

Ending violence against women and girls in Eastern and Southern Africa

Mozambique

Country context: According to the World Bank Group, 37% of women aged 15–49 in Mozambique have experienced physical or sexual violence by an intimate partner. The 2022–2023 Mozambique Demographic and Health Survey found that emotional violence was the most prevalent form of violence (22.40%), followed by physical violence (21.34%), while sexual violence affected 4.67% of women.



Regional frameworks ratified/acceded/signed

- **African Charter on Human and Peoples' Rights** - 22 February 1989
- **African Charter on the Rights and Welfare of the Child (ACRWC)** - 7 March 1990
- **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)** - 9 December 2005.
- **Southern African Development Community (SADC) Protocol on gender and development** - Signed on 17 August 2008, Ratified on 10 August 2010.

National legal framework

Constitution of Mozambique, 2007

The Constitution provides a strong foundation for the protection and promotion of women's rights.

Key provisions

- Article 35 enshrines the principle of universality and affirms equality before the law.
- Article 36 guarantees gender equality in all spheres of political, economic, social, and cultural life.
- Article 43 requires the interpretation of women's rights in line with international human rights instruments.

Penal Code (Law No. 35/2014, revised 2019)

The Penal Code criminalises various forms of gender-based violence, including rape and human trafficking.

Key provisions

- Article 218 criminalises rape with a prison term of between 2 and 8 years.
- Article 219 punishes anyone who rapes a minor below the age of 12 years with a prison term of 20 to 24 years.
- Article 226 criminalises the use of minors in pornography and provides penalties of imprisonment for 2 to 5 years for physical and sexual violence.

- Article 28 allows survivors to seek reparations.
- Article 54 preserves civil liability even where criminal prosecution is not pursued.
- Articles 222 to 223 criminalise sexual harassment and sexual violence against persons in vulnerable situations.
- Article 225 prohibits trafficking in persons, including for sexual exploitation.
- Femicide is explicitly criminalised in the 2019 reform, strengthening accountability for gender-motivated killings.

Family Law Act (Law No. 22 of 2019)

Promotes gender equality and addresses domestic violence within family settings.

Key provision

- Article 5(d) prohibits discrimination, exploitation, abuse of authority, and domestic violence within the family context.
- Articles 180 & 186 regulate separation, and include domestic violence as a valid ground for separation.

2. Laws and policies on ending violence against women and girls in Mozambique

Law to Prevent and Combat Premature Unions (Law No. 19 of 2019)

This law is considered a landmark in the region, positioning Mozambique as one of the first African countries to adopt a dedicated statute prohibiting child marriage.

Key provisions

- Article 7 of this law sets the legal age of marriage to 18 years.
- Article 30 criminalises child marriage with penalties of 8 to 12 years' imprisonment.
- Under Article 27, any traditional or religious authority that officiates a child marriage ceremony faces up to 2 years' imprisonment.

Law on the Prevention and Combat of Trafficking in Persons, especially Women and Children (Law No. 6 of 2008)

Key provisions

- Article 3 defines trafficking in persons to include recruitment, transportation, transfer, harbouring, or receipt of persons, through threat, use of force, abduction, fraud, abuse of authority, for purposes of exploitation.
- Article 4 clarifies that the law covers both transnational and internal trafficking.
- Article 6 establishes aggravating circumstances, which include when the survivor is under 18 years of age; is a woman; the offender is a parent, guardian, or person responsible for the survivor; the act results in death, serious bodily harm, or transmission of a serious illness. The penalty ranges from 16 to 20 years' imprisonment.
- Article 15 guarantees survivors' rights to access medical, psychological, social, and legal assistance; protection of their identity and integrity; support for social, educational, and professional reintegration.
- Article 16 prohibits the deportation of foreign survivors without security and dignity safeguards.

Law on the Promotion and Protection of the Rights of the Child (Law No. 7 of 2008)

Establishes the general principles for the protection of children, obliging the State to adopt measures against abuse, sexual exploitation, and trafficking.

Key provisions

- Articles 10 and 11 provide for protection against harmful practices, exploitation, and violence.

Law on the Juvenile Justice (Law No. 8 of 2008)

Regulates the legal protection of minors in situations of risk, including survivors of violence or exploitation, and provides judicial intervention mechanisms to protect children exposed to violence.

Law on Domestic Violence against Women (Law No. 2 of 2009)

Addresses violence against women in domestic settings.

Key provisions

- Article 1 defines domestic violence, including physical, psychological, sexual, patrimonial and economic violence.
- Articles 5 & 7 grant survivors the right to file complaints and obtain protection (restraining orders, emergency shelter, urgent medical assistance).
- Article 22 mandates a survivor-centred response by public institutions, ensuring privacy, dignity, and free access to services.

Labour Law (Law No. 23 of 2007, with amendments of 2014 and 2023)

Relevant to contextualise the economic exploitation of women and children, often linked to trafficking and structural violence.

Policy framework

National Policy on Juvenile Justice, 2011

Focuses on the treatment of minors in conflict with the law and the protection of survivors, including those of exploitation and trafficking.

National HIV/AIDS Strategy (latest 2021–2025)

Integrates actions for the protection of women and girls, recognising sexual violence as a key vulnerability factor.

3. Laws and policies on ending violence against women and girls in Mozambique

Support services and mechanisms

- **The Gabinete de Atendimento à Família e Menores Vítimas de Violência (GAFMVV):** in Monapo district police station supports families and child survivors through specially trained police officers who assist survivors, sensitise communities, and ensure proper referral and case processing.
- **Structures such as the Intersectoral Committee for Adolescent and Youth Development Support (CIADAJ) and Multisectoral Mechanism to Support Women Victims of Violence (MMSMVV):** work together to report cases of child marriages and violence and to promote and expand access to sexual and reproductive health services.
- **The law on associations (Law No. 8 of 1991, revised 2014):** While not directly addressing VAWG, it provides the legal framework for NGOs and women's associations to play a role in reporting, survivor support, and advocacy.

Legal gaps and implementation challenges

- Article 18 of the Family Code prohibits polygamy only in civil and registered religious or traditional marriages. Unregistered customary marriages are not included, leaving many women without legal protection.



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