the Rights of the Child and the Optional Protocols. In April 2013, the Committee issued a general comment on business and children's rights. The objective of General Comment No.16 is to provide States parties with a framework for implementing the CRC, particularly with regard to the business sector.
- Children's Rights in Impact Assessment – A Tool For Companies (2013): Developed by UNICEF and the Danish Institute for Human Rights, this checklist is a practical tool intended to help companies to identify and manage their impact on children's rights. The checklist contains a set of questions and indicators covering the 10 Children's Rights and Business Principles, addressing different aspects of company policies and operations and the impact on children's rights.
- Better Work (ILO, IFC): Guidance Sheet on Child Labour (2009)

Engagement Opportunities

Development initiatives by public and private actors that provide opportunities for companies to contribute to human development

Public Sector Initiatives

Fourth Session of the Children's Parliament: The Parliament is composed of children 10 to 16 from around the country and convenes every two years. The fourth session was held in July 2013 and gave children the opportunity to address the president and ministries on crucial issues such as child labour, trafficking and access to education.¹⁸²

Training on Child Labour (2013): The government, in collaboration with UNICEF, provided training to officers on the use of radio broadcasts to communicate with the public about issues of child abuse, including child labour.¹⁸³

NGO Initiatives

Fórum da Sociedade Civil para os Direitos da Criança: The Forum seeks to contribute to the reduction of child labour with the coordination and strengthening of a national movement in the area of children's rights. It works towards the development of capabilities of stakeholders and the dissemination of relevant information on children's rights.¹⁸⁴

Forced Labour

Debt bondage, human trafficking or other coercion that makes workers unable to freely leave employment

Operating Environment	
U.S. Department of Labour Trafficking in Persons Report Rating	Tier 2 (2014)
Relevant legislation	• Constitution, 2004 • Law No. 6 on Preventing and Combating Trafficking in Persons, especially women and children, 2008 • Penal Code, 2014
Responsible agencies	• Ministry of Interior • Ministry of Labour, Employment and Social Security • Attorney General's Office • General Inspectorate of Labour
Local NGOs addressing this issue	• Mulher e Lei na Africa Austral – Moçambique (women's rights) • Forum Mulher (women's rights)

Country Context

Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.

The constitution prohibits forced labour, except when the work is performed within the framework of prison labour.¹⁸⁵

The 2014 Global Slavery Index ranked Mozambique 22nd out of 167 countries, where 1 is the worst performing country. According to the Index, 190,000 people were estimated to be slaves in Mozambique.¹⁸⁶

Mozambique was a source and transit country for men and women subjected to forced labour, according to the U.S. Department of State in 2015. Rural women and girls were mostly exploited in domestic servitude, the sex trade and prostitution in bars, roadside clubs and restaurants in border towns.¹⁸⁷ The report also highlighted that the growing extractive industry in Cabo Delgado and Teté provinces increased the demand for sexual services, making women and girls more vulnerable to prostitution.¹⁸⁸

Men were reportedly subjected to forced labour in mines and on farms.¹⁸⁹

Trafficking

The law prohibits trafficking in persons and all forms of forced labour, slavery and involuntary debt servitude and provides for 16 to 20 years of imprisonment.¹⁹⁰

In 2014, according to the U.S. Department of State, Mozambique was mainly a source and transit country for trafficking, and only to a lesser extent a destination country.¹⁹¹ The provinces of Manica, Zambézia and Teté reported the most cases of trafficking in persons, according to Africa 21 in 2014.¹⁹² Approximately 1,000 people were reportedly trafficked in Mozambique between 2012 and 2013.¹⁹³

Cases

Reports of business-related human rights issues from NGOs, multilateral institutions and the media.

- *June 2015, Verdade:* Two persons were detained by the police in the province of Cabo Delgado on suspicion of trafficking 13 people from Pakistan to Mozambique.¹⁹⁴

Company Initiatives

Private-sector programmes that aim to ensure respect for human rights or contribute to development

Company Due Diligence Initiatives

British America Tobacco: The company has committed to the UN Guiding Principles on Business and Human Rights. The company's human rights policy prohibits forced, bonded or involuntary work and the use of immigrant labour. It also states that workers should never be asked to surrender identity papers or pay deposits as condition of employment. The company requires its supply chain to act consistently with its human rights policy.¹⁹⁵

Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

- Workers can give notice and leave employment within a reasonable length of time. This is clearly communicated to workers prior to starting employment.
- The company (or its recruitment agencies) ensures that it does not withhold wages or bonuses and that it pays them in a timely and regular manner.
- The company ensures it does not make deductions from wages for disciplinary measures or other deductions not authorised by national law.

- Within normal working hours workers are able to earn a living wage sufficient to meet the basic needs of themselves and their closest dependents.
- Overtime work is paid, voluntary and not compelled through threat of pay deductions, termination or other sanctions.
- The company (or its recruitment agencies) ensures that it does not retain identity cards, passports, travel documents or other personal items without which workers cannot leave employment. If letters of release or other documents are needed for the worker to leave employment, such letters are issued without delay.
- All workers are allowed to leave company premises during breaks and at the end of their shifts, and workers in company housing may freely enter and exit their accommodation at any time.
- The company (or its recruiting agencies) ensures that it does not require workers to pay recruitment fees or lodge money deposits.
- Loans or salary advancements to workers are based on fair terms that are clearly explained to the worker, are not granted to cover basic living expenses, are limited in size, and do not require the worker to remain with the company until repayment is completed.
- If the company uses prison labour it ensures that all prison workers have been convicted by a court of law, and that the work is voluntary and supervised by a public authority.
- The company ensures that it does not use labour from agencies or firms involved in human trafficking or other forms of bonded labour.

Engagement Opportunities

Development initiatives by public and private actors that provide opportunities for companies to contribute to human development

Public Sector Initiatives

Multi-Sector Mechanism on Integrated Care for Women Who are Victims of Violence (2012-present):

The government established the mechanism to outline the role of each ministry in providing assistance to victims of violence, including trafficking in persons.¹⁹⁶

Inter-Ministerial Reference Groups: The attorney's general office and seven provincial governments formed committees comprised of police, border guards, social workers, NGOs and faith-based organizations to coordinate efforts to combat human trafficking. In 2013, reference groups in Ampulla, Xai-Xai and Ressano García organized raising awareness campaigns.¹⁹⁷

Occupational Health & Safety

Unsafe or unhealthy working conditions that expose workers to the risk of accidents or occupational illnesses

Operating Environment	
Relevant legislation	• Constitution, 2004 • Labour Law, 2007
Responsible agencies	• Ministry of Labour, Employment and Social Security • Ministry of Health • General Inspectorate of Labour
Local NGOs addressing this issue	• LIVANINGO Organization

Country Context

Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.

The constitution guarantees workers the right to protection, health and safety at work.¹⁹⁸ The labour law establishes that employers are responsible for creating and developing adequate means for protecting the physical and mental integrity of employees and, when appropriate, provide employees with protective equipment and appropriate work clothing to prevent risks of accidents and detrimental effects on their health.¹⁹⁹

Employers shall provide collective insurance to their employees for coverage of work accidents and occupational illnesses.²⁰⁰ A new regulation on Occupational Health and Safety was implemented in March 2014, and includes clauses protecting employees from workplace accidents and illnesses.²⁰¹ The Labour Inspectorate indicated that the lack of a specific law on Occupational Health and Safety had been among the reasons for high rates of workplace accidents.²⁰²

The U.S. Department of State reported in 2014 that the government did not enforce occupational health and safety regulations.²⁰³ The latest International Labour Organization (ILO) report, from 2011, also noted that the enforcement of those regulations was a challenge, particularly in the informal sector.²⁰⁴

During the first six months of 2013, 336 occupational accidents and eight occupational deaths were reported in the newspaper Verdade, referring to official figures.²⁰⁵ A 2012 European Foundation for the Improvement of Living and Working Conditions (Eurofound) report stated that workers were exposed to noise in over-crowded informal activities.²⁰⁶ The ILO reported that fatigue, hearing problems and back pain were the most common adverse impacts on workers' health, and were most prevalent in agriculture and manufacturing.²⁰⁷

Approximately 32 percent of workers considered that their health was affected by their work, according to Eurofound in 2012.²⁰⁸

In 2012, USAID noted that as much as 70 percent of artisanal mines operated in the informal sector and miners were exposed to the use of mercury to extract gold.²⁰⁹

The Labour Inspectorate has the duty to monitor the legality of labour conditions. Inspectorate officers are entitled to free access to all establishments that are subject to their supervision, including in the public and private sector, and employers should assist them with all information needed.²¹⁰ The Inspectorate reportedly had only 135 inspectors and funds for conducting inspections were limited.²¹¹

Cases

Reports of business-related human rights issues from NGOs, multilateral institutions and the media.

June 2015, allAfrica: The Ministry of Labour suspended the activities of the Chinese company Lantim Group until it provided its employees with protective clothing (gloves, boots and face masks) required for their job.²¹²

January 2014, All Africa: Workers of the China Road and Bridge Corporation went on strike, protesting against poor occupational health and safety conditions, such as the lack of protective equipment. The company was issued a 15-day deadline to comply with labour regulations by the Labour Inspectorate.²¹³

Company Initiatives

Private-sector programmes that aim to ensure respect for human rights or contribute to development

Company Due Diligence Initiatives

Cement Factory (2015): The company, with operations in Matola, replaced its industrial filters to improve the air quality on its facilities and in the communities close to its operations.²¹⁴

Metals of Africa: The company has committed to a health and safety framework covering all personnel. The framework consists of five pillars: 1) Leadership accountability; 2) Assessing and managing risk; 3) Maintaining a safe and healthy workplace; 4) Ensuring worker competence; and 5) Open and transparent communication. The company has also established a health and safety team which sets and monitors performance standards and provides guidance and assurance on health and safety management practices.²¹⁵

Sasol: The oil and gas company, with operations in Ressano García, has developed and implemented a Safety Improvement Plan (SIP) which includes among others, process and transport safety; incident investigation and learning insight; and a motivation and willingness programme to work safely. The company's occupational health programme seeks to prevent and mitigate all occupational health risks.²¹⁶

Company Development Initiatives

Cimpor: In 2011, the cement manufacturing company launched the 'Best Safety Performance Award' to encourage good occupational health and safety performance in all its facilities. The award recognizes

managers' commitment to occupational health and safety; organizational structures created to reduce accidents; excellence in occupational health and safety management systems; and good performance reducing accidents or fatalities.²¹⁷

Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

Does the company ensure that its workers are provided safe, suitable and sanitary work facilities?

- Responsibilities for health and safety tasks are clearly defined.
- The company routinely monitors its production processes, machinery and equipment to ensure that they are safe and in good working order.
- Workers and managers are trained to respond to workplace emergencies; first aid kits and fire extinguishers are readily available; and escape exits are clearly marked and free from obstruction.
- The workplace is maintained to ensure clean and comfortable conditions including a suitable temperature, ventilation and lighting; suitable washing and sanitation areas appropriate for both genders.
- Residential or overnight facilities are safe and sanitary and meet the basic needs of workers including with regard to safety, space, temperature, lighting, ventilation, food, water, sanitary facilities, privacy, and affordability.
- The company provides safe drinking water for workers and facilities for clean and sanitary food storage and eating.
- Where relevant the company has put in place special health and safety precautions for pregnant women, employees with disabilities, night workers, young workers and other vulnerable groups.

Does the company ensure that workers are provided with the protective equipment and training necessary to perform their tasks safely?

- The company has a procedure to ensure that all workers are provided, free of charge or deposits, with the protective equipment necessary to safely perform their job functions.
- The company is committed to ensuring that workers use the protective equipment provided and understand why it is necessary to use the equipment.
- The company ensures that all workers have the necessary training to safely perform their job functions and keeps workers fully informed, in a language and form understandable to them, of the health and safety procedures.
- An accurate record is kept of who has been trained and for what tasks.

- On a regular basis and when assigned to new tasks, workers receive training in the safe use of equipment and processes.
- A company function or member of staff is responsible for keeping informed of scientific and technological developments regarding health and safety risks and protective equipment.

Does the company actively involve workers in health and safety work?

- The company consults employees on health and safety issues either directly or through a freely elected safety representative(s) for relevant groups of employees.
- A health and safety committee has been established including employee safety representatives and representatives from management.
- Health and safety accidents are reported and investigated including involving the relevant worker(s), and actions are taken to prevent recurrences.
- Health and safety near-misses (accidents not resulting in injury) are reported and investigated to help improve safety.
- Health and safety accidents are monitored including hours lost as a result of injury or illness and e.g. compared to total hours worked (lost time injury frequency).

Standards & Guidance

NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre

- IFC Performance Standard 2: Labour and Working Conditions (2012): FC PS2 is guided by the international labour standards as outlined by the ILO and covers health and safety.
- Portal for Responsible Supply Chain Management: The Portal is designed to support companies in improving the social and environmental conditions within their supply chain. The Portal offers tools and guidance on a number of supply chain issues, such as child labour, corruption and discrimination. In addition, the Portal also details sector specific resource material and pertaining legislation.
- Ethical Trading Initiative Base Code (2012) and ETI Principles of Implementation (2009): The Ethical Trading Initiative is an alliance of business stakeholders promoting the implementation of corporate codes of practice that cover supply chain working conditions. The alliance consists of companies, NGOs and trade union organisations. The ETI Base Code has been developed as a code of labour practice, targeted generally for supply chains, and is in line with the key international labour standards. The accompanying ETI Principles of Implementation outline the requirements needed by corporate members to implement the ETI Base Code in their supply chains, including the necessary commitments, management practices and behaviours.

Trade Unions

Restrictions on the right of workers to collectively represent their interests

Operating Environment	
Largest trade unions	• Association of Informal Economy Operators and Workers – 60,000 (2013)²¹⁸ • Agriculture and Forester Workers • Union (SINTAF)- 36,460 members (2013)²¹⁹ • Public Sector Workers Union – 24,750 (2013)²²⁰ • Sugar Workers Union (SINTIA)- 21,816 members (2013)²²¹
Union confederations	• Organization of Mozambican workers – (OTM-CS)- 129,500 members (2013)²²² • National Confederation of Independent Unions of Mozambique • (CONSILMO)- 106,000 members (2013)²²³
Relevant legislation	• Constitution, 2004 • Labour Law, 2007
Responsible agencies	• Ministry of Labour, Employment and Social Security • National Labour Advisory Commission • Consultative Labour Commission • General Inspectorate of Labour

Country Context

Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.

