

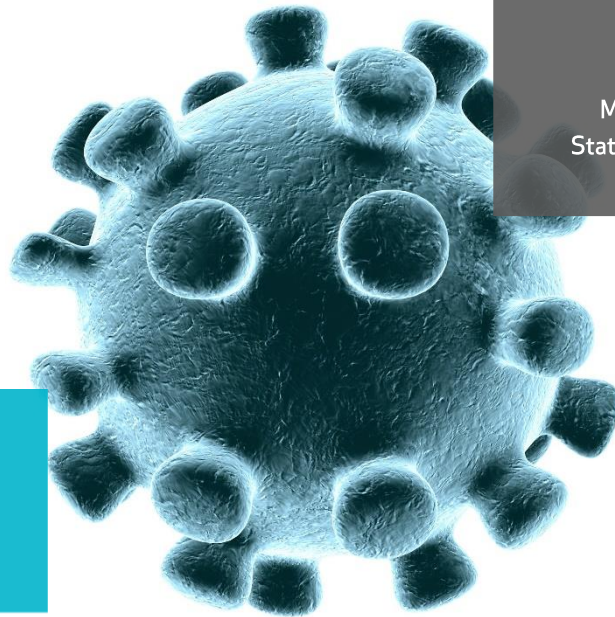
6 APRIL | 2020

Themes

MOZAMBIQUE

Measures for the
State of Emergency

P. 1-9



MEASURES FOR THE STATE OF EMERGENCY IN MOZAMBIQUE

After the first case of COVID-19 was identified in Mozambique on 22 March and after the confirmation of 8 cases in the following 10 days (6 imported cases and 2 cases of local transmission), Mozambique took action.

On 30 March 2020 the President of the Republic approved and published Presidential Decree No. 11/2020 of 30.03.2020, which decrees a State of Emergency due to public calamity as a result of the COVID-19 pandemic, in which a set of exceptional and temporary measures regarding freedom and guarantees for individuals and related to the economic-financial and industrial sector are set out.

The State of Emergency will have a duration of 30 days, starting at 0:00 a.m. on 1 April 2020 and ending at 24:00 a.m. on 30 April 2020. Its period can be extended.

On 31 March Parliament approved and published Law No. 1/2020, ratifying the Presidential Decree and including measures on judicial deadlines.

The Bank of Mozambique has also taken measures for the financial sector and the Supreme Court of Mozambique has specified measures for the judicial system.

[PRESIDENTIAL DECREE NO. 11/2020](#)

▶ **RESTRICTIVE MEASURES FOR THE STATE OF EMERGENCