

MISSÃO PERMANENTE DA  
REPÚBLICA DE MOÇAMBIQUE  
JUNTO DAS NAÇÕES UNIDAS

GENEBRA



PERMANENT MISSION OF THE  
REPUBLIC OF MOZAMBIQUE TO  
THE UNITED NATIONS OFFICE

GENEVA

## **INTRODUCTORY STATEMENT**

**BY**

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MINISTER OF JUSTICE, CONSTITUTIONAL AND RELIGIOUS  
AFFAIRS**

**TO THE**

**COMMITTEE ON MIGRANT WORKERS**

**Geneva, September, 2018**

**Chairperson**  
**Distinguished Members of the Committee**

First of all, allow me, on behalf of the Government and People of the Republic of Mozambique, to congratulate all those present and thank the Committee on the Rights of All Migrant Workers and Members of their Families for the opportunity given to Mozambique to share with such a prestigious audience the country's progress in fighting for the rights of migrant workers.

Allow me also to introduce the delegation that accompanies me, namely:

- Mr. Jaime Chissano, Minister Plenipotentiary, Permanent Mission of Mozambique to the United Nations in Geneva;
- Mr. Albachir Macassar, National Director of Human Rights and Citizenship, Ministry of Justice, Constitutional and Religious Affairs;
- Ms. Alice Harman Morar Saide, National Director of Migratory Labor, Ministry of Labor, Employment and Social Security;
- Mr. Carlos Siliya, Labor Counselor, Permanent Mission of Mozambique to the United Nations in Geneva.

**Chairperson**  
**Distinguished Members of the Committee**

Mozambique is a country that, after national independence, in 1975, endeavored to adopt policies of economic and social development directed at the human person, in the light of article 1 of the Universal Declaration on Human Rights, which stipulates that, I quote "All human beings are born free and equal in rights and dignity," end quote.

This gamble or aspiration? was soon somehow made unfeasible by the destabilization war that has taken place, and resulted in millions of human victims and massive destruction of economic and social infrastructures, seriously undermining the Government's efforts to promote and protect human rights.

It is under this spectrum that the situation of the enjoyment of human rights in Mozambique in general must be considered since the effects of this war are still being felt.

However, Mozambique has made a significant progress in fulfilling its obligations in respect to human rights, including those that affect progress in the areas of economic freedom, transparency and good governance.

## **Chairperson Distinguished Members of the Committee**

Mozambique is a country that fights for a society of social justice where all residents, nationals and foreigners alike with legal status enjoy equal rights and opportunities as stipulated by law to participate in all spheres of the society.

The political will to promote equal rights and opportunities, with particular emphasis on migrant workers, is expressed in several tools. The democratic environment and pluralism of ideas within the country create a conducive environment for the exercise of these rights.

In the Republic of Mozambique human rights have constitutional consecration. In this sense, for the purposes of this matter, the national legislation, in particular, the Constitution and the Labor Law, ensure that all migrant workers and members of their families have rights under the Convention without discrimination of any kind and covers all prohibited discriminatory provisions listed in the Convention, including sex, language, ethnic or social origin, nationality, age, economic position, property, marital status and birth.

The Governmental Five-Year Program 2015-2019 also expresses this political will by defining as one of the priorities the coordination, assurance and encouragement of a human rights approach, including gender, in the definition, planning and implementation of sectoral development programs and the pursuit of implementation of the commitments made by the government in this regard.

It is in this context that today and tomorrow, we are prone to engaging in a constructive dialogue, expressing thus our commitment to human rights agenda in general and promoting the rights of migrant workers and members of their families in particular.

## **Chairperson Distinguished Members of the Committee**

The Government of Mozambique is signatory and State Party to most of the Regional and International Conventions and Initiatives, aimed at promoting equal rights to all citizens, including the International Convention on the Rights of All Migrant Workers and Members of Their Families.

In the Republic of Mozambique, national legislation, in particular the Constitution of the Republic and the Labor Law, aiming at an effective application of the Convention, ensure that all migrant workers and members of their families have the rights provided for in the Convention, without distinction of any kind of discrimination and covers all prohibited discriminatory provisions listed in the Convention. Indeed:

- The Constitution of the Republic, in Article 17 (1), establishes mutual respect for the principle of equality. Also, in relation to the principle of equality and universality, Article 35 recommends equality of all citizens before the law and the enjoyment of the same rights and duties regardless of color, race, sex, ethnic origin, place of birth, religion, degree of education, social status, marital status of the parents, profession or political choice.
- The Labor Law advocates that in the context of the right to free movement of persons and their establishment abroad, migrant workers have the right to the protection of the competent national authorities; provides that foreigners who legally work in Mozambican territory have the right to equal treatment and opportunities as national workers within the framework of the rules and principles of international law and in accordance with the reciprocity clauses agreed between the Republic of Mozambique and any other country; and that it is the responsibility of the State and public or

private institutions to establish and maintain the appropriate services responsible for providing migrant workers with information about their rights and obligations abroad, travel facilities and rights and guarantees upon return to their country.