The constitution mandates that trade unions be established under the principles of democratic organisation and management and based on the active participation of their members. The constitution also establishes that trade unions are independent from employers, the state and political parties.²²⁴

Barriers to Unionisation

The constitution recognises the right to freedom of assembly.²²⁵ The law provides 45 days to the labour administration to register a workers' or employers' organisation, which the International Labour Organization (ILO) considered to be excessive, according to the U.S. Department of State in 2014.²²⁶

Only 2.5 percent of the labour force was unionised, including members from affiliated trade unions in the informal sector, as reported by the Danish Trade Union Council for International Development

Cooperation (LO/FTF Council) in 2014.²²⁷ Workers in the informal economy reportedly represented 20 percent of all unionised workers in Mozambique.²²⁸

The Friedrich Ebert Foundation reported in 2012 that the Organisation of Mozambican Workers (OTM-CS) was traditionally linked to the ruling party, FRELIMO.²²⁹

Collective Bargaining

The labour law allows for collective labour regulation, which can take the form of company-level agreements (e.g. between a trade union and an employer); multi-employer agreements (e.g. between a trade union and several employers); and association agreement (e.g. between a workers' association and an employers' association).²³⁰

The LO/FTF Council reported in 2014 that only 1.8 percent of the labour force was covered by collective bargaining agreements.²³¹

Private-sector employers were reportedly reluctant to engage in these agreements, according to the U.S. Department of State in 2014.²³² An allAfrica report noted in 2013 that collective bargaining agreements were violated in practice.²³³

Strikes

The constitution recognises the right to demonstrate and worker's right to strike.²³⁴ The law provides for compulsory arbitration for 'essential services' prior to strike actions. The list of essential services includes the postal service, loading and unloading of animals or perishable foodstuffs and activities in Export Processing Zones, which the ILO considered to be too extensive.²³⁵ The law also requires trade unions to announce any strike at least five days in advance, including its expected duration.²³⁶ Authorities or employers can refer to arbitration to end a strike. The law also provides for civil or penal sanctions for workers involved in non-authorised strikes, which the International Trade Union Confederation (ITUC) also considered to be excessive.²³⁷

In 2014, the U.S. Department of State reported that strikes were not frequent in Mozambique.²³⁸

Anti-Union Discrimination

The law prohibits anti-union discrimination. Despite that provision,²³⁹ sanctions were not sufficiently stringent to deter violations, according to the ITUC in 2012.²⁴⁰

The LO/FTF Council further reported in 2014 that companies engaged in anti-union discrimination by replacing pro-union workers at the end of their contracts and dismissing workers for striking. The government was reportedly using occasional intimidation to suppress activities of unionised workers.²⁴¹ Trade unionists in Export Processing Zones were reportedly subject to dismissals due to strike activity.²⁴²

Cases

Reports of business-related human rights issues from NGOs, multilateral institutions and the media.

- *June 2015, ITUC:* Workers at Chirozdi coal mine went on strike after managers denied them the right to negotiate collectively over salaries. Mozambican workers at the mine complained that they were receiving lower salaries than foreign workers for the same work.²⁴³

- *May 2013, ITUC:* The president of the Mozambican Medical Association was arrested on charges of incitement to strike. He was released a few hours later.²⁴⁴
- *April 2011, ITUC:* The Organisation of Mozambican Workers reported that 30 workers belonging to the Food and Hotel Workers' Union and the Commercial Workers' Union were dismissed due to trade union activism.²⁴⁵
- *2008, Human Rights Watch:* The OECD National Contact Point of the United Kingdom mediated a case brought to its attention by the Union Network International against the operations of the company Group 4 Securicor (G4S) in several countries, including Mozambique. Allegations included that the company prevented workers from unionising. A voluntary settlement was achieved in 2008 with the commitment of the company to clarify statutory workers' rights.²⁴⁶

Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

Does the company recognise the rights of its workers to freedom of association and to bargain collectively?

- The company has a commitment to recognise the rights of its workers to freedom of association and collective bargaining, including the right to freely form and/or join independent trade unions, and this commitment is clearly communicated to all employees.
- The company recognises workers' organisations for collective bargaining purposes and has procedures in place to ensure regular collective bargaining with authorised worker representatives concerning all workplace related issues.
- The company allows worker representatives access to collective bargaining agreements, company premises, employees and other relevant documentation needed to fulfil their duties.
- The company prohibits discrimination or adverse actions against worker representatives or employees for participating or refraining to participate in lawful trade union activities.
- The company has agreed with workers' representatives about the requirements of a fair hearing to be followed in relation to all disciplinary cases and employee grievances.
- The company has a committee, with participation of employee-elected representatives, which is responsible for hearing, processing, and settling disciplinary cases and employee grievances.

If independent trade unions are either discouraged or restricted, does the company enable workers to gather independently to discuss work-related problems?

- The company allows employees to engage in regular employee-only meetings within normal working hours, where employees can discuss concerns regarding working conditions.
- Where allowed by local legislation, and if independent trade unions are not present, the company informs employees of their right to form independent collective representation at the workplace.

- Where allowed by local legislation, the company informs workers of their right to engage in regular collective bargaining concerning all workplace issues.
- Company management meets regularly with worker representatives to discuss work-related problems and any concerns/complaints employees may wish to raise.

Working Conditions

Employment status, wages, working hours and social security

Operating Environment	
Minimum wage	Depending on the sector, from 3,000 (US\$75) to 7,800 meticals (US\$195) ²⁴⁷
Relevant legislation	• Constitution, 2004 • Labour Law, 2007
Responsible agencies	• Ministry of Labour, Employment and Social Security • General Inspectorate of Labour • Labour Consultative Commission • National Social Security Institute

Working Conditions: National Law		
	Mozambique	International Standard
Standard workweek	40	48
Overtime pay rate	1.50x	1.25x
Holidays with pay, per year	12 days (1 st year) 24 days (2 nd year) 30 days (3 rd year)	3 weeks
Maximum daily working hours	8	10
Maximum weekly working hours	48	48
Uninterrupted weekly rest period	24 hours per 7 days	24 hours per 7 days

Country Context

Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.

The constitution establishes that work is a right and a duty of every citizen.²⁴⁸ The constitution also guarantees workers' right to only be dismissed in the cases specified by law.²⁴⁹

Wages

The constitution guarantees workers' right to a fair remuneration.²⁵⁰ The labour law establishes that all employees, nationals and foreigners, have the right to receive a wage without discrimination.²⁵¹ Salary deductions cannot be greater than one third of the employee's monthly remuneration.²⁵²

Minimum wages are negotiated annually by the Labour Consultative Commission, a tripartite body composed of the government, trade unions and employers' associations.²⁵³ The monthly minimum wage for 2015 was set for ten sectors, ranging from 3,000 metical (US\$75) for fishing activities to 7,800 meticals (US\$195) for finance.²⁵⁴ The sector that reported the highest wage increase was construction (13.5 percent), followed by energy, gas and water provision (13.3 percent).²⁵⁵

The Danish Trade Union Council for International Development Cooperation (LO/FTF Council) stated in 2014 that the minimum wage was higher than in many other African countries.²⁵⁶ However, according to the Trade Union Confederation OTM, the minimum wage was not sufficient to cover the cost of living for a family, which it estimated at 8,769 meticals (US\$219) per month in 2014.²⁵⁷

In 2013, the International Labour Organization (ILO) noted that more than 60 percent of workers lived in poverty in Mozambique, with 40 percent of workers living below US\$1.25 per day.²⁵⁸ The need to find additional sources of income forced many workers into secondary activities, which was most common among workers employed in agriculture (37 percent), trade and retail (30 percent) and manufacturing (21 percent), according to official figures from the latest labour survey (2004/2005).²⁵⁹

Cases of employees being paid less than the minimum wage were noted by the U.S. Department of State in 2014. Only 13 percent of workers had paid jobs, as the majority of workers were employed in subsistence farming.²⁶⁰

The Mozambican newspaper Verdade also stated that the construction sector reported violations in relation to the implementation of labour laws related to wages.²⁶¹

Allegations of violations of working conditions, including wages, by several private security companies were reported in 2012 and 2014 by several governmental and media sources, leading to the creation of the first trade union for private security workers, SINTSPRIMO, in 2012.²⁶²

Working Hours

The constitution guarantees workers the right to rest and vacation.²⁶³ The labour law provides for 48 hours of work per week and 8 hours per day with a daily rest from half an hour to two hours. Overtime is limited to 8 hours per week and 200 hours per year.²⁶⁴ These provisions are in line with international standards. The ILO Committee of Experts on the Application of Conventions and Recommendations (CEARC) noted in 2014 that those provisions did not apply to the mining and maritime sectors.²⁶⁵

According to a 2012 European Foundation for the Improvement of Living and Working Conditions report, 59 percent of employees worked more than 50 hours a week and most workers had irregular working time patterns that were set by the level of demand for labour. Long working hours were reported in the tourism sector, which reportedly required 24 hours of continuous labour.²⁶⁶

Social Security

The constitution guarantees workers' right to retirement and that everyone has the right to assistance in case of disability or old age.²⁶⁷ The labour law provides that all workers are entitled to social security.²⁶⁸

The law provides a three-part approach to social security: 1) compulsory social security for employees, 2) basic social security programme for vulnerable groups, and 3) additional social security coverage managed by the private sector.²⁶⁹ Though self-employed workers are covered in the social security system, the ILO reported in 2011 that in practice, coverage was primarily extended to formal sector workers.²⁷⁰ Employers contribute to the system with 4 percent of worker's salaries while employees contribute with 3 percent. In the case of self-employed workers, the contribution accounts to 7 percent of the salary reported, which cannot be lower than the official minimum wage for the sector.²⁷¹

The Bertelsmann Foundation reported that, as of 2014, only workers employed in the formal sector were covered by the social security system and only 5 percent of the workforce benefitted from compulsory social security coverage.²⁷² Official figures showed that 46,850 workers were contributing to the social security system as of the first semester of 2014.²⁷³

In 2014, the U.S. Department of State reported that some workers did not receive social security benefits due to employers' failure to deposit social security contributions, which had already been deducted from the workers' wages.²⁷⁴ Official figures from June 2015 support this, showing that 2,086 companies did not submit their due contributions to the system.²⁷⁵

The Bertelsmann Foundation added in 2014 that the amount provided by the social security programme was not enough to cover the living costs in urban areas, affecting particularly the elderly.²⁷⁶

Informal Sector

The ILO reported in 2014 that 95 percent of Mozambicans worked in the informal sector.²⁷⁷

Most workers did not have written contracts, according to the ILO in 2011.²⁷⁸ Wage Indicator noted in 2013 that women were more likely than men to work without a contract.²⁷⁹

Most informal employment was reportedly in subsistence farming.²⁸⁰ In 2012, USAID reported that as much as 70 percent of artisanal mines operated in the informal sector and miners were subject to exploitative working conditions.²⁸¹

Cases

Reports of business-related human rights issues from NGOs, multilateral institutions and the media.

- *August 2015, TV Noticias:* During the first trimester of 2015, the Labour Inspectorate suspended 500 workers on grounds of lacking legal permit to work in Mozambique.²⁸²
- *June 2015, allAfrica:* The Ministry of Labour suspended the activities of the Chinese company Lantim Group for lack of compliance with legislation on working conditions. There was allegedly no list of workers employed; no schedules containing working hours; and no written contracts.²⁸³
- *October 2014, Maputo Digital:* The Labour Inspectorate fined a resort hotel in Sofola province for having 25 employees that did not have legal permits to work in Mozambique. The great majority of them were from China, and to a lesser extent Thailand and Portugal.²⁸⁴
- *January 2014, Portal do Governo de Moçambique:* The labour inspectorate of Inhambane province started a legal procedure against the private security company W. Power to force it to return 1.3 million meticals (about US\$32.000) that had been deducted from employees' salaries, but were never paid to the National Social Security Institute.²⁸⁵

- *January 2014, Al Jazeera:* Approximately 230 construction workers employed by a Chinese state-owned company operating in Mozambique went on strike to demand better working conditions.²⁸⁶
- *January 2014, allAfrica:* Workers of the China Road and Bridge Corporation went on strike, protesting against a lack of written contracts; lack of enrolment in the national social security system; low wages; lack of overtime payment; and no access to medical care. As a result, the company was given a 15-day deadline to comply with labour regulations by the General Labour Inspectorate.²⁸⁷ Due to a mediation process conducted by the Ministry of Labour, the company agreed to sign contracts with the workers, including providing them with long-term employment and committing to overtime pay in line with the labour laws.²⁸⁸

Company Initiatives

Private-sector programmes that aim to ensure respect for human rights or contribute to development

Company Due Diligence Initiatives

Illovo Sugar – Maragra Açúcar Limited: All employees at their Manhiça district facility, including agricultural and factory workers, earned above the national minimum wage and the World Bank poverty line of US\$2 a day. They received benefits including housing, healthcare and education allowances, which covered family members. Those benefits were also extended to seasonal workers.²⁸⁹

Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

Working hours

Does the company ensure that the workweek is limited to 48 hours; that overtime is infrequent and limited; and that workers are given reasonable breaks and rest periods?

- Normal company working hours are limited to 48 per week by both company policy and practice, or fewer if provided by national law, collective agreement or industry standards.
- Overtime is infrequent, remunerated at premium rate, and does not exceed 12 hours in any one week, or 36 hours per month.
- The company has a system to plan, record and monitor hours worked by each employee, and regularly evaluates whether the number of workers is sufficient to meet production targets without resorting to overtime.
- Where overtime per worker systematically exceeds 12 hours per week, the company increases its workforce to correspond to production targets, or puts in place measures to increase worker productivity and reduce overtime.

- Workers are allowed at least 24 consecutive hours of rest (or more if provided by national law or industry standards) in every seven day period.
- The company ensures that workers have no less than a 30-minute break for every 4 hours of work (or more if provided by national law or industry standards) and that workers are allowed to use toilet facilities whenever necessary and not just during designated breaks.

Wages

Does the company provide a living wage that enables workers to meet the basic needs of themselves and their dependents?

- It is company policy to provide workers with a living wage sufficient to meet basic food, clothing and housing needs and provide some discretionary income for themselves and their dependents.
- The company is aware of whether the legal minimum wage in the country of operation meets the requirement for a living wage.
- If no national minimum wage is established, or if national minimum wage standards are insufficient to meet the basic needs of workers and their dependents, the company calculates a living wage based on the cost of living in its area of operation.
- Part-time workers receive wages and benefits that are proportionate to those of full-time workers, and receive overtime compensation at a minimum of 1.25 times their hourly salary.
- The company pays wages at regular intervals and does not take deductions from wages for disciplinary measures or other deductions not authorised by national law.
- Bonus and piece-rate payment systems are monitored to ensure that the total salary paid meets living wage requirements without resort to overtime.

Leave

Does the company ensure that workers are paid holiday leave, sick leave, and parental leave in accordance with international minimum standards?

- Workers are granted at least three weeks of paid holiday leave per year or more if required by national law or collective agreements. Part-time and short-term workers are provided with paid holiday leave proportionate to the number of hours worked, at a rate equal to that of permanent full time employees.
- Workers are entitled to paid sick leave in accordance with the applicable national law. If sick leave is not provided for in national law, the company consults with union or worker representatives to establish alternative means of protection in case of illness or injury.
- The company ensures that sick leave is not deducted from workers' vacation time.
- Female workers are entitled to no less than fourteen weeks of paid maternity leave per child.
- The company grants compassionate or parental leave to workers who have recently adopted a child or children, or have taken on the responsibility to care for foster children or other dependent children.

Employment status

Does the company ensure that all workers have an official employment status?

- The company ensures that all employees receive employment contracts prior to starting work for the company, and that contracts are understood by each employee.

- Contracts detail each employee's rights and obligations of employment, including clear job description, bonus and salary systems, and reasonable notice periods.
- Reference to company handbooks or other relevant documents on employment terms are integrated into the contract.
- The company ensures that contractors provide workers operating within company premises with an official employment status in line with company standards.

Standards & Guidance

NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre

- Ethical Trading Initiative Base Code (2012) and ETI Principles of Implementation (2009): The Ethical Trading Initiative is an alliance of different business stakeholders promoting the implementation of corporate codes of practice that cover supply chain working conditions. The alliance consists of companies, NGOs and trade union organisations. The ETI Base Code has been developed as a code of labour practice, targeted generally for supply chains, and is in line with the key international labour standards. The accompanying ETI Principles of Implementation outline the requirements needed by corporate members to implement the ETI Base Code in their supply chains, including the necessary commitments, management practices and behaviours.
- Institute for Human Rights and Business and Global Business Initiative on Human Rights, State of Play: The Corporate Responsibility to Respect Human Rights in Business Relationships (2012): The Report examines how the UN Guiding Principles can contribute and guide the complex network of business relationships that now exist in a global economy. It explores how companies of all sizes are now beginning to implement human rights considerations and the UN Guiding Principles into both traditional and contemporary business relationships.
- Portal for Responsible Supply Chain Management (est. 2008): The Portal is designed to support companies in improving the social and environmental conditions within their supply chain. The Portal offers tools and guidance on a number of supply chain issues, such as child labour, corruption and discrimination. In addition, the Portal also details sector specific resource material and pertaining legislation.
- IFC Performance Standard 2: Labour and Working Conditions (2012): IFC PS2 is guided by the international labour standards as outlined by the ILO and covers a range of aspects, including: terms and conditions of employment, non-discrimination, health and safety, and forced labour. The Standard addresses employees, contracted workers and supply chain workers.
- International Labour Organization: The International Labour Organization (ILO) is the UN agency responsible for preparing and overseeing international labour standards. The mission and objectives of the ILO are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues.
- OECD Guidelines for Multinational Enterprises (2011): The OECD Guidelines are recommendations addressed by governments to multinational enterprises operating in or from adhering countries. Chapter 5 is on employment and industrial relations, aligning with the international labour standards of the ILO.

