

URGENT ACTION

NEW CRIMINAL CODE PUTS WOMEN'S RIGHTS AT RISK

Survivors of sexual abuse in Mozambique are at risk of being deprived of justice and having their rights violated by proposed amendments to the Criminal Code to be brought before parliament in March.

In March the Mozambique National Assembly (the Parliament) will consider proposed revisions to the Criminal Code, which contains an article which would enable rapists to escape prosecution by marrying their victim. The Parliament could approve and pass into law, this proposed revision. The article provides for the suspension of criminal charges against a person accused of sexual offences if that person marries the person whom they allegedly sexually violated. It further provides that any penalty imposed will be suspended and dropped after five years of marriage unless there has been a divorce or separation caused by the accused.

Changes to Criminal Code, which could be approved and made into law during the next session of parliament in March, represents a grave retrogression in the rights of women and girls in the country. It violates the right of access to justice, bodily integrity, non-discrimination and the right not to be subjected to torture, cruel, inhuman and degrading treatment of women and girls in Mozambique. In addition, the draft Criminal Code contains a provision preventing criminal proceedings against alleged sex offenders to be started unless survivors of sexual abuse; their parent or guardian if they are minors; or a person they live with make an official complaint.

Please write immediately in Portuguese, English or your own language:

- Expressing concern that the draft Criminal Code containing an article which enables rapists to escape prosecution by marrying their victim has been provisionally passed and could become law if passed by parliament in March;
- Expressing concern that it prevents criminal proceedings to be started against alleged perpetrators unless there is an official complaint from the victim, guardian or a person living with them;
- Stating that this law allows rapists to commit crimes with impunity, in violation of women's and girls' rights not to be subjected to torture and ill-treatment; this law is also a retrogression of the rights of women and girls in the country and places survivors of sexual abuse at risk of being deprived of justice, as well as being subjected to a profoundly abusive situation where they will be subjected to further acts of rape, under the obscene guise of a so-called "marriage" and calling on the authorities not to pass this into law.

PLEASE SEND APPEALS BEFORE 15 MARCH 2014 TO:

Presidenta Dra. Verónica Nataniel

Macamo Dhovo

Assembleia da República

Palácio do Quarto Congresso

Avenida 24 de Julho

Maputo

República de Moçambique

Fax: +258 21400711 or +258 21225179

arm@parlamento.org.mz

Salutation: Exma. Senhora

Presidente Dr Teodoro Andrade Waty

Comissão dos Assuntos Jurídicos, Direitos Humanos e

Legalidade da Assembleia da República

Palácio do Quarto Congresso

Avenida 24 de Julho

Maputo

República de Moçambique

Fax: +258 21400711 or +258 21408846

sgar@parlamento.org.mz

Salutation: Exmo. Senhor

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Commis 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.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Mozambique's current Criminal Code dates back to 1886. The revision of the Criminal Code has been in discussion since 2010. In December 2012 the National Assembly approved the draft Penal Code. This Code contains a number of problematic articles, including the ones regarding sexual offences. In March 2014 members of the National Assembly will reconvene to discuss whether the Penal Code should be passed into law. Should the Penal Code be approved during this session, it will pass into law.

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