

URGENT ACTION

LEGAL PROTECTION OF RAPISTS TO BE STRUCK OUT

Mozambique's authorities have publicly undertaken to strike down the proposed law which would have enabled rapists to escape prosecution by marrying their victims.

The parliamentary Legal, Human Rights and Constitutional Affairs Commission announced on 20 March that an article enabling rapists to escape prosecution by marrying their victims would be struck from the draft Criminal Code. Under Article 223 of the proposed draft Code, criminal charges could be suspended against anyone who married the person they were accused of raping. The president of the commission said that although the draft Criminal Code would still be discussed, Article 223 would no longer be included.

Although the authorities have undertaken to remove this article, the draft law still contains a provision preventing criminal proceedings against alleged sex offenders from being started unless survivors of sexual abuse, their parent or guardian if they are "minors" (a word whose meaning varies within the Code), or a person they live with, make an official complaint. In many cases survivors of sexual abuse may be discouraged from reporting the abuse by shame, fear or pressure from third parties. Requiring a complaint to have been lodged before a criminal procedure can be started is likely to result in a number of perpetrators of sexual abuse escaping justice. Another concern is the Article which refers to rape of "minors" under 12 years of age. By referring to "minors" as those under 12 years of age this article effectively deprives children aged between 12 and 18 years of the special legislative protection they merit and violates Mozambique's national and international human rights obligations.

Please write immediately in Portuguese or your own language:

- Welcoming the news that Article 223 will be struck from the Penal Code, and urging the authorities to stand by this undertaking;
- Expressing concern that the draft law still contains a provision preventing criminal proceedings from being started unless the survivor their guardian or a person living with them has lodged an official complaint, and calling on the authorities to remove this provision;
- Expressing concern about the Article which refers to rape of "minors" under 12 years of age and calling on the authorities to ensure that the protection of this law applies to all those aged under 18, to bring it into accordance with international and national laws.

PLEASE SEND APPEALS BEFORE 20 MAY 2014 TO:

President
 Presidenta Dra. Verónica Nataniel
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Commission president
 Presidente Dr Teodoro Andrade Waty
 Comissão dos Assuntos Jurídicos,
 Direitos Humanos e Legalidade da
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Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 42/14. Further information:

<http://amnesty.org/en/library/info/AFR41/001/2014/en>

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ADDITIONAL INFORMATION

Mozambique's Criminal Code dates back to 1886, and some of its laws are relics of the 19th century. Among these relics is an article which enables rapists to escape prosecution by marrying their victims. During the Criminal Code review process this article was retained in the draft Criminal Code and in December 2013 Mozambique's parliament provisionally approved it.

Further information on UA: 42/14 Index: AMR 41/002/2014 Issue Date: 25 March 2014