Engagement Opportunities

Development initiatives by public and private actors that provide opportunities for companies to contribute to human development

Public Sector Initiatives

Training on the Social Security System (2015): The National Social Security Institute (NSSI) provides training to companies in relation to the mandatory social security scheme and the social security system. In 2015, the NSSI in Cabo Delgado provided training to 122 workers from the company Terra Firma Africa in the district of Montepuez.²⁹⁰

Campaign on the Exemption of Fines and a Reduction by 50 percent on Interest in Arrears on Due Contributions to the Mandatory Social Security System (2015): The NSSI implemented the campaign to facilitate companies paying their due contributions to the social security system, particularly SMEs, so that workers could have access to their benefits. The campaign lasted 2.5 months (April – Mid June) and reportedly proved successful.²⁹¹

Temporary Social Transfer Scheme: The government adopted the scheme to support temporarily affected people by challenges such as illness, natural disaster and accidents. As of 2014, the programme has benefited over 51,000 people.²⁹²

Strategic Operational Plan (2011): The plan was developed to implement the National Strategy for Basic Social Security, providing direct cash transfer, direct employment in public works and short-term support for vulnerable households.²⁹³

Environment

Company impacts on the environment that affect the health or livelihoods of local communities

Operating Environment	
Percentage of population with access to improved water sources	70 percent urban areas, 30 percent rural areas (2012) ²⁹⁴
Environmental Performance Index rank	158/178 (2014)
Food Security Index rank	103/109 (2015)
Relevant legislation	• Constitution, 2004 • Environment Law, 1997 • Forest and Wildlife Act, 1999 • Decree 45 on Regulations on the EIA Process, 2004 • Ministerial Order 198 on EIA, 2005 • Ministerial Order 129 approving the general directions on the EIA, 2006 • Decree 30 establishing forestry exploitation requirements with an ordinary license, 2012
Responsible agencies	• Ministry of Land, Environment and Rural Development • Ministry of Mineral Resources and Energy • Ministry of Industry and Trade • Ministry of Ocean, Interior Waters and Fishery • Ministry of Public Work and Housing and Water Resources • National EIA Board • Provincial Directorates for the Coordination of Environmental Action
Local NGOs addressing this issue	• Ação Académica para o Desenvolvimento das Comunidades Rurais - ADECRU • Justiça Ambiental • Associação Ambiente, Conservação e Educação Moçambique • LIVANINGO Organization

Country Context

Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.

The constitution guarantees the right to live in a sustainable environment and that every individual has the duty to protect and conserve the environment.²⁹⁵ The constitution also notes that natural resources are property of the state.²⁹⁶

Participation & Access to Information

The environmental law provides for Environmental Impact Assessments (EIAs) on activities that may significantly impact the environment due to their nature or location.²⁹⁷ Decree 45, which regulates EIAs, establishes that all activities with a direct or indirect impact on the environment must conduct an EIA. The law classifies activities and places different requirements on each category to receive a license to operate. Only activities belonging to specific categories require public participation, which can take the form of public consultation or public hearings.²⁹⁸ Public participation is always required when a permanent or temporary resettlement of populations or restrictions on the use of natural resources occur.²⁹⁹

The Southern African Institute for Environmental Assessments reported that in practice, the process provided by the law on public participation was not respected due to a lack of consultation, access to information and limited opportunities for interested parties to provide input.³⁰⁰ The lack of resources at the Ministry for Coordination of Environmental Affairs reportedly limited their review and follow-up capacity in terms of EIA reporting.³⁰¹

Food & Livelihoods

According to the World Food Programme, one third of the population was chronically food-insecure as of 2014.³⁰² A 2013 Ludwig Boltzmann Institute (LBI) study referred to local NGOs stating that food insecurity in Mozambique was a cause of the country's vulnerability to natural disasters, absolute poverty and chronic diseases.³⁰³

In relation to the extractive sector, communities in the north of the country, where gas reserves were discovered in the early 2000s, reportedly lost their livelihoods in artisanal fishing as a consequence of company operations, according to Al Jazeera in 2014.³⁰⁴ A 2013 report by Human Rights Watch stated that coal extraction in Teté province resulted in food insecurity for local communities due to resettlement to areas that were not considered productive.³⁰⁵

According to a 2013 report by the Federal University of Paraná, 219,000 hectares of forest were subject to deforestation annually and 80 percent of the population depended on forest resources for their livelihoods. Deforestation was mainly related to timber and charcoal extraction, itinerant agriculture and the establishment of small farm fields (machambas) inside the forests.³⁰⁶ The LBI study added that deforestation resulted from accelerated levels of illegal logging, uncontrolled cutting of vegetables, weak supervision, inefficient or non-existence management plans, corruption and uncontrolled forest fires.³⁰⁷

Coastal water pollution and erosion along the river banks and the coastling impacted the livelihoods of communities dependant on water resources, according to the LBI study in 2013.³⁰⁸

Water

According to the constitution and relevant laws, water is a state-owned public good and the state is responsible for its management to the benefit of the whole population, with priority use to be given to human consumption, sanitation and environmental needs.³⁰⁹

The World Bank reported in 2012 that 70 percent of the population in urban areas had access to safe water supply. Only 30 percent of the population in rural areas, where most people lived, had access to safe water, resulting in regular outbreaks of cholera and diarrhoea.³¹⁰

In 2011, Justiça Ambiental and the National Farmers' Union (UNAC) stated that investment projects by large companies resulted in communities, especially in Niassa Province, travelling greater distances to access water, as traditional routes to access water were closed following the beginning of companies' operations, including in relation to forest plantations and biofuel production.³¹¹ Approximately 30 percent of the communities interviewed in the centre and north of the country, as well as 25 percent of the communities in the south, spent more than one hour to reach the closest water source.³¹²

According to a 2014 article in the Mozambican newspaper Notícias, artisanal mining in Sofala province increased the levels of water pollution.³¹³ Deposits of mercury and other polluting substances were reported in the rivers Reveu and Pongue as a result of gold mining in the province.³¹⁴

The LBI study also stated in 2013 that around 17,000 people died annually due to insufficient water.³¹⁵

Air Pollution

The 2014 Yale Environmental Performance Index—a proxy measure assessing the performance of a country in terms of its environmental policies—ranked Mozambique 158th out of 178 countries.³¹⁶ Air quality was among the worst performing areas.³¹⁷

Teté province had particularly high rates of air pollution, primarily due to coal mining, according to the Mozambican Institute of Socio-Economic Studies.³¹⁸ Deutsche Welle reported in 2013 that the Ministry for Coordination of Environmental Affairs lacked the capacity to verify the activities of coal companies and the impact of their operations on the environment.³¹⁹

Air pollution in Maputo's suburbs was linked to Mozal's aluminium smelter, as reported by the Bertelsmann Foundation in 2014.³²⁰

Cases

Reports of business-related human rights issues from NGOs, multilateral institutions and the media.

- *January 2014, Al Jazeera:* Since 2006, when the company Anadarko began its drilling operations around the city of Palma, Cabo Delgado province, the amount of fish caught in a day reportedly dropped from 300 kilograms to 25 kilograms and limited accessibility to the area for fishermen. Impact on the community's health was also reported, due to the hydrocarbons and chemicals released in the water resulting in fish contamination.³²¹
- *2014, IFC Compliance Advisor Ombudsman:* In October 2010, a group of Mozambican NGOs filed a complaint regarding the alleged adverse environmental impacts of the Mozal project to operate an aluminium smelter.³²² The complaint related to the impacts of emissions from the bypass and rebuilding of fume treatment centers (FCTs) in Mozal's anode bake furnaces; environmental and social due diligence undertaken by the International Finance Corporation (IFC) while approving the project; and the adequacy of access to and disclosure of information around the process. The 's

investigation found that it would have been reasonable for IFC to have requested that Mozal assess, monitor and report regularly on risks associated with the possible future failure of the FTCs, while the IFC expressed its disagreement with the investigation's findings. The case was closed in 2014 as IFC's investment in Mozal was no longer active and CAO's investigation did not identify project level compliance issues which required remedy.³²³

- *May 2013, Human Rights Watch:* Households formerly living by the Zambezi or Revubóé Rivers and relocated to Mwaladzi due to mining operations experienced reduced access to water. In Mwaladzi, resettled communities were dependent on water deliveries by truck for both domestic and agricultural use, resulting in lack of water for periods of three days.³²⁴
- *2013, Facing Finance:* The Indian company Jindal Steel and Power allegedly operated without an approved Environmental Impact Assessment since the beginning of its operations early 2013.³²⁵
- *2012, OECD:* In 2010, a case was presented to the British OECD National Contact Point in relation to the negative impacts to the environment related to BHP Billiton's joint venture with Mozal SARL to operate an aluminium smelter near Maputo.³²⁶ The concerns related to the establishment and maintenance of an appropriate environmental system; disclosure of adequate and timely information; consultation with local communities; and respect for human rights. The NCP examined the allegations and concluded in 2012 that the company did not breach the Guidelines but encouraged BHP Billiton to build upon their existing procedures for engagement with local communities and be forthcoming in disclosing to interested parties information on projects that may have an impact on the environment and the health and safety of communities.³²⁷

Company Initiatives

Private-sector programmes that aim to ensure respect for human rights or contribute to development

Company Due Diligence Initiatives

BP: The oil and gas company, with operations in the Nacala province, has committed to the UN Guiding Principles on Business and Human Rights. The company works to avoid, minimize and mitigate environmental impacts, including by investigating water management approaches and taking into consideration water demand and local water resources; continuing the development of modelling tools to better predict the consequences of an oil spill to land; and share lessons learned on energy efficiency. The company implements at the early planning stages of a project a complete screening process to identify its most significant environmental and social impacts. It monitors deep-water environments to better manage the potential impacts of its operations.³²⁸

Anadarko: The oil and natural gas company, with operations in Rovuma Basin, has committed to the UN Guiding Principles on Business and Human Rights. The company assesses potential impacts to local environments and communities from its operations at the project or asset level by implementing the Environment, Social and Health Assessment process. The assessment is available to the public and when negative impacts are identified, the company develops mitigation plans and publicly communicates those impacts.³²⁹

Illovo Sugar – Maragra Açúcar Limited: The company, with operations in the Manhica district, monitors pesticide use at its sites and uses bagasse, a renewable byproduct of the cane crushing process, to generate its own electricity.³³⁰

Hidroeléctrica de Cahora Bassa: The company has an environmental policy based on the following principles: improve environmental performance; regularly review environmental objectives and targets;

document and report performance; and commit to the improvement of environmental management systems.³³¹

Kenmare Resources Mozambique (2014): The company implements a Marine Monitoring Programme to manage the environmental impacts of its marine activities. The assessment in Mozambique showed no direct negative impact on the local marine ecosystem, as there was no evidence of hydrocarbon contamination in local waters or sediments.³³²

Stakeholder Recommendations

Human Rights Watch (2013) made the following recommendation to companies:

- Improve public access to information and transparency by making documents such as environmental assessments and periodic environmental monitoring reports publicly available, including by providing short summaries in non-technical language, translating the summaries and the full reports into local languages, posting them on the internet, and providing copies in public buildings such as local schools in directly affected communities.³³³

Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

Precautionary Approach

Does the company support a precautionary approach to environmental issues?

- The company provides information to stakeholders about uncertainties and potential risks to workers, consumers, the public and the environment of the company's products and processes.
- The company identifies any soil and water contamination at its site or sites, assesses the environmental impacts and remedies any significant contamination.
- The company tries to avoid environmental damage by regular maintenance of production processes and environmental protection systems (air pollution control, waste water treatment systems etc.).
- The company conducts systematic risk assessments of materials used, products and processes to apply the precautionary approach.
- The company ensures transparency and engages in regular stakeholder dialogue with neighbours, civil society organisations and others with an interest in the company on critical environmental issues.
- If relevant, the company supports scientific research on environmental issues relating to the company's products and processes.

Emergency Response

Does the company have emergency procedures in place to prevent and address accidents affecting the environment and human health?

- The company has identified the hazardous operations and the potential consequences on human health and the environment if an accident occurs.
- The company has detailed procedures, plans, equipment and training programmes to prevent accidents and emergencies.
- The company has detailed procedures, plans and equipment to effectively respond to accidents and emergencies if they occur.
- The company trains workers to respond to accidents and emergencies, including carrying out emergency drills at least once a year involving all workers.
- Where there is significant risk of impacts on local communities, the company has a procedure that enables it to immediately notify affected local communities about industrial emergencies, and informs about emergency response, evacuation plans and medical response.

Energy Consumption and Climate Change

Does the company take measures to reduce energy consumption and emissions of greenhouse gasses?

- The company complies with regulation regarding use of energy resources and emissions of greenhouse gases.
- The company has a climate strategy that identifies opportunities to reduce the company's energy consumption and/or emissions of greenhouse gases.
- The company has initiated practical activities to reduce energy consumption and/or greenhouse gas emissions.
- The company provides information and trains employees to implement energy reduction measures.
- The company monitors its energy consumption and/or emissions of greenhouse gases.
- The company has defined a baseline for its greenhouse gas emissions, which includes a definition of the business operations and activities, and the greenhouse gases that are accounted for e.g. as described in the Greenhouse Gas Protocol.
- The company has targets for reducing its energy consumption and/or emissions of greenhouse gases.
- The company engages with the government and civil society organisations to develop policies and measures that provide a framework for the business sector to contribute to building a low carbon economy.

Water and Waste Water

Does the company take measures to reduce water consumption and treat waste water?

- The company has the necessary permits to extract water or obtain water from the public water supply and for any waste water discharges.
- The company treats waste water before discharge to reduce adverse environmental impacts. If waste water treatment takes place outside the company's premises, the company is aware of the effectiveness of the treatment.
- The company monitors waste water discharges, including types, limit values and quantities of pollutants in the waste water.
- The company has targets for reducing water consumption and/or increasing the amount of water reused or recycled in different business operations and activities.

- The company provides information and trains workers to implement measures to reduce water consumption and reduce the need for waste water treatment.
- The company's use of water and its waste water discharges do not negatively affect the sustainability of water resources, the natural environment or the availability of water for drinking and sanitation purposes.
- The company engages with national, regional and local public authorities, and civil society organisations to address water sustainability issues related to affected water resources.

Waste Management

Does the company take measures to prevent and reduce the production of waste and ensure responsible waste management?

- The company has the necessary permits for the handling, storage, recycling and disposal of waste, and, if relevant, complies with requirements for transporting hazardous waste across borders.
- The company has a strategy to manage waste responsibly and continuously attempts to prevent and reduce the production of waste.
- The company ensures that waste relevant for recycling is sorted and handed over to a recycling company.
- The company monitors the types and quantities of waste produced, including where and how waste is recycled, treated or disposed of.
- The company has targets for reducing waste production and/or increasing waste reused/recycled and measures its progress against these targets.
- The company provides information and trains workers on the safe handling, storage, transport and disposal of hazardous and special waste types.
- The company marks areas used for storage of waste, and properly labels all containers for storing waste, including a relevant symbol of danger for hazardous waste.
- The company requests recycling/treatment/disposal receipts from transport contractors.
- The company uses licensed contractors for the transport, recycling, treatment and disposal of hazardous waste.

