

URGENT ACTION

CHANGES TO DRAFT LAW BUT CONCERNS CONTINUE

On 18 June the parliamentary Legal, Human Rights and Constitutional Affairs Commission will meet to discuss the latest version of the Mozambique Draft Criminal Code.

On 30 April the parliamentary Legal, Human Rights and Constitutional Affairs Commission once again met to discuss a new version of the draft Criminal Code. In this new version Article 223 has been removed. Article 223 provided for the suspension of criminal charges for those who married the person they were accused of raping. This means that, if such a version of the Code is passed, rapists will no longer be able to escape prosecution through marrying their victim.

However, Amnesty International remains concerned that the Commission has not yet taken on board other suggested alterations to the Code. The new version of the draft Code still requires an official complaint from victims, or other relevant people, before a criminal proceeding can be instituted for sexual offences. It also still refers to rape of "minors" - with "minors" being those 12 years of age and under. This effectively deprives children aged between 12 and 18 years, who have been subject to coercion, of the special legislative protection they merit under Mozambique's national and international human rights obligations.

The Criminal Code has still not been passed into law and the next discussion will be on 18 June.

Please write immediately in Portuguese or your own language:

- Welcoming the news that Article 223 no longer appears in the draft Criminal Code;
- Expressing concern that the latest version of the draft Code still requires the survivor, their guardian or a person living with them to lodge an official complaint before criminal proceedings can be initiated and call on the authorities to remove this provision;
- Expressing concern that the Code still does not effectively address coercive, non-consensual, practices against minors between the ages of 12 and 18 years and call on the authorities to ensure that protection should apply to all those aged under 18, in accordance with international and national laws.

PLEASE SEND APPEALS BEFORE 2 JULY 2014 TO:

President
 Presidenta Dra. Verónica Nataniel
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Salutation: Exma. Senhora

Commission president
 Presidente Dr Teodoro Andrade Waty
 Comissão dos Assuntos Jurídicos,
 Direitos Humanos e Legalidade da
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Salutation: Exmo. Senhor

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 second update of UA 42/14. Further information:

<http://amnesty.org/en/library/info/AFR41/002/2014/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. On 20 March 2014 the parliamentary Legal, Human Rights and Constitutional Affairs Commission announced 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. On 30 April the parliamentary commission met to discuss a new version of the draft Penal Code and Article 223 has been removed from the draft.

Civil society in Mozambique continue to campaign for changes to the Code.

Further information on UA: 42/14 Index: AMR 41/003/2014 Issue Date: 21 May 2014