

**MOZAMBIQUE- SOGI LEGISLATION COUNTRY REPORT**  
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Please note: This document was prepared by law students and highlights publicly-accessible information about legislation available at the time it was prepared. It is not exhaustive, nor is it updated on a regular basis. The information provided here is not a substitute for legal advice or legal assistance, and the International Human Rights program at the University of Toronto Faculty of Law cannot provide such advice or assistance.

### ***Summary***

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Neither male nor female same-sex activity are criminalized in Mozambique. While the [Penal Code](#) prohibits “acts against the order of nature” (Articles 70 and 71), the government has stated that these provisions are not used to penalize same-sex sexual activity (see “Report of the Working Group on the Universal Periodic Review: Mozambique” March 28, 2011, UN Doc A/HRC/17/16 at para 85: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/123/79/PDF/G1112379.pdf?OpenElement>).

All provisions within the [Labour Law, 2007](#) shall be interpreted in accordance with non-discrimination on grounds of sexual orientation or HIV/AIDS status, and any law that contradicts this principle is considered “null and void” (Article 4).

Employers must respect employees’ rights to privacy in regards to matters including personal relationships and sex lives in accordance with Article 5 of the [Labour Law, 2007](#).

Equal pay for employees regardless of sexual orientation is recognized as a right in Article 108 of the [Labour Law, 2007](#).

### ***Legal Provisions***

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#### **ANTI-DISCRIMINATION**

**[Mozambique Labour Law, No.23 of 2007](#)**: This piece of legislation sets out the principles and a legal framework for the rights of employees and employers in respect of paid labour. It establishes employees’ rights to privacy, non-discrimination, and equal pay with regards to sexual orientation and HIV/AIDS status.

*Article 4 (Principles and interpretation of labour law)*

1. This law shall be interpreted and applied in accordance with, among other principles, the principle of the right to work, of employment stability and job stability, of change in circumstances and of non-discrimination on grounds of sexual orientation, race or HIV/AIDS.
2. Where a contradiction arises between a rule in this law and other diplomas that regulate labour relations, the interpretation that is consistent with the principles defined herein shall prevail.
3. A culpable violation of any principle laid down in this law shall render the juridical act carried out in such circumstances null and void, without prejudice to civil and criminal liability incurred by the offender.

*Article 5 (Right to privacy)*

1. Employers have an obligation to respect the personal rights of employees, in particular, the employees' right to keep their personal lives private.
2. The right to privacy relates to access to and dissemination of matters relating to the private and personal lives of employees, such as their family lives, personal relationships, sex lives, state of health and their political and religious convictions.

*Article 108 (Concept and general principles)*

1. Remuneration is that to which the employee is entitled in return for his or her work, in the terms of the individual employment contract or collective labour agreement and customary practice.
2. Remuneration comprises the basic wage and all regular and periodic payments made directly or indirectly, in money or in kind.
3. All employees, whether nationals or foreigners, without distinction based on sex, sexual orientation, race, colour, religion, political or ideological convictions, family background or ethnic origin, have the right to receive a wage and to enjoy equal benefits for equal work.

<http://www.mcli.co.za/mcli-web/news/2007/2007-373/Newsflash373.htm>