Air Emissions

Does the company prevent, reduce and treat air emissions?

- The company has the necessary permits for emissions to air, and complies with legal requirements (e.g. air pollution standards and limit values).
- The company provides information and trains workers on how to manage air emissions.
- The company monitors the types and quantities of relevant emissions to air.
- The company treats relevant pollutants before they are emitted to the atmosphere (e.g. by using filters).
- The company continuously attempts to prevent and reduce air emissions.

Noise, Odour, Light and Vibrations

Does the company prevent and reduce impacts on the surrounding environment from noise, odour, light and vibrations?

- The company has the necessary permits for levels of noise, odour, light and vibrations, and complies with legal requirements (e.g. standards or procedures).
- The company provides information and trains workers to manage noise, odour, light and vibrations.
- The company monitors levels of noise, odour, light and vibrations on the surrounding environment.

- The company treats/minimises impacts to ensure that there are no significant levels of noise, odour, light and vibrations.
- The company continuously attempts to prevent and minimise the levels of noise, odour and light (e.g. enclosed production, shielding, etc.).
- Chemicals and Other Dangerous Substances
- Does the company minimise the use and ensure safe handling and storage of chemicals and other dangerous substances?
- The company has the necessary permits and complies with legal requirements for the handling, use and storage of chemicals and other dangerous substances.
- The company does not manufacture, trade and/or use chemicals and other dangerous substances subject to national or international bans or phase-outs.
- The company provides information and trains workers on the safe handling and use of chemicals and other dangerous substances.
- The company monitors the quantities of all chemicals and other dangerous substances used in production and maintenance.
- The company marks areas used for storage of chemical substances and products.
- The company properly labels all chemical substances and products including name of the chemical and a relevant symbol of danger.
- The company considers substitution important and continuously tries to use less harmful chemicals and substances.

Biodiversity

Does the company prevent, minimise and remedy significant impacts on biodiversity?

- The company has the necessary permits to operate in or alter the natural environment, and complies with legal requirements.
- The company is committed to operating within the framework of international conventions addressing biodiversity (e.g. the Convention on Biological Diversity, Cartagena Protocol on Bio-safety and the CITES Convention).
- The company has assessed important positive and negative impacts of its operations and activities on the natural environment and biodiversity (e.g. IUCN's Red List of Threatened Species and no alien invasive species).
- The company has previously and/or is currently taking measures to prevent and reduce the impacts of its operations and activities on biodiversity.
- The company clearly labels products containing GMOs and indicates if GMOs have been used in the production process.
- The company ensures that it has not had any unintended releases of GMOs.
- The company documents that workers have been adequately trained to handle GMOs.

Natural Resources

Does the company ensure that natural resources are used in a sustainable manner?

- The company has the necessary permits and complies with legal requirements regarding the cultivation, harvest, extraction and/or use of natural resources (e.g. wood, fish, metals, oil, coal etc).
- The company complies with legal requirements regarding the cultivation, harvest, extraction and/or use of natural resources (e.g. wood, fish, metals, oil, coal etc.).
- The company ensures that workers are trained in the sustainable cultivation, harvesting, extraction and/or use of natural resources.

- The company continuously attempts to prevent, minimise and remedy significant impacts on natural resources through environmentally friendly methods and alternative resource use.
- The company ensures that its use of renewable resources does not negatively affect the sustainability of the resource (i.e. the resource's ability to regenerate).
- The company demonstrates efforts to substitute non-renewable resources used in production with renewable resources.
- The company works with local and national public authorities as well as with international institutions to address sustainability issues related to natural resources (e.g. wood, water, fish, metals, oil etc.).

Environmentally Friendly Technologies

Does the company encourage the development and use of environmentally friendly technologies?

- The company uses environmentally friendly technology.
- The company regularly evaluates its processes and technologies to see if there are more environmentally friendly alternatives.
- When developing new technologies and products, the company focuses on developing environmentally friendly technology e.g. by using life cycle assessments (LCA), design for sustainability or a cradle-to-cradle approach.
- When planning new investments in technology, the company considers the best available technology and stipulates minimum environmental criteria.
- When investing in new buildings, the company implements environmentally responsible and resource-efficient materials and/or technologies.
- The company makes information describing the environmental performance and benefits of using environmentally friendly technologies available to stakeholders.

Standards & Guidance

NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre

- CEO Water Mandate (2011): Launched as a collaborative initiative of the UN, UN Global Compact, the Government of Sweden and a dedicated group of companies, the CEO Water Mandate is a public-private initiative designed to assist companies with the development, implementation and disclosure of policies and practices relating to water sustainability. It covers six core elements: direct operations, supply chain and watershed management, collective action, public policy, community engagement and transparency.
- IFC Performance Standards on Environmental and Social Sustainability (2012): The IFC Performance Standards provide directions to businesses on due diligence on environmental and social matters. Several of the standards are pertinent to environment, including: Assessment and Management of Environmental and Social Risks and Impacts (PS1), Resource Efficiency and Pollution Prevention (PS3), Community Health, Safety, and Security (PS4), and Biodiversity Conservation and Sustainable Management of Living Natural Resources (PS6).
- Institute for Human Rights and Business, Business, Human Rights & the Right to Water—Challenges, Dilemmas and Opportunities: This report summarises the views of various stakeholders on issues pertaining to the right to water, including consideration of the scope of a company's responsibility to respect the human right to water; the applicability of the human rights-based approach to management of water-related issues; and the business case for engaging with water-related issues.

- ISO 14000 Standards on Environmental Management Systems: Developed by the International Organisation for Standardisation, the ISO 14000 Standards provide businesses and organisations with a number of tools to assist in their environmental management systems. The key objective of the standards is to encourage different actors to reduce the negative impact that their activities may have on natural resources such as air, water or land.
- United Nations Special Rapporteur on the Human Right To Safe Drinking Water and Sanitation (est. 2008): Amongst a range of issues, the mandate of the Special Rapporteur includes consideration of the regulation of the private sector in the context of private provision of safe drinking water and sanitation.
- Global Water Tool (2007): Developed by the World Business Council for Sustainable Development, this tool is designed for companies and organisations to map their water use, including risks associated with water use in global supply chains.

Engagement Opportunities

Development initiatives by public and private actors that provide opportunities for companies to contribute to human development

Public Sector Initiatives

The Tchuma Tchato Programme (2013): The programme's objective is to protect and manage the ecosystem and involve local communities, the government and the private sector. Among its planned activities is the protection of the Magoe National Park, which covers an area of 355,852 hectares in Tete province.³³⁴

Greater Maputo Water Supply Expansion Project (2013-2019): The project, resulting from a partnership between the government and the World Bank, focuses on direct access to improved water sources providing piped water for about 100,000 households in the Greater Maputo area.³³⁵

NGO Initiatives

Justiça Ambiental: The organization develops public awareness raising and advocacy campaigns against activities that pollute the environment in Mozambique and supports communities with those activities.³³⁶

Land & Property

Human rights impacts related to company acquisition, use and management of land

Operating Environment	
International Property Rights Index rank	95/130 (2013)
Heritage Foundation: Economic Freedom Index Property Rights score	30 (2014)
Relevant law	• Constitution, 2004 • Land law, 1997
Responsible ministries	• Ministry of Agriculture and Food Security • Ministry of Land, Environment and Rural Development • Ministry of Mineral Resources and Energy • Ministry of Industry and Trade • Ministry of Ocean, Interior Waters and Fishery
Local NGOs addressing this issue	• Association of Community Legal Assistance (AAJAC) • Associação Progresso • Fundação para o Desenvolvimento da Comunidade • LIVANGO Organization • Forum Terra • Terra Viva • Observatory of Rural Development • WILSA

Country Context

Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.

Land Administration

The constitution provides that land is owned by the state and cannot be sold or otherwise disposed of. the constitution recognises the right to use and benefit from land to both individuals or corporations.³³⁷ The land law recognises a land-use right, known as DUAT, which can be held individually or jointly.

DUATs can be obtained by occupancy (according to customary law or by good faith occupation for 10 years) or by grant, subject to the presentation of an exploitation plan. Land grants are issued for two years to foreign entities or persons, and for five years to nationals, with the possibility of renewal.³³⁸ Provincial governors approve DUATs up to 1,000 hectares, the Minister of Agriculture up to 10,000 hectares while the Council of Ministers above 10,000 hectares.³³⁹

Local communities have DUATs over their traditional territory, though only few communities had delimited and registered their land due to financial limitations and lack of knowledge about registration procedures. The average cost for registering communal land was US\$8,000 as of 2003, according to USAID in 2012.³⁴⁰

In 2011, Justiça Ambiental and the National Farmers' Union (UNAC) reported a lack of institutional capacity in dealing with several DUAT requests, due to lack of capacity to analyse the demands and while making a decision.³⁴¹ USAID also reported in 2012 that local administration officers were investor-focused and did not share the community participatory consultation approach on land related issues.³⁴²

Land Acquisition

The land law allows the state to confer land-use rights (DUATs) to foreigners and nationals through the award of grants. Investors applying for DUATs are obliged to consult with communities.³⁴³ Expropriation is allowed only for reasons of public necessity, utility or interest, as defined by the law, and subject to the payment of fair compensation.³⁴⁴

Despite the fact that the land law provides for consultations with communities for investors applying for DUATs, Forum Syd reported in 2012 that for large-scale land investments, consultations with communities were insufficient. Few individuals were consulted, some were reportedly paid bribes and contracts between the government and investors lacked transparency. Instances of government officials placing obstacles to community land delimitation and demarcation were reported, often due to a lack of understanding of the law.³⁴⁵ A 2011 study by Justiça Ambiental and UNAC reported instances of village leaders personally approving corporate projects despite a general opposition in the community.³⁴⁶

In 2012, Forum Syd further stated that, of up to 19 million hectares that could be used for agriculture, forestry or cattle, 1 million hectares were granted to foreign companies (73 percent for forestry and 13 percent for agrofuels and sugar) from 2004 to 2010.³⁴⁷ The overall amount given to investors reached 2.5 million hectares from 2004 to 2009, according to a 2011 Oakland Institute report.³⁴⁸ This situation reduced communities' access to areas for animal grazing; collection of firewood and construction material; medicinal plants and other natural resources upon which they depended for their livelihoods.

In 2013, the Popular University of Social Movements³⁴⁹ identified the following as the greatest risks to land rights in Mozambique: mining in Teté province; forestry in the north; agriculture, especially in Wambao; and Prosavana agribusiness operations.³⁵⁰ Justiça Ambiental and UNAC reported in 2011 that weak local institutions; corruption of local authorities and community leaders; and communities' poor knowledge of their rights were among the main causes of land grabbing in Mozambique.³⁵¹

The government passed a decree in 2012 regulating resettlement due to private-sector projects. According to Human Rights Watch, the regulation failed to protect those resettled in terms of land quality, livelihoods, access to health care or grievance mechanisms.³⁵²

Resettlement of local communities dependent on agriculture, particularly into areas without conditions for income generation, was reported to be linked to loss of livelihood and reduced food security for communities in 2011.³⁵³ In 2013, Human Rights Watch reported that coal mining operations in Teté province resulted in the resettlement of communities, mostly farmers, to non-agricultural or areas with limited access to water and far from local markets.³⁵⁴ Communities affected by extractive projects were

reportedly not aware of their legal rights and were not meaningfully involved in the decision-making process for their resettlement.³⁵⁵

Land conflicts were also reported in Mozambique. Justiça Ambiental and UNAC stated in 2011 that land conflicts were the result of unfulfilled promises made by companies to communities during the process of public consultations; expansion of company's operations into communal land beyond their concessions; and resettlement of communities in undesired locations with poor conditions.³⁵⁶ Forum Syd added that the largest land concessions in the country were linked to forestry and almost all resulted in conflicts with local communities due to lack of long-term job opportunities and seasonal contracts. Communities reportedly lacked trust in companies and local authorities.³⁵⁷

Cases

Reports of business-related human rights issues from NGOs, multilateral institutions and the media.

- *October 2014, The Guardian:* Nearly 40,000 people in Gaza province were forcibly displaced from their land as a result of a land lease to China's Wanbao Oil and Grain.³⁵⁸ The company was reportedly allocated 20,000 hectares of land to produce rice in Gaza province for 50 years. This led to women losing their farms without compensation or consultation. The company allegedly expanded its operations into other areas not allocated to it, depriving local communities of their livelihoods.³⁵⁹
- *April 2014, Environmental Justice Organisations, Liabilities and Trade:* Conflicts over land were reported between the company Chikwetí and local communities in Niassa province. Agreements between the company and village chiefs in relation to lands to be used by the company were allegedly not respected.³⁶⁰
- *April 2014, Environmental Justice Organisations, Liabilities and Trade:* The company Green Resources allegedly did not consult with local communities in Niassa province in a land acquisition process.³⁶¹
- *April 2014, Environmental Justice Organisations, Liabilities and Trade:* Local communities in Cavago village in Niassa province accused the Malonda Tree Farm of expanding eucalyptus and pine plantations beyond its concession into local lands, without consulting communities.³⁶²
- *2014, Environmental Justice Organisations, Liabilities and Trade:* Quifel Natural Resources was involved in a conflict with the local community in Lioma, Zambezia province, regarding the development of a large-scale soya plantation (10,000 hectares) in an area where small farmers were growing soya. The company reportedly displaced 200 families and 836 farmers.³⁶³
- *May 2013, Human Rights Watch:* An estimated 500 people from the Vale village Cateme, that had been resettled due to Vale and Rio Tinto's coal mining operations in Tété Province, protested that they continued to lack access to farmland after their resettlement. The people also stated that they were neither sufficiently compensated nor consulted.³⁶⁴
- *May 2013, Human Rights Watch:* The Indian Mining Company Jindal Steel and Power Limited risked harming human rights in the Tété Province, as the company had not initiated resettlement plans for the local population since commencing coal extraction in 2011.³⁶⁵
- *April 2013, Business Report:* Access to Vale's coal mine in Tété province was blocked by people protesting their loss of livelihood after being resettled. Estimates on the number of protesters varied from 300 to more than 1,000.³⁶⁶

- **April 2013, Grain:** The ProSAVANA agricultural project, involving more than 10 million hectares in the north of the country, was allegedly developed without consulting the 4 million farmers living in the area. The programme is a collaboration between the government of Mozambique, Japan and Brazil to support agricultural development in Northern Mozambique.³⁶⁷

Company Initiatives

Private-sector programmes that aim to ensure respect for human rights or contribute to development

Company Due Diligence Initiatives

Illovo Sugar (2014): The company's Group Guidelines on Land and Land Rights include a zero tolerance approach to land grabs; the identification of any negative impact on land and land rights; the assurance that all affected owners and users of land will be adequately consulted and compensated; and adherence to the principle of Free, Prior and Informed Consent for local communities.³⁶⁸

Vale Mozambique (2013): In terms of resettlement of families impacted by its operations in Napula province, the company provided them with temporary housing and compensation. The company has signed an agreement with the local government in Teté province and representatives from local communities to improve the living conditions of resettled communities; ensure the provision of basic services such as education, health and energy; ensure access to water; and respect their cultural diversity.³⁶⁹

Coal India: The company holds consultations and public hearings with local communities, including owners of land that could be impacted by new or expanded projects. The company has developed a rehabilitation and resettlement policy that includes compensation to affected persons.³⁷⁰

Stakeholder Recommendations

Human Rights Watch (2013) makes the following recommendations to companies:³⁷¹

- Ensure that resettlements comply with international human rights standards in their design, implementation, and follow-up.
- Improve public access to information and transparency by:
 - Strengthening channels of communication with local and national civil society and with community members affected by resettlement; and
 - Making documents such as environmental assessments, periodic environmental monitoring reports, resettlement action plans, and updates on implementation more accessible, including by providing short summaries in non-technical language, translating the summaries and the full reports into local languages, posting them on the internet, and providing copies in public buildings such as local schools in directly affected communities.
- Establish effective grievance mechanisms so that individuals affected by mining projects can complain directly to companies in addition to the government.

Forum Syd (2012): The foundation makes the following recommendations to companies:³⁷²

- Acknowledge and respect land use rights of peasants and local communities and refrain from any land acquisition that implicates a forced transfer of land resources from peasants and local populations;

- Ensure that decision making over land is inclusive and seek the free, prior and informed consent of local rights-holders and communities before engaging in any land-related activities;
- Conduct comprehensive and independent social and environmental impact assessments before engaging in any land-related activities;
- Disclose all information, including details of contracts, in relation to land acquisitions and ensure transparency throughout the process;
- Adhere to internationally agreed standards for responsible governance of land tenure, particularly the FAO Voluntary guidelines, adopted in May 2012;
- Accept their human rights obligations following the UN 'Protect, Respect and Remedy' Framework for business and human rights.

Justiça Ambiental and UNAC (2012): The two Mozambican organisations made the following recommendations to companies:³⁷³

- A need to involve communities, from the beginning, in any process that would result in their resettlement from site selection to the kind of infrastructure to be deployed. This involvement should be comprehensive so as to avoid situations of corruption and abuse of power by community leaders or people in positions of power and ensure that the location and conditions of resettlement are better than before, respecting their lifestyle and needs to ensure its sustainability;
- The necessity of having signed minutes of meetings during public consultation processes and be made accessible to the local population;
- Contracts must be drawn up detailing all the promises made to communities, including deadlines for achieving those with proposed penalties for non-compliance.

Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

Before buying, renting, acquiring or otherwise accessing land or property, does the company ensure that all affected owners and users of the land or property, have been adequately consulted and compensated?

- Prior to buying, renting, acquiring or otherwise accessing land or property, whether directly or through a third party, the company identifies all existing owners and users of the land or property, including information land users and customary owners.
- The company investigates the past usage and ownership of the land or property to ensure that past users and owners have not been wrongfully removed, and that any expropriations by the authorities have been conducted in accordance with international law.
- The company consults with affected users and owners of the land or property (including women, tenants, settlers, minorities and other vulnerable groups including indigenous peoples) and seeks their free, prior and informed consent before continuing to acquire or access the land or property.

- The company ensures that its lease or purchase of residential property and sourcing of food commodities does not considerably make housing and food scarce or too expensive for the local people.
- The company ensures that affected owners and users of the land or property are adequately compensated to help them restore their standards of living or livelihoods to the same or higher than before, and that the compensation standards are transparent and applied consistently to all communities and persons affected.

Standards & Guidance

NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre

- **FAO Voluntary Guidelines on the Responsible Governance of Tenure (2012):** Developed by the Food and Agriculture Organisation of the UN (FAO), the Guidelines promote responsible governance of tenure of land, fisheries and forests by outlining the principles and internationally accepted standards for the responsible governance of tenure. The Guidelines inform States and non-government actors on relevant policies, strategies and activities.
- **IFC Performance Standard 5: Land Acquisition and Involuntary Resettlement, and IFC Handbook for Preparing a Resettlement Action Plan (2002):** The IFC Performance Standards are contractually binding on certain projects receiving IFC finance. PS5 is accompanied by a Guidance Note and a Resettlement Handbook that gives detailed guidance on managing resettlement and associated impacts.
- **Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources (2010):** A joint initiative of UNCTAD, FAO, IFAD and the World Bank, these seven principles cover all types of investment in agriculture, including between principal investors and contract farmers. The Principles provide a framework for national regulations, international investment agreements, global corporate social responsibility initiatives, and individual investor contracts.

Engagement Opportunities

Development initiatives by public and private actors that provide opportunities for companies to contribute to human development

Public Sector Initiatives

Land Consultative Forum (2010 – present): The annual forum is composed of representatives from the government, local and international organizations, NGOs and associations of local producers, with the objective to provide advice on land policy issues.³⁷⁴ The latest forum took place in the district of Gondola, Manica province, in May 2015.³⁷⁵

Community Lands Initiative (2007- present): The government established a fund to support community land delimitation and community capacity building in sustainable land management.³⁷⁶

Revenue Transparency & Management

Human rights impacts related to transparency of government revenues received from business and the distribution of such revenues

Operating Environment	
World Economic Forum Global Competitiveness Ranking	137/148 (2013-2014)
Legatum Prosperity Index rank: Governance	94 (2013)
Ease of Doing Business Index (where 1 indicates greatest ease of doing business)	139
Transparency International: Corruption Perceptions Index rank (where 1 indicates the lowest level of corruption)	119 (2014)
World Bank Good Governance Indicators	
Voice and Accountability	0.2
Political Stability	0.3
Government Effectiveness	-0.6
Regulatory Quality	-0.5
Rule of Law	-0.6
Control of Corruption	-0.6
	(2012)
Government revenue	US\$5.3 billion (2014 est.)
Government expenditure	US\$7 billion (2014 est.)
EITI Country	Yes (October 2012)
Relevant law	Anti-Corruption Law, 2004

	• Public Procurement Law, 2005 • Law on Public Probity, 2012
Responsible ministries	• Ministry of Economics and Finance • National Tax Authority • Central Office for Combating Corruption • Central Commission on Public Ethics • Commission on Plan and Budget – National Assembly
Local NGOs addressing this issue	• Centro de Integridade Publica • Mozambican Debt Group • Terraço Aberto • Grupo Temático Recursos Naturais

Country Context

Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.

Corruption

The anti-corruption law criminalises extortion, attempted corruption and active and passive bribery.³⁷⁷ The government adopted a law on the protection of the rights and interests of victims, whistle blowers, declarants and witnesses in 2012.³⁷⁸

The Anti-Corruption Resource Centre reported in 2012 that corruption was deeply enshrined in the political sphere; the police; public administration, including customs and tax officials; and the judiciary. The executive was reported to extend its control over legislative and judicial power.³⁷⁹ The 2013 Global Corruption Barometer reported that law enforcement was perceived as the most corrupt institution in the country.³⁸⁰

Corruption in public administration included payment of bribes, according to a 2013 South African Institute for Security Studies report.³⁸¹ Traditional leaders were reportedly bribed by companies to gain access to resources.³⁸² The so-called, 'fixers' or 'deal brokers', often former combatants, used their network and contacts to ease business deals in mining, marine and forestry, encouraging the informal sector and illegal activities (e.g. illicit traffic of precious gems and timber).³⁸³

The Anti-Corruption Resource Centre further noted in 2012 that the Central Office for Combating Corruption lacked technical capacity and financial resources, and was subject to political interference.³⁸⁴

Public Procurement

The public procurement law provides for competitive bidding requirements.³⁸⁵ In practice, the law was not adequately implemented, as reported in 2012 by the Anti-Corruption Resource Centre. Corrupt practices in public procurement reportedly included gifts; collusion; false or duplicate invoices by contractors; and manipulation of bidding processes by public officials.³⁸⁶

The Bertelsmann Foundation also reported in 2014 that companies connected with the ruling elites were favoured when bidding for public contracts.³⁸⁷ The Mozambican NGO Centro de Integridade Publica (CIP) reported in 2015 that public officers set companies to participate in bidding processes and were oftentimes provided with information about future areas for public procurement in advance, favouring them against the general public.³⁸⁸

Revenue Transparency

In November 2014, the Mozambican parliament passed a freedom of information bill, which obliges public and private entities to release information to any citizen requesting it. The bill also states that entities 'have the duty to make information of public interest available and to publish it through the legally permitted channels', including activity plans and budgets; audit, inquiry and inspection reports; environmental impact reports; and contracts, including revenue and expenditure information.³⁸⁹ Exceptions include state secrets, industrial secrets and any other sensitive information, which remains protected by the law.³⁹⁰

In 2014 two new sets of legislation, one for mining activities and another one for oil operations, were approved. While the mining law mandates for the publication of the full content of contracts within 30 days of its signature, the oil law requires that only the principal clauses of the contract be published. According to CIP, this was a setback in transparency promotion.³⁹¹ Although the website Portal de Cadastro Minero publishes mining contracts, CIP reported that the information provided was not complete.³⁹² In 2013, the United Nations Country Team (UNCT) reported a lack of transparency around extractive industries contracts resulting in local community having little knowledge about activities in their territory.³⁹³

Mozambique became a member of the Extractive Industries Transparency Initiative in October 2012, with implications on transparency in the extraction, use, and allocation of revenues from oil, gas, and mining companies,³⁹⁴ including the submission of comprehensive reports that include full government disclosure of extractive industry revenues and disclosure of all material payments to the government by those companies.³⁹⁵

Mozambique was ranked 46th out of 58 countries in the 2013 Resource Governance Index, with the best scoring sector being the institutional and legal setting and the worst performing being reporting practices.³⁹⁶

Human Rights Watch reported in 2013 a lack of transparency from the government on how extractive sector revenues were used.³⁹⁷ The Ministry of Finance publishes only aggregated figures for combined revenues from extractive companies, while the Mineral Resource Ministry publishes very basic data provided by companies, according to the Natural Resource Governance Institute in 2013.³⁹⁸

Public-Private Partnerships were commonly used in Mozambique for the provision of goods and services. According to the CIP in 2015, terms of contracts were not published and there was a lack of monitoring on their implementation.³⁹⁹

Revenue Sharing

The Budget Law, adopted in 2013, mandates that 2.75 percent of revenues gained from the extractive sector be allocated to development projects benefitting directly affected communities.⁴⁰⁰ Furthermore, communities are entitled to receive 20 percent of tax revenues from forest concessions and 50 percent of the amount of fines for violation of the law on forests.⁴⁰¹ The Africa Economic Outlook Organization reported in 2015 that almost 80 percent of logging was illegal, causing a US\$150 million tax revenue loss.⁴⁰² Most illegal timber was traded to China, as reported in 2013 by Mongabay.⁴⁰³

Mining companies pay a 3 percent royalty to the state, which rises to 5, 6 and 10 percent for precious metals, gemstones and diamonds, respectively.⁴⁰⁴ In 2013, CIP reported that poorly negotiated contracts from 2000 to 2002 in the oil and gas sector resulted in low revenues for the state.⁴⁰⁵

In 2013, the Open Society Initiative for Southern Africa reported an unequal distribution of wealth.⁴⁰⁶ Profits from the extractive sector and other growing sectors, such as transport and communication, construction and financial services sectors⁴⁰⁷ were reportedly not being transformed into social development.⁴⁰⁸

The CIP also noted in 2015 that revenues from extractive industries were still considered to be 'negligible', due particularly to excessive fiscal benefits granted by the government to extractive companies.⁴⁰⁹

Mis-invoicing of trade transactions (both export and import) resulted in about 10 percent of annual tax loss, as reported by the Global Financial Integrity in 2014. Companies used export under-invoicing and import over-invoicing to pay fewer corporate taxes.⁴¹⁰

Cases

Reports of business-related human rights issues from NGOs, multilateral institutions and the media.

- *May 2015, Centro de Integridade Publica:* Communities in Sofola province did not receive the estimated 45 ,million meticals (US\$1127) that they were entitled to due to forestry revenues during 2010-2014. Companies allegedly deposited the amounts with the Agriculture Department at the Sofola province but the money never reached the communities.⁴¹¹
- *August 2014, Verdade:* The Central Office to Combat Corruption investigated the Mozambican airlines LAM for alleged cases of corruption and conflict of interest of some of its employees.⁴¹²
- *January 2013, The Guardian:* A study by three organizations (Jubile Debt Campaign, Tax Justice Network and Justicia Ambiental) found that private entities and the World Bank have benefited much more than the people of Mozambique by the aluminium smelting project Mozal. Foreign investors, governments and development banks received an average of US\$320 million a year from the smelter, in contrast to the government's US\$15 million profit. This was considered to be the result of tax measures adopted by the government to attract investors.⁴¹³

Company Initiatives

Private-sector programmes that aim to ensure respect for human rights or contribute to development

Company Due Diligence Initiatives

Savannah Resources: The company introduced a zero-tolerance bribery and corruption policy. The policy applies to all individuals working at all levels.⁴¹⁴

Sasol: The oil and gas company, with operations in Ressano García, has committed to the UN Guiding Principles on Business and Human Rights. Its Code of Ethics includes Corruption, Bribery and Conflicts of Interest. Regular training is provided to employees and management on the code's content. Each year senior and middle management, as well as employees identified as high risk, are required to formally certify that they know and understand the code of ethics and its guidelines. The company has set an

independently managed anonymous reporting facility called EthicsLine where cases of breach of the code can be presented. All cases are investigated and if found to be legitimate, a formal process tracks, reports and concludes complaints.⁴¹⁵

Illovo Sugar – Maragra Açúcar Limited: The company, with operations in the Manhica district, publishes all corporate income tax contributions made to the government. It publishes indirect tax payments including employee taxes and duties.⁴¹⁶

Coal India: The company has adopted a whistleblower mechanism to provide an opportunity for employees to report actual or suspected instances of unethical behaviour, fraud or violation of company's code of conduct to management.⁴¹⁷

Stakeholder Recommendations

Centro de Integridade Publica (2015) recommends that state-owned companies in the extractive sector submit their Annual Audit to Parliament to promote public accountability. To all extractive companies, the Centre recommends they publish their annual reports, including details of all projects in Mozambique.⁴¹⁸

Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

Signalling a Non-Corrupt Environment

Does the company take a clear stand against corruption?

- The company's CEO, director or president has declared that the company will not engage in corruption at any time or in any form.
- The company has a policy rejecting corruption and requiring all directors, managers and workers worldwide to behave ethically and in conformity with the law.
- The company anti-corruption policy includes how to handle requests for facilitation payments, giving and receiving gifts, engaging in sponsorships, giving political contributions, and how to conduct responsible lobbying.
- The company has defined benchmarks and indicators regarding its anti-corruption initiatives and reports these to the public (e.g. in its annual CSR report)

Anti-Corruption Risk Assessment

Does the company assess the risk of corruption when doing business?

- The company evaluates the potential areas of corruption including factors such as type of transaction, countries of operation, industries, and customers or business partners involved.
- The company evaluates the risk of corruption when workers, agents, intermediaries or consultants deal with public officials (including workers of state owned companies).

- The company evaluates the risk of internal and external conflicts of interest in relation to business partners.
- The company has developed an action plan to address the risk of corruption, and has defined responsibilities for each task, as a minimum for high-risk areas.
- The company has identified internal functions with the highest risk of corruption within the company and seeks to address these weaknesses.

Awareness Raising

Does the company ensure that relevant workers are properly trained?

- The company informs all workers about its anti-corruption commitment.
- The company provides regular anti-corruption training for all relevant workers within the organisation e.g. procurement and sales staff.
- Information on disciplinary procedures for violations of company anti-corruption policies is available to workers.
- The company actively seeks worker feedback and dialogue on its anti-corruption initiatives.
- The company has and promotes a function by which workers can safely report suspicion of corruption related cases (e.g. hotline or mailbox) and allocates resources to systematically address the issues that are identified.

Anti-Corruption Procedures

Do the company's internal procedures support its anti-corruption commitment?