- The Immigration Law, in its paragraph 1, Article 4, recognizes the immigrant workers the same rights and guarantees as nationals. The realization of this principle is made on the basis of the relationship between the Ministry of Labour, Employment and Social Security and the Ministry of Interior, through the immigration control area by the issuance of residence permit and worker control in Mozambique, among other relevant legislation already mentioned in our report.

In addition to the legislation, our Government has been concluding, with other countries, bilateral and multilateral agreements, on the rights of migrant workers and members of their families, with emphasis on South Africa, Portugal, Brazil, SADC.

The Government has, equally, been adopting policies and strategies related to this issue, especially, the Employment Policy which aims at harmonizing existing sectoral approaches and clearly articulate the strategic measures to promote employment. This policy is structured in eight pillars, one of them being, the development of Human Capital, which undertakes measures on Migratory Work, the transference of *know-how* and defines lines of action by: identifying opportunities and encouraging the emigration of Mozambicans to other countries and creating conditions for their reintegration into the national labor market; as well as facilitate the immigration of experienced experts to the priority sectors of the national economy and ensure the transfer of knowledge and skills.

## **Chairperson**

### **Distinguished Members of the Committee**

The consolidation of human rights protection in any country is also a function of the strong policies, strategies and institutions that are put in place by the Government. In this connection, I am pleased to inform that we have in place a well-functioning Human Rights Commission and an Ombudsman. These two bodies, established in accordance with the Paris

Principles, have been reinforcing the work of State institutions in matters related to the protection and promotion of the rights of citizens. Indeed:

- The Ombudsman's mandate is the guarantee of citizens' rights, the defense of legality and justice in the actions of the Public Administration. The Ombudsman is elected by the Assembly of the Republic being independent and impartial in its functions by evaluating the cases submitted to his office and by producing recommendations to the competent organs to repair or prevent illegalities or injustices within his mandate.
- The National Human Rights Commission, is an institution of public law that enjoys administrative and functional autonomy in relation to the other organs of the central and local power of the State. Its function is generally the promotion and protection of human rights. This means that any citizen can approach the Commission and present a case. The Commission then appreciates it and coordinates administrative actions aimed at restoring the damages.

In addition to its general mandate, the Commission has been given, by the Government, a specific mandate to act as the national preventive mechanism against torture and other cruel, inhuman or degrading treatment or punishment under the Optional Protocol to the Convention against Torture. Under this mandate, the Commission has been making regular visits to detention centers in the country. This mandate complements and reinforces the inspections carried out by government institutions in their day-to-day activities, with emphasis on the Attorney General's Office;

The Commission also carries out visits to the Maratana refugee center and other centers where migrant workers and members of their families can be found waiting for their situation to be regularized, in order to assist them if necessary.

## **Chairperson**

### **Distinguished Members of the Committee**

Due to its geographical location, Mozambique has been used as a corridor for the entry and exit of many foreign citizens to other countries in their search for better living conditions.

Motivated by the blossoming of the national economy and the emergence of large employment opportunities, with particular emphasis on the area of the mining and extractive industry, Mozambique has also been elected by foreign citizens as the destination country, many of them end up staying in the country looking for work legally or illegally. On the other hand, Mozambicans also emigrate to other countries in searching for better life conditions, with greater emphasis on the Republic of South Africa.

Thus in order to better monitor the migratory movement, as part of the Public Sector reforms, the Government through the Ministry of Labor, Employment and Social Security has implemented the Migratory Phenomenon Management System, SIMIGRA, which allows management of the labor migration phenomenon in relation to the hiring of citizens of foreign nationality in the country and registration of Mozambicans working abroad and control of labor law. The information generated is made available to the public through the Labor Market Statistical Bulletin, prepared by the National Labor Market Observation Directorate.

In the same context, the Government launched in 2017 the Employment Portal, an electronic platform for demand and supply management in the labor market, which is a mechanism to disseminate employment opportunities in the country for nationals in the diaspora.

Annually at the end of the year a ceremony is held as for the Mozambican community residing abroad, to greet the President of the Republic for, which is preceded by sectoral meetings, where these communities have the opportunity to present their concerns and learn about the work developed by the Government.

## **Chairperson Distinguished Members of the Committee**

The violation of human rights in general and of migrant workers, in particular, is for our government and for all of our partners, including civil society, an obstacle to tranquility and social harmony, since this social group is a fundamental pillar for the socio-economic development.