- The company has assigned different individuals or departments to be responsible for handling contracts, placing orders, receiving goods, processing invoices and making payments.
- The company mentions 'anti-corruption' and/or 'ethical behaviour' in its contracts with business partners.
- The company prohibits informal employment and any 'off the books' record-keeping
- The company performs internal audits and has checks in place in connection with all anti-corruption commitments.
- The company's procurement, financial and internal audit personnel have clear instructions to look for and to identify alarms, report them to management, and follow-up counter measures.
- The company requests external auditors to maintain a critical eye and follow all alarms and irregularities.
- Any alarm or irregularity reported by external auditors is systematically addressed by management.
- The company monitors compliance and continuously identifies strengths and weaknesses in the anti-corruption initiatives to remain effective and up-to-date in addressing changing risks.

Agents and Other Associates

Does the company's anti-corruption initiative cover agents, intermediaries and consultants?

- The company conducts an inquiry and/or attentiveness (e.g. financial, legal, labour, tax, IT, environment, market/commercial) on all agents, intermediaries and consultants.
- All agreements with agents, intermediaries and consultants are fully documented in written, signed contracts.

- The selection and terms of reference of agents, intermediaries or consultants are approved at the senior management level or at a level above that of the management involved in the operations for which the intermediary is hired.
- Contracts with agents, intermediaries and consultants include a section on anti-corruption and that the contract-holder must comply with all applicable laws and regulations.
- Agents, intermediaries and consultants are provided with information on the company's anti-corruption commitment, anti-corruption policies, training material on anti-corrupt behaviour and information on disciplinary procedures for violations of company anti-corruption policies.
- The company ensures that payment to agents, intermediaries and consultants are in line with standard payments for other service providers of similar ranking.
- The company only makes payments by bank transfer or check – never in cash – in the country of the agent, intermediary and consultant and never to a third party without prior examination.

Communicate

Does the company communicate progress on the Global Compact principles with stakeholders?

- The company identifies stakeholders who affect or can be affected by the company's activities, products and services e.g. a person, group, organisation, authority.
- The company communicates progress openly about how issues covered by the Global Compact principles are managed, including performance results as well as forward-looking information on strategy and management approach, challenges, and dilemmas.
- The company regularly engages in dialogue with stakeholders to keep up-to-date with stakeholder expectations.
- The company communicates openly about how issues covered by the Global Compact principles are managed including challenges, dilemmas, success and failures.
- The company's communication on progress and other performance reporting on issues covered by the Global Compact principles is publically available and communicated to external stakeholders e.g. via the company's and Global Compact website.

Joint Actions

Does the company take joint actions with others to engage in and promote anti-corruption initiatives?

- The company shares experience, procedures and challenges of corruption with other organizations i.e. the local business community, sector initiatives, networks etc.
- The company has initiated or joined initiatives with other companies in the same sector for the purpose of promoting a fair business environment.
- The company stimulates multi-stakeholder dialogue on challenges of corruption.
- The company encourages the local business community and business partners to initiate cooperation to fight corruption.

Standards & Guidance

NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre

- Transparency International Business Principles for Countering Bribery provide a checklist for companies to identify and reduce bribes and facilitation payments in their operations.
- The OECD Guidelines for Multinational Enterprises, applicable to enterprises in OECD Member States (and some others), require companies to respect human rights, including through due diligence. The OECD Guidelines constitute recommendations by OECD member states to multinational enterprises operating in or from adhering countries. The OECD Guidelines include competition, fiscal systems and anti-corruption.

Security & Conflict

Human rights impacts related to company interaction with public and private security providers and related to the impact of business on societal conflict.

Operating Environment	
Failed States Index	59/178 (2013)
Legatum Prosperity Index: Safety & Security	121/142 (2013)
Freedom House: Map of Freedom - Political Rights (On a scale of 1 through 7, where 1 indicates the highest level of freedom)	4 (2014)
Freedom House: Map of Freedom - Civil Liberties (On a scale of 1 through 7, where 1 indicates the highest level of freedom)	3 (2014)
Relevant law	• Constitution, 2004 • Decree to regulate private security companies, 2007 • Criminal Code, 2014
Responsible agencies	• Ministry of Interior • Ministry of Justice, Constitutional and Religious Affairs – Prison System Management • Commission of Human Rights, Legality and Constitutional Issues – Parliament • Justice Ombudsman

Country Context

Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.

The constitution provides for the right to life and physical and moral integrity. The death penalty is prohibited.⁴¹⁹

Public Security Forces

The constitution guarantees the right to be free from torture or other cruel or inhuman treatment.⁴²⁰ The UN Committee against Torture reported in 2013 that torture was not codified as a specific offense in the Penal Code and that there was only a reference to it as an aggravating factor for certain criminal offenses.⁴²¹

Unlawful killings, arbitrary executions of suspected criminals, and the use of torture and ill-treatment in detention centres, including police stations and prisons, was reported by the UN Human Rights Committee in 2013.⁴²²

The UN Committee against Torture reported instances of arbitrary arrest and detention, particularly of disadvantaged people, including young, unemployed or informally employed men. It noted that police resorted to excessive and sometimes lethal force when apprehending suspects or while controlling demonstrations.⁴²³ Amnesty International added in 2015 that the police used excessive force against those they suspected of being members of the rebel group Mozambican National Resistance (RENAMO).⁴²⁴

The UN Human Rights Committee further noted in 2013 that prisons were overcrowded with poor food and health conditions. It also reported cases of death while in custody and that juvenile offenders were not always separated from adults detainees.⁴²⁵

Private Security Forces

Decree 9, adopted in 2007, regulates private security companies. Private guards are authorized to carry firearms once a license is awarded.⁴²⁶

According to a 2013 Mozambican newspaper Journal Digital report, relatives of police authorities often set up private security companies, and in many cases, those companies were illegally carrying arms of exclusive use by the state, implying that they were illegally obtained through their family members.⁴²⁷

This study did not uncover any instances in which private security forces were accused of human rights violations related to company operations.

Social Conflict

Social tensions between local communities and companies were reported. The Oakland Institute noted in 2011 that some large-scale concessions were cancelled due to conflicts with local communities.⁴²⁸ The Open Society Initiative for Southern Africa reported in 2012 that communities in Teté province complained about resettlement plans by mega projects in the extractive sector.⁴²⁹

Armed Conflict

Despite the end of the civil war with the signing of a peace agreement in 1992, tensions between the ruling party, Front for the Liberation of Mozambique (FRELIMO), and the rebel group Mozambican National Resistance (RENAMO) resumed in 2009 following RENAMO's loss in the presidential elections, and related allegations of fraud.⁴³⁰ In 2012, RENAMO established a military base in Sofala province, the group stronghold, to train former combatants. Despite negotiations having resumed between the parties in late 2012,⁴³¹ clashes between government forces and the rebel group were reported in Sofala province throughout 2013, resulting in the killing of civilians.⁴³² In September 2014 a peace agreement was signed which provided for a ceasefire, disarmament, new electoral legislation, integration of rebel armed personnel into the national security forces and a reduced influence of FRELIMO in the state.⁴³³

Cases

Reports of business-related human rights issues from NGOs, multilateral institutions and the media.

- *November 2014, All Africa:* The riot police unit FIR opened fire on unarmed workers from Mozambique Leaf Tobacco, who were protesting against salary deductions.⁴³⁴
- *April 2013, Ação Académica para o Desenvolvimento das Comunidades Rurais:* Families and individuals protesting against their resettlement by the Brazilian mining company Vale were allegedly harassed and arbitrarily detained by the police.⁴³⁵
- *2013, Facing Finance:* Private security forces protecting the company Jindal Steel and Power's mining operations in Teté province allegedly used force against local community members passing through the company's gates on their way home.⁴³⁶

Company Initiatives

Private-sector programmes that aim to ensure respect for human rights or contribute to development

Company Due Diligence Initiatives

BP: The oil and gas company, with operations in the Nacala province, is a signatory to the Voluntary Principles on Security and Human Rights. It provides employees accountable for assessing and managing security risks with guidance explaining BP's approach to implement the Voluntary Principles on Human Rights and Security, which includes mechanisms for identifying and mitigating risks, interacting with public security forces, engaging with private security providers and evaluating progress.⁴³⁷

Company Development Initiatives

Cervejas de Moçambique: The company offered computer equipment and office supplies to the 17th Police station of Mozambique to improve efficiencies of the institution's operations and aiming to provide direct benefits to neighbouring communities.⁴³⁸

Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

Does the company take steps to ensure that company security arrangements are in accordance with international principles for law enforcement and the use of force?

- The company regularly conducts security risk assessments, and ensures that company security arrangements, including the deployment of private guards or public security personnel, are proportionate to the security risk.
- Company security risk assessments include the risk of human rights abuses by private and public security personnel.
- The company selects private security firms based on information about professional ability, level of staff training, quality of equipment, past involvement in human rights abuses, links with political factions or organisations and other relevant criteria.
- Contracts with private security firms include requirements related to international human rights standards for law enforcement and use of force; require the investigation and discipline of any unlawful or abusive conduct by security guards; and allow for termination of the contract in case of such conduct.
- There is a manual defining the duties of security personnel, and all security personnel receive training on rules of conduct based on international human rights standards for law enforcement and the use of force.
- Where public security personnel are assigned to company facilities, the company seeks to ensure transparency concerning its interactions with public security agencies, and the company communicates to the relevant public security agencies its desire that security functions be conducted in accordance with international human rights standards for law enforcement and the use of force.
- The company has a procedure for recording security-related incidents, including a mechanism for handling complaints from staff or local communities related to the conduct of security personnel, and forwards credible allegations of human rights abuses to the relevant authorities.
- The company has a procedure for monitoring and evaluating its security arrangements, including the proportionality of the security arrangement; impact on local communities; impact on existing local tensions or conflicts; security incidents recorded; and credible allegations of human rights abuses by company security personnel. Representatives from the local community are consulted as part of the monitoring.

Standards & Guidance

NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre

- International Alert, Conflict Sensitive Business Practices: Guidance for Extractive Industries (2005): International Alert is a peace-building NGO working with civilians and other affected stakeholders in conflict areas. This Guidance is intended for companies in the extractive industries sector, providing advice on conflict-sensitive business practices and the ways in which they can contribute to peace-building.
- International Alert and Fafo Institute, Red Flags: Liability Risks for Companies Operating in High-Risk Zones (2008): The Red Flags address illicit business activities under international and national law. The initiative's objective is to clearly define what types of activities, when committed or aided by businesses, represent breaches of international humanitarian law and international criminal law.
- International Commission of Jurists, Report of the Expert Legal Panel on Corporate Complicity in International Crimes (2008): This three volume report outlines the ICJ Expert Legal Panel's findings and recommendations with regard to corporate legal responsibility for complicity in international crimes, under both civil and criminal law.
- The Dodd-Frank Wall Street Reform and Consumer Protection Act (2010): Section 1502 of the Act requires public and private companies to disclose the use of any conflict minerals in their products. This promotes greater transparency and dissuades companies from engaging in trade that may support regional conflicts.
- International Committee of the Red Cross, Business and International Humanitarian Law (2006): The Guidance explains the obligations of businesses under international humanitarian law, including noting relevant distinctions between international human rights law and international humanitarian law.

Access to Remedy

Bodies to which victims of corporate human rights abuses can file grievances and seek redress.

Judicial Mechanisms

Labour Courts

Labour disputes are referred to Labour Courts when an agreement is not reached through a mandatory mediation process.⁴³⁹ Provincial tribunals can also address matters related to labour law violations.⁴⁴⁰ The U.S. Department of State noted in 2014 that fines to companies that violated labour laws were not sufficient to deter violations, and in many cases employers paid bribes to avoid fines from the labour authorities.⁴⁴¹

Criminal and Civil Courts

Justiça Ambiental and UNAC reported in 2011 that the judiciary system was weak and politicised.⁴⁴² The Special Rapporteur on the independence of judges and lawyers reported in 2011 that access to justice was hampered by court costs; lack of human rights knowledge among the population; and discrimination due to location, poverty, gender, age, indigenous or minority status and disability.⁴⁴³ The UN Human Rights Committee noted in 2013 that disadvantaged people had particularly limited access to the judicial system.⁴⁴⁴

The Attorney General's office is in charge of combating trafficking in persons.⁴⁴⁵ In 2013, 26 cases of trafficking were investigated and 24 convictions were adopted, carrying sentences between 10 months and 19 years.⁴⁴⁶ According to the UN Human Rights Committee in 2013, most cases were not reported.⁴⁴⁷

Victims of torture or ill-treatment did not always receive remedies for those human rights violations, including adequate compensation and rehabilitation, according to the UN Committee against Torture. The UN Committee against Torture reported impunity for law enforcement officials accused of torture. Nonetheless, the African Policing Civilian Oversight Forum noted in 2014 that 1,000 police officers had been removed from their functions since 1995 for excessive use of firearms, selling their guns or homicide.⁴⁴⁸

Environmental Courts

The Attorney's General Office has the mandate to protect the environment, and any individual has the right to bring an issue to its attention in relation to violations to the environmental law.⁴⁴⁹

Non – Judicial Mechanisms

National Human Rights Institution

Since 2012, victims of human rights violations can address the National Human Rights Commission (NHRC), Mozambique's National Human Rights Institution. The NHRC has the power to probe and order

investigations on alleged human rights violations and to issue recommendations.⁴⁵⁰ In 2013, the NHRC addressed 36 cases of human rights violations, mostly regarding abuses by the police.⁴⁵¹

Ombudsman

Victims of human rights violations by the public administration can address the Ombudsman, which was established in 2012. In 2013, the Ombudsman received 249 cases, of which 161 were concluded. The majority of cases regarded public administration and courts and around 2 percent involved public companies.⁴⁵²

Mediation-Based mechanisms

Labour disputes are first handled through mediation by an entity chosen by the parties or by the Labour Mediation and Arbitration Commission. Labour mediation and arbitration centres were established in each province and the government reported in 2014 that since their creation in 2010 more than 25,000 labour disputes were settled.⁴⁵³ In 2012 alone, 6,357 out of the 8,847 cases received were settled.⁴⁵⁴

Anti-Corruption Mechanisms

The Central Office for Combating Corruption has the capacity to investigate alleged cases of corruption. According to the Centro de Integridade Publica (CIP), the agency lacked independence as its Director is appointed by the Attorney General, who in turn, is appointed by the President of the Republic.⁴⁵⁵ In 2015, CIP noted that the office's efforts to combat corruption were reduced to addressing petty corruption only and not high-scale corruption and that their role was more passive than active in identifying potential cases of corruption.⁴⁵⁶ The Office has reportedly recovered as of 2015 only 15 percent of the 86 million meticals (US\$2,150) that were illegally taken from state coffers.⁴⁵⁷

The National Tax Authority has set a portal on its website where individuals could submit reports of alleged corruption cases.⁴⁵⁸

The Administrative Tribunal has the responsibility to audit government expenditures. Appointments at the Tribunal were reported to be influenced by political parties or personal relations, according to the Anti-Corruption Resource Centre in 2012.⁴⁵⁹

Civil Society Organizations

Some organisations, such as the Human Rights League, the Centre for Legal Practice, the Association of Mozambican Women in Legal Careers and the Association of Traditional Healers, as well as religious and traditional, local administrations play a mediation role in disputes involving land rights.⁴⁶⁰

Community-Based Mechanisms

Community courts were established during the colonial period. These Courts operate parallel to the judicial system and mostly hear disputes over land.⁴⁶¹ In 2012, about 1,600 community courts were in operation.⁴⁶² These courts are located in communities and judges are community members. Judgments are rendered according to ethnic and cultural habits and customs.⁴⁶³ The UN Human Rights Committee stated in 2013, however, that they did not ensure the basic fair trial principles.⁴⁶⁴

According to the UN Special Rapporteur on extreme poverty and human rights, access to justice was hampered by corruption and lengthy and costly judicial proceedings, as of 2014.⁴⁶⁵

International Mechanisms

UN Human Rights Council

The Human Rights Council has Special Procedures that are independent human rights experts with a mandate to report on human rights from a thematic or country-specific perspective. They can act upon information received on alleged violations of human rights and send communications to States and non-State actors asking for clarification and action.⁴⁶⁶ Among the mandated Special Procedures is the Working Group on the issue of human rights and transnational corporations and other business enterprises.⁴⁶⁷

African Court on Human and People's Rights

Mozambique ratified the Protocol to the African Charter on Human and Peoples' Rights, establishing the African Court on Human and People's Rights. The state did not, however, accept the competence of the court to directly receive cases from NGOs and individuals. Therefore, one case was denied on grounds of lack of jurisdiction in 2011.⁴⁶⁸

The World Bank Independent Inspection Panel

The Panel has the mandate to receive complaints from communities who have been or are likely to be affected by a World Bank-financed project.⁴⁶⁹

International Finance Corporation Compliance Advisor Ombudsman

Adverse impacts related to projects financed by the International Finance Corporation or Multilateral Investment Guarantee Agency of the World Bank can be mediated or investigated by the Compliance Advisor Ombudsman (CAO). CAO has a dispute resolution function and an investigatory one.⁴⁷⁰ In October 2010, a case was filed in Mozambique regarding the alleged adverse environmental impacts of an aluminium smelter.⁴⁷¹

Organisation for Economic Cooperation and Development National Contact Point

Complaints about breaches of the OECD Guidelines for Multinational Enterprises by companies registered in OECD countries can be filed to the National Contact Point (NCP) of that country. The NCP mediates among parties to find a conciliatory solution to the dispute.⁴⁷² Should mediation fail, the NCP can make an assessment of the alleged violations in its final statement.⁴⁷³

The Guidelines are recommendations addressed by governments to multinational enterprises and they provide voluntary principles and standards for responsible business conduct. The Guidelines include chapters on the following topics: Human Rights (Chapter IV); Employment and Industrial Relations (Chapter V); Environment (Chapter VI); Combating bribery, bribe solicitation and extortion (Chapter VII); Consumers Interests (Chapter VIII); Science and Technology (Chapter IX); Competition (Chapter X); and Taxation (Chapter XI).⁴⁷⁴

The OECD National Contact Point of the United Kingdom mediated a case related to a Mozambican company preventing workers from unionising.⁴⁷⁵ In 2010, another case was presented to the British

OECD National Contact Point in relation to the negative impacts to the environment related to the operations of an aluminium smelter near Maputo.⁴⁷⁶

International Labour Organization

Trade unions and employers' organisations can submit complaints to the International Labour Organization's Committee on Freedom of Association.⁴⁷⁷ As of 2015, no case regarding a company operating in Mozambique had been filed with the Committee.

Sector Profiles

Industry-specific human rights risks

Extractive

Operating Environment	
Sector contribution to GDP (%)	1.5% (2011) ⁴⁷⁸
Sector contribution to employment (%)	0.5% (2014) ⁴⁷⁹
Major products	gas, coal, oil, heavy-sand deposits, gold, copper, titanium, graphite. ⁴⁸⁰
Relevant legislation	• Mega-projects Law, 2011 • Mining law, 2014 • Petroleum Law, 2014 • Investment Law

Sector profile

Mozambique is rich in natural resources. Gas and mineral sector exploitation began after the civil war ended in 1992.⁴⁸¹ Due to the war, mining was poorly developed, resulting in a large artisanal and small-scale mining sector, concentrated in the centre of the country and at least 70 percent of which was informal.⁴⁸²

In recent years however, the country identified oil and gas reserves of significant importance for commercial exploitation, particularly in Bacia do Rovuma, and as of May 2014 Mozambique possessed the fourth-largest natural gas reserves discovered.⁴⁸³ The International Monetary Fund noted in 2015 that it was expected that Mozambique be the third largest liquefied natural gas exporter in the coming years.⁴⁸⁴

In 2014 Global Financial Integrity reported that Mozambique could be the single largest exporter of coal worldwide by 2024.⁴⁸⁵ Teté province was home to an estimated 23 million tons of coal reserves, with almost 60 percent of the province under mining concessions and exploration as of 2013.⁴⁸⁶

Revenues from the extractive sector have more than tripled in recent years. The government reported in 2014 that payments from the oil and gas sector represented 80 percent of revenues while mining companies 20 percent.⁴⁸⁷ Human Rights Watch noted that the lack of transparency, grievance mechanisms and inclusiveness related to the recent extractive sector boom could hamper its ability of significantly contributing to the country's economic, social and cultural rights.⁴⁸⁸

Mozambique Tax Authority reported US\$802 million gains from taxes paid by oil and gas companies from 2012 to 2014.⁴⁸⁹

The Mozambican government, through its two state-owned companies, State Company for Hydrocarbons (ENH) and Mozambican Enterprise for Mining Exploration (EMEM), participates in mining and oil exploitation projects with a 5 to 25 percent of shares.⁴⁹⁰

The law provides priority to mining activities should the economic and social benefits be higher than other uses. However, compensation should be provided to rights holders for loss of land use rights and damages resulting from mining operations.⁴⁹¹

Areas for Attention

Air Pollution

The 2014 Yale Environmental Performance Index—a proxy measure assessing the performance of a country in terms of its environmental policies—ranked Mozambique 158th out of 178 countries.⁴⁹² Air quality was among the worst performing areas.⁴⁹³

Teté province had particularly high rates of air pollution, primarily due to coal mining, according to the Mozambican Institute of Socio-Economic Studies.⁴⁹⁴ Deutsche Welle reported in 2013 that the Ministry for Coordination of Environmental Affairs lacked the capacity to verify the activities of coal companies and the impact of their operations on the environment.⁴⁹⁵

Air pollution in Maputo's suburbs was linked to Mozal's aluminium smelter, as reported by the Bertelsmann Foundation in 2014.⁴⁹⁶

Corruption

Corruption in public administration included payment of bribes, according to a 2013 South African Institute for Security Studies report.⁴⁹⁷ Traditional leaders were reportedly bribed by companies to gain access to resources.⁴⁹⁸ The so-called, 'fixers' or 'deal brokers', often former combatants, used their network and contacts to ease business deals in mining, marine and forestry, encouraging the informal sector and illegal activities (e.g. illicit traffic of precious gems and timber).⁴⁹⁹

Forced Labour

The U.S. Department of State reported in 2015 that the growing extractive industry in Cabo Delgado and Teté increased the demand for sexual services, making women and girls more vulnerable to prostitution.⁵⁰⁰ Men were reportedly subjected to forced labour in mines.⁵⁰¹

Food & Livelihoods

Communities in the north of the country, where gas reserves were discovered in the early 2000s, reportedly lost their livelihoods in artisanal fishing as a consequence of company operations, according to Al Jazeera in 2014.⁵⁰² A 2013 report by Human Rights Watch stated that coal extraction in Teté province resulted in food insecurity for local communities due to resettlement to areas that were not considered productive.⁵⁰³

According to a 2013 report by the Federal University of Paraná, 219,000 hectares of forest were subject to deforestation annually and 80 percent of the population depended on forest resources for their livelihoods. Deforestation was related to charcoal extraction.⁵⁰⁴

Informal Sector

The ILO reported in 2014 that 95 percent of Mozambicans worked in the informal sector.⁵⁰⁵ In 2012, USAID reported that as much as 70 percent of artisanal mines operated in the informal sector and miners were subject to exploitative working conditions.⁵⁰⁶

Land Administration

Thirty-four percent of Tété province was given as mining concession or exploration. When taking into account pending applications, the percentage of the land involved rose to 60, reaching 80 percent in some districts (i.e. Moatize district), as reported by Human Rights Watch in 2013.⁵⁰⁷

Land Acquisition

In 2013, the Popular University of Social Movements⁵⁰⁸ identified the following as the greatest risks to land rights in Mozambique: mining in Tété province; forestry in the north; agriculture, especially in Wambao; and Prosavana agribusiness operations.⁵⁰⁹ Justiça Ambiental and UNAC reported in 2011 that weak local institutions; corruption of local authorities and community leaders; and communities' poor knowledge of their rights were among the main causes of land grabbing in Mozambique.⁵¹⁰

The government passed a decree in 2012 regulating resettlement due to private-sector projects. According to Human Rights Watch, the regulation failed to protect those resettled in terms of land quality, livelihoods, access to health care or grievance mechanisms.⁵¹¹

Resettlement of local communities dependent on agriculture, particularly into areas without conditions for income generation, was reported to be linked to loss of livelihood and reduced food security for communities in 2011.⁵¹² In 2013, Human Rights Watch reported that coal mining operations in Tété province resulted in the resettlement of communities, mostly farmers, to non-agricultural or areas with limited access to water and far from local markets.⁵¹³ Communities affected by extractive projects were reportedly not aware of their legal rights and were not meaningfully involved in the decision-making process for their resettlement.⁵¹⁴

Occupational Health & Safety

In 2012, USAID noted that up to 70 percent of artisanal mines operated in the informal sector and miners were exposed to the use of mercury to extract gold.⁵¹⁵

Revenue Sharing

The Budget Law, adopted in 2013, mandates that 2.75 percent of revenues gained from the extractive sector be allocated to development projects benefitting directly affected communities.⁵¹⁶ Furthermore, communities are entitled to receive 20 percent of tax revenues from forest concessions and 50 percent of the amount of fines for violation of the law on forests.⁵¹⁷ The Africa Economic Outlook Organization reported in 2015 that almost 80 percent of logging was illegal, causing a US\$150 million tax revenue loss.⁵¹⁸ Most illegal timber was traded to China, as reported in 2013 by Mongabay.⁵¹⁹

Mining companies pay a 3 percent royalty to the state, which rises to 5, 6 and 10 percent for precious metals, gemstones and diamonds, respectively.⁵²⁰ In 2013, CIP reported that poorly negotiated contracts from 2000 to 2002 in the oil and gas sector resulted in low revenues for the state.⁵²¹

In 2013, the Open Society Initiative for Southern Africa reported an unequal distribution of wealth.⁵²² Profits from the extractive sector and other growing sectors, such as transport and communication,

construction and financial services sectors⁵²³ were reportedly not being transformed into social development.⁵²⁴

The CIP also noted in 2015 that revenues from extractive industries were still considered to be 'negligible', due particularly to excessive fiscal benefits granted by the government to extractive companies.⁵²⁵

Revenue Transparency

In November 2014, the Mozambican parliament passed a freedom of information bill, which obliges public and private entities to release information to any citizen requesting it. The bill also states that entities 'have the duty to make information of public interest available and to publish it through the legally permitted channels', including activity plans and budgets; audit, inquiry and inspection reports; environmental impact reports; and contracts, including revenue and expenditure information.⁵²⁶ Exceptions include state secrets, industrial secrets and any other sensitive information, which remains protected by the law.⁵²⁷

In 2014 two new sets of legislation, one for mining activities and another one for oil operations, were approved. While the mining law mandates for the publication of the full content of contracts within 30 days of its signature, the oil law requires that only the principal clauses of the contract be published. According to CIP, this was a setback in transparency promotion.⁵²⁸ Although the website Portal de Cadastro Mineral publishes mining contracts, CIP reported that the information provided was not complete.⁵²⁹ In 2013, the United Nations Country Team (UNCT) reported a lack of transparency around extractive industries contracts resulting in local community having little knowledge about activities in their territory.⁵³⁰

Mozambique became a member of the Extractive Industries Transparency Initiative in October 2012, with implications on transparency in the extraction, use, and allocation of revenues from oil, gas, and mining companies,⁵³¹ including the submission of comprehensive reports that include full government disclosure of extractive industry revenues and disclosure of all material payments to the government by those companies.⁵³²

Mozambique was ranked 46th out of 58 countries in the 2013 Resource Governance Index, with the best scoring sector being the institutional and legal setting and the worst performing being reporting practices.⁵³³

Human Rights Watch reported in 2013 a lack of transparency from the government on how extractive sector revenues were used.⁵³⁴ The Ministry of Finance publishes only aggregated figures for combined revenues from extractive companies, while the Mineral Resource Ministry publishes very basic data provided by companies, according to the Natural Resource Governance Institute in 2013.⁵³⁵

Social Conflict

Social tensions between local communities and companies were reported. The Oakland Institute noted in 2011 that some large-scale concessions were cancelled due to conflicts with local communities.⁵³⁶ The Open Society Initiative for Southern Africa reported in 2012 that communities in Tete province complained about resettlement plans by mega projects in the extractive sector.⁵³⁷

Water

In 2011, Justiça Ambiental and the National Farmers' Union (UNAC) stated that investment projects by large companies resulted in communities, especially in Niassa Province, travelling greater distances to access water, as traditional routes to access water were closed following the beginning of companies'

operations, including in relation to forest plantations and biofuel production.⁵³⁸ Approximately 30 percent of the communities interviewed in the centre and north of the country, as well as 25 percent of the communities in the south, spent more than one hour to reach the closest water source.⁵³⁹

According to a 2014 article in the Mozambican newspaper Noticias, artisanal mining in Sofala province increased the levels of water pollution.⁵⁴⁰ Deposits of mercury and other polluting substances were reported in the rivers Reveu and Pongue as a result of gold mining in the province.⁵⁴¹

Worst Forms of Child Labour

The U.S. Department of Labor noted in 2014 that children were trafficked internally for forced labour in mines.⁵⁴²

Cases

Reports of business-related human rights issues from NGOs, multilateral institutions and the media.

- *July 2015, Verdade:* Approximately 20 children age 8 to 15 years were annually rescued by the authorities in Manica province from trafficking networks on their way to South Africa. Children were reportedly trafficked for child labour in mines.⁵⁴³
- *June 2015, International Trade Union Confederation (ITUC):* Workers at Chirozdi coal mine went on strike due to the management denial to negotiate collectively over salaries. Mozambican workers at the mine complained that they were receiving lower salaries than foreign workers for the same work.⁵⁴⁴
- *February 2015, Ação Académica para o Desenvolvimento das Comunidades Rurais:* Approximately 6,000 families were at risk of serious health issues such as respiratory diseases and pneumonia due to coal production in Moatize, Teté.⁵⁴⁵
- *October 2014, The Guardian:* Nearly 40,000 people in Gaza province were forcibly displaced from their land as a result of a land lease to China's Wanbao Oil and Grain.⁵⁴⁶ The company was reportedly allocated 20,000 hectares of land to produce rice in Gaza province for 50 years. This led to women losing their farms without compensation or consultation. The company allegedly expanded its operations into other areas not allocated to it, depriving local communities of their livelihoods.⁵⁴⁷
- *January 2014, Al Jazeera:* Since 2006, when the company Anadarko began its drilling operations around the city of Palma, Cabo Delgado province, the amount of fish caught in a day reportedly dropped from 300 kilograms to 25 kilograms and limited accessibility to the area for fishermen. Impact on the community's health was also reported, due to the hydrocarbons and chemicals released in the water resulting in fish contamination.⁵⁴⁸
- *2014, IFC Compliance Advisor Ombudsman:* In October 2010, a group of Mozambican NGOs filed a complaint regarding the alleged adverse environmental impacts of the Mozal project to operate an aluminium smelter.⁵⁴⁹ The complaint related to the impacts of emissions from the bypass and rebuilding of fume treatment centers (FCTs) in Mozal's anode bake furnaces; environmental and social due diligence undertaken by the International Finance Corporation (IFC) while approving the project; and the adequacy of access to and disclosure of information around the process. The 's investigation found that it would have been reasonable for IFC to have requested that Mozal assess, monitor and report regularly on risks associated with the possible future failure of the FCTs, while the IFC expressed its disagreement with the investigation's findings. The case was closed in 2014 as

IFC's investment in Mozal was no longer active and CAO's investigation did not identify project level compliance issues which required remedy.⁵⁵⁰

- *October 2013, Open Society Initiative for Southern Africa:* A community in Palma, Cabo Delgado province, lost its land rights over 7,000 hectares and offshore rights in favour of the American company Anadarko.⁵⁵¹
- *May 2013, Human Rights Watch:* An estimated 500 people from the Vale village Cateme who had been resettled due to Vale and Rio Tinto's coal mining operations in Teté Province, protested that they continued to lack access to farmland after their resettlement. The people also stated that they were neither sufficiently compensated nor consulted.⁵⁵²
- *May 2013, Human Rights Watch:* The Indian Mining Company Jindal Steel and Power Limited was allegedly harming human rights in the Teté Province by not initiated resettlement plans for the local population since commencing of coal extraction in 2011.⁵⁵³
- *May 2013, Human Rights Watch:* Households formerly living by the Zambezi or Revubóé Rivers and relocated to Mwaladzi due to mining operations experienced reduced access to water. In Mwaladzi, resettled communities were dependent on water deliveries by truck for both domestic and agricultural use, resulting in lack of water for periods of up to three days.⁵⁵⁴
- *April 2013, Business Report:* Access to Vale's coal mine in Teté province was blocked by people protesting the loss of livelihood after their resettlement. Estimates on the number of protesters varied from 300 to more than 1,000 people.⁵⁵⁵
- *April 2013, Ação Académica para o Desenvolvimento das Comunidades Rurais:* Families and individuals protesting against their resettlement by the Brazilian mining company Vale were allegedly harassed and arbitrarily detained by the police.⁵⁵⁶
- *January 2013, The Guardian:* A study by three organizations (Jubile Debt Campaign, Tax Justice Network and Justicia Ambiental) found that private entities and the World Bank have benefited much more than the people of Mozambique by the aluminium smelting project Mozal. Foreign investors, governments and development banks received an average of US\$320 million a year from the smelter, in contrast to the government's US\$15 million profit. This was considered to be the result of tax measures adopted by the government to attract investors.⁵⁵⁷
- *2013, Facing Finance:* Private security forces protecting the company Jindal Steel and Power's mining operations in Teté province allegedly used force against community members passing through the company's gates on their way home.⁵⁵⁸
- *2013, Facing Finance:* The Indian company Jindal Steel and Power allegedly operated without an approved Environmental Impact Assessment since the beginning of its operations early 2013.⁵⁵⁹
- *2012, OECD:* In 2010, a case was presented to the British OECD National Contact Point in relation to the negative impacts to the environment related to BHP Billiton's joint venture with Mozal SARL to operate an aluminium smelter near Maputo.⁵⁶⁰ The concerns related to the establishment and maintenance of an appropriate environmental system; disclosure of adequate and timely information; consultation with local communities; and respect for human rights. The NCP examined the allegations and concluded in 2012 that the company did not breach the Guidelines but encouraged BHP Billiton to build upon their existing procedures for engagement with local communities and be forthcoming in disclosing to interested parties information on projects that may have an impact on the environment and the health and safety of communities.⁵⁶¹

Agriculture

Operating Environment	
Sector contribution to GDP (%)	28.9% (2014 est.)
Sector contribution to employment (%)	81% (1997 est.)
Major products	Tobacco, sugar, cotton, timber. ⁵⁶²
Relevant legislation	- Decree No. 2/2006 establishing requirements to create, recognize and register agro-forestry associations. - Decree No. 7/2011 creating the Interministerial Commission of Biofuels.

Agriculture was the primary employment source for Mozambicans as of 2015.⁵⁶³ Though women were particularly dependent on agricultural employment, they lacked access to land, credit and training.⁵⁶⁴

The majority of agricultural producers were subsistence farmers who, on average, owned two hectares of arable land, resulting in low productivity and low returns on investment. Farmers did not apply efficient agronomic practices and rarely used external inputs such as improved seeds, pesticides or fertilizers, according to SNV in 2013.⁵⁶⁵ Official figures showed that only 3 percent of the almost 3.9 million hectares of agriculture production used fertilisers as of 2014.⁵⁶⁶ USAID reported in 2015 that only 16 percent of land suitable for farming was cultivated.⁵⁶⁷

According to government data in 2010, despite being the sector employing the majority of workers, agriculture's contribution to the GDP did not attain its potential due to: 1) low productivity due to limited access to credit and irrigation, 2) limited access to markets, and 3) poor land management and titling.⁵⁶⁸

Priorities of the Strategic Plan for Agricultural Sector Development for 2010-2019 included: 1) increased productivity through the use of technology, and 2) a sustainable use of land, water forest and wildlife.⁵⁶⁹ The Plan identified three agricultural corridors as catalysts to drive agricultural development, namely the Beira corridor for sugarcane, fruit, potato, livestock, rice, horticulture, poultry, and soya, the Nacala corridor for banana, vegetables, grains, soybeans, sesame, tea, groundnuts, cotton, and livestock and the Zambezi corridor for cotton, maize, rice and soybeans.⁵⁷⁰

The International Fund for Agriculture Development Country Strategy Opportunities Programme 2011-2015 prioritises support to smallholder farmers, particularly poor producers with the potential to expand and commercialise. The strategy has set the following objectives: improving access to technology and services that increase productivity; increasing access to and participation in markets for an equitable share of profits by helping develop economic infrastructure for the conservation, processing and marketing of produce; and increasing access to sustainable financial services in rural areas.⁵⁷¹

Areas for Attention

Corruption

Corruption in public administration included payment of bribes, according to a 2013 South African Institute for Security Studies report.⁵⁷² Traditional leaders were reportedly bribed by companies to gain access to resources.⁵⁷³ The so-called, 'fixers' or 'deal brokers', often former combatants, used their network and contacts to ease business deals in mining, marine and forestry, encouraging the informal sector and illegal activities (e.g. illicit traffic of precious gems and timber).⁵⁷⁴

Forced Labour

Men were reportedly subjected to forced labour in the agriculture sector.⁵⁷⁵

Food & Livelihoods

One third of the population was chronically food-insecure as of 2014, according to the World Food Programme.⁵⁷⁶

According to a 2013 report by the Federal University of Paraná, 219,000 hectares of forest were subject to deforestation annually and 80 percent of the population depended on forest resources for their livelihoods. Deforestation was mainly related to itinerant agriculture and the establishment of small farm fields (machambas) inside the forests.⁵⁷⁷ Furthermore, the LBI study added that deforestation resulted from accelerated levels of illegal logging, access and uncontrolled cutting of vegetables, weak supervision, inefficient or non-existence management plans, corruption and uncontrolled forest fires.⁵⁷⁸

Informal Sector

The ILO reported in 2014 that 95 percent of Mozambicans worked in the informal sector.⁵⁷⁹ Most informal employment was reportedly in subsistence farming.⁵⁸⁰

Land Acquisition

In 2012, Forum Syd further stated that, of up to 19 million hectares that could be used for agriculture, forestry or cattle, 1 million hectares were granted to foreign companies (73 percent for forestry and 13 percent for agrofuels and sugar) from 2004 to 2010.⁵⁸¹ The overall amount given to investors reached 2.5 million hectares from 2004 to 2009, according to a 2011 Oakland Institute report.⁵⁸² This situation reduced communities' access to areas for animal grazing; collection of firewood and construction material; medicinal plants and other natural resources upon which they depended for their livelihoods.

In 2013, the Popular University of Social Movements⁵⁸³ identified the following as the greatest risks to land rights in Mozambique: mining in Tété province; forestry in the north; agriculture, especially in Wambao; and Prosavana agribusiness operations.⁵⁸⁴ Justiça Ambiental and UNAC reported in 2011 that weak local institutions; corruption of local authorities and community leaders; and communities' poor knowledge of their rights were among the main causes of land grabbing in Mozambique.⁵⁸⁵

Resettlement of local communities dependent on agriculture, particularly into areas without conditions for income generation, was reported to be linked to loss of livelihood and reduced food security for communities in 2011.⁵⁸⁶

Forum Syd added that the largest land concessions in the country were in forestry and almost all resulted in conflicts with local communities due to the lack of long-term job opportunities and seasonal contracts. Communities reportedly lacked trust in companies and local authorities.⁵⁸⁷

Revenue Sharing

Communities are entitled to receive 20 percent of tax revenues from forest concessions and 50 percent of fines for violation of the law on forests.⁵⁸⁸ The Africa Economic Outlook Organization reported in 2015 that almost 80 percent of logging was illegal, causing US\$150 million in tax revenue loss.⁵⁸⁹

Wages

In 2013, the International Labour Organization (ILO) noted that more than 60 percent of workers lived in poverty in Mozambique, with 40 percent of workers living below US\$1.25 per day.⁵⁹⁰ The need to find additional sources of income forced many workers into secondary activities, which was most common among workers employed in agriculture (37 percent), according to official figures from the latest labour survey (2004/2005).⁵⁹¹

Cases of employees being paid less than the minimum wages were noted by the U.S. Department of State in 2014. Only 13 percent of workers had paid jobs as the majority of workers were employed in subsistence farming.⁵⁹²

Worst Forms of Child Labour

The UN Human Rights Committee noted in 2013 that most child labourers were working in the agriculture sector. The U.S. Department of Labor reported that children were mostly employed harvesting cotton, sesame, cashews, tobacco, or tea.⁵⁹³ A 2012 Africa 21 article referred to a UNICEF report stating that 15 percent of working children, mainly employed in agriculture, experienced work-related injuries from carrying heavy loads and using sharp knives, especially in sugarcane plantations.⁵⁹⁴ Working children were also exposed to chemicals and hazardous substances, long working hours and night work.⁵⁹⁵

The U.S. Department of Labour reported in 2014 that the Labour Inspectorate Office had 135 inspectors for the entire country. There were limited funds to cover rural and agricultural areas.⁵⁹⁶

Cases

- *May 2015, Centro de Integridade Publica:* Communities in Sofola province did not receive the estimated 45 million meticals (US\$1,127) they were entitled to due to forestry revenues during 2010-2014. Companies reportedly deposited the amounts with the Agriculture Department at the Sofola province but the money never reached the communities.⁵⁹⁷
- *November 2014, All Africa:* The riot police unit FIR opened fire on unarmed workers from Mozambique Leaf Tobacco, who were protesting against salary deductions.⁵⁹⁸
- *October 2014, The Guardian:* Nearly 40,000 people in Gaza province were forcibly displaced from their land as a result of a land lease to China's Wanbao Oil and Grain.⁵⁹⁹ The company was reportedly allocated 20,000 hectares of land to produce rice in Gaza province for 50 years. This led to women losing their farms without compensation or consultation. The company allegedly

expanded its operations into other areas not allocated to it, depriving local communities of their livelihoods.⁶⁰⁰

- *April 2014, Environmental Justice Organisations, Liabilities and Trade:* Conflicts over land were reported between the company Chikweti and local communities in Niassa province. Agreements between the company and village chiefs in relation to lands to be used by the company were allegedly not respected.⁶⁰¹
- *April 2014, Environmental Justice Organisations, Liabilities and Trade:* The company Green Resources allegedly did not consult with local communities in Niassa province in a land acquisition process.⁶⁰²
- *April 2014, Environmental Justice Organisations, Liabilities and Trade:* Local communities in Cavago village in Niassa province accused the company Malonda Tree Farm of expanding its eucalyptus and pine plantations beyond its concession into local communities without consultation.⁶⁰³
- *2014, Environmental Justice Organisations, Liabilities and Trade:* Quifel Natural Resources was involved in a conflict with the local community in Lioma, Zambezia province, regarding the development of a large-scale soya plantation (10,000 hectares) in an area where small farmers were growing soya. The company reportedly displaced 200 families and 836 farmers.⁶⁰⁴
- *May 2013, IRIN News:* A pine and eucalyptus plantation in Niassa province developed by the company Chikweti Forest, owned by the Swedish-Norwegian Global Solidarity Forest Fund, allegedly faced sabotaged by the local community, which was supposed to benefit from the project. The conflict was based on a land dispute due to the lack of engagement and consultation with the local community. Following the sabotage, local authorities, the company and the local community engaged in a conflict resolution process.⁶⁰⁵
- *April 2013, Grain:* The ProSAVANA agricultural project, involving more than 10 million hectares in the north of the country, was allegedly developed without consulting the 4 million farmers living in the area. The programme is a collaboration between the government of Mozambique, Japan and Brazil to support agricultural development in Northern Mozambique.⁶⁰⁶

Region Profiles

Areas where human rights conditions or impacts differ markedly in nature or scale from the national profile.

Ressano García

Child Labour

Child labourers were reported in bordering towns among migrant children. In the town of Ressano García particularly, children worked 10 to 12 hours a day, without pay, according to a 2013 UNICEF study.⁶⁰⁷

Migrant Workers

In 2014, the International Organization for Migration (IOM) reported that Mozambique was both a destination and transit country for migrants. Economic migrants and refugees from the Horn of Africa, notably Ethiopia, Somalia and the Democratic Republic of the Congo transited through Mozambique to reach South Africa.⁶⁰⁸ The border town Ressano García, with high levels of cross-border migration, reported lack of basic social services, leaving people transiting the area vulnerable to health and social protection challenges.⁶⁰⁹

Persons Living with HIV/AIDS

According to a 2013 Ludwig Boltzmann Institute study, Mozambique had a high prevalence of communicable diseases including HIV/AIDS, malaria, tuberculosis and some tropical diseases.⁶¹⁰

In 2013, the IOM reported that the highest HIV and tuberculosis rate in the country were recorded in the south due to transport corridors to South Africa and Swaziland with high levels of sex work,⁶¹¹ with adolescent girls being particularly vulnerable.⁶¹²

Migrant mine workers and truck drivers were among the most vulnerable to HIV/AIDS infection and transmission, particularly in bordering areas with South Africa.⁶¹³

Teté

Air Pollution

Teté province had particularly high rates of air pollution, primarily due to coal mining, according to the Mozambican Institute of Socio-Economic Studies.⁶¹⁴ Deutsche Welle reported in 2013 that the Ministry for Coordination of Environmental Affairs lacked the capacity to verify the activities of coal companies and the impact of their operations on the environment.⁶¹⁵

Food & Livelihoods

According to the World Food Programme, one third of the population was chronically food-insecure as of 2014.⁶¹⁶

A 2013 report by Human Rights Watch stated that coal extraction operations in Teté province resulted in food insecurity for the local communities due to resettlement to areas that were not considered productive.⁶¹⁷

Land Administration

Thirty-four percent of Teté province was given as mining concession or exploration. When taking into account pending applications, the percentage of the land involved rose to 60, reaching 80 percent in some districts (i.e. Moatize district), as reported by Human Rights Watch in 2013.⁶¹⁸

Land Acquisition

In 2013, the Popular University of Social Movements, composed of five Mozambican and international NGOs⁶¹⁹, identified mining in Teté province as posing challenges in relation to land acquisition, especially land grabbing by companies.⁶²⁰

In 2013, Human Rights Watch similarly reported that due to coal companies' operations in Teté province, communities, mostly composed of farmers, were relocated to non-agricultural or poor agricultural areas with limited access to water and far from local markets with limited transportation options, which lead to food insecurity.⁶²¹

Social Conflict

The Oakland Institute noted in 2011 that some large-scale concessions were cancelled due to conflicts with local communities.⁶²² The Open Society Initiative for Southern Africa reported in 2012 that communities in Teté province complained about resettlement plans by mega projects in the extractive sector.⁶²³

Trafficking

In 2014, according to the U.S. Department of State, Mozambique was mainly a source and transit country for trafficking, and only to a lesser extent a destination country.⁶²⁴ Teté was amongst the provinces with most cases of trafficking in persons, according to Africa 21 in 2014.⁶²⁵

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