With this philosophy, as a backdrop, government institutions and civil society have entered in their programs actions resulting, among others, in the following:

- Incorporation of the provisions of the Convention into regulations on migrant workers' legislation and their dissemination in seminars and talks with foreign companies and non-governmental organizations, distribution of information material to chambers of commerce, embassies and other relevant organizations, as well as distribution of information material at border posts and potentially migrant workers' communities;
- Organization of training workshop, such as the one organized last July with the aim of providing a better understanding of the Convention to the different stakeholders involved in the matter, and identifying better ways of its domestication into the national legal order. The training organized by the Office of the High Commissioner for Human Rights, in partnership with the Government and support of the International Organization for Migration and the International Labor Organization, also identified as a challenge the need for greater dissemination of the Convention through the production of more communication and information material, including in local languages and the use of community radios and other community information media;
- In addition, training on legislation regulating the hiring of foreign workers as well as on matters related to compensation for occupational diseases with a view to improve the processing of national workers' processes in the different jobs abroad, especially the mines of the RAS, thereby asserting the rights of migrant

workers. These training are directed to staff of the Ministry of Labor, Employment and Social Security, at central and local level within the country and in the delegations abroad;

- Promotion of visits by the Mozambican State through its diplomatic or consular representations to the Mozambican communities in the diaspora, sharing with them questions concerning their rights and duties with the State in which they are located; Interaction with other local authorities in the event of a complaint of discrimination, abuse and exploitation in their jobs, and provision of consular assistance and protection; guarantee of the birth registration of the children of migrant workers and diverse consular and notary documentation , among other important actions .

It is important to highlight the involvement of civil society organizations and other social partners who work with the rights of migrant workers, in particular, the Representative Commission of Mozambican Mining Workers in South Africa and the Association of Mozambican Miners, consisting of active and ex-workers, in the affairs of the active miners, and in all the actions of the Government related to the issue.

## **Chairperson Distinguished Members of the Committee**

With regard to access to health, Articles 89 and 116 of the Constitution of the Republic of Mozambique guarantee the right to health for all citizens. The primary health care strategy continues to be the main axis of government action through the reduction of the high morbidity and mortality rates, particularly, for the most vulnerable population groups, with specific programs for education and prevention including free treatment.

Mozambique is also linked to international instruments, such as the Universal Declaration of Human Rights, which establishes access and health care for every human being, and the 2008 World Health Assembly Resolution which establishes that State Parties should work towards reducing health vulnerability among migrants and communities affected by

migration, which also includes special attention to HIV, STIs, Tuberculosis and Malaria.

HIV and AIDS in Mozambique has one of the highest prevalence rates in the world. Thus Mozambican government's commitment to HIV/AIDS is expressed at the highest level by the personal involvement of our Head of State. In order to combat HIV / AIDS and other infectious diseases, the Government has been implementing various programs and strategies. One example is the National AIDS Strategy, a multi-sectoral implementation program, led by the National Council to Combat HIV/AIDS, that incorporates the awareness raising, prevention, and care of individuals living with HIV/AIDS to reduce their impact. Likewise, the various Ministries and sectors have developed their sectoral plans and strategies of implementation including the Ministry of Labour.

Still in this context, the Law 19/2004 of August 27, Law on the Protection of the Person, the Worker and the Candidate for Employment living with HIV/AIDS, was adopted. The law seeks to take adequate measures to prevent exclusion, stigmatization, discrimination and other measures aimed at the social and emotional protection of people living with HIV/AIDS, particularly, in the workplace. legislation to prevent and repress such acts.

## **Chairperson**

### **Distinguished Members of the Committee**

Education constitutes a fundamental right of each and every citizen, enshrined in the Constitution of the Republic, in the Law on the Protection of the Rights of the Child, which, among other things, contributes to the development of the country and allows the integration the citizens in the social and economic life. The government's efforts are focused in the expansion of access opportunities to quality and relevant education, to all levels of education system, taking into account the reduction of the regional and gender inequalities.

Regarding the measures taken by the State party to ensure that children of migrant workers have access to education, regardless of the migration status of their parents, we must mention that it is expressly embodied in the Strategic Education Plan and other Mozambique's priority is centered

on the provision of access to educational services for all regardless of social status, economic status, origin, religion, gender, ethnic group, physical condition or disability, among other particularities.

Among several initiatives taken to ensure access and equity in education, the highlights go to the introduction of human rights issues in school curricula, with a particular emphasis on basic education levels.

**Chairperson**  
**Distinguished Members of the Committee**

I would like to emphasize that we are aware that, despite the efforts and the progress made, we still face challenges in the promotion and protection of human rights, in particular those linked to this Committee, which include the implementation of the Convention on migrant workers and its domestication into the national legal order and the need for the production of disaggregated data.

It is also a challenge for Mozambique the elimination of the obstacles that impede the fulfillment of other obligations contained in the International and Regional Conventions and Protocols to which the State is a party, in particular regarding the monitoring of their implementation. Hence the Mozambican State's great commitment to identifying better strategies that allow the full realization of the assumed commitments. These challenges require the attention of all Mozambicans.

**Chairperson**  
**Distinguished Members of the Committee**

Finally, we would like to take this opportunity to reiterate our deepest appreciation for this opportunity and to reaffirm that we are at your disposal to continue the dialogue by providing all the information and clarifications possible and necessary.

We make ourselves available to receive the questions and suggestions that the members of the Committee may have on our report. We hope that the interaction will be beneficial for the strengthening of human rights in our country, in particular and for the world at large.

I thank you for your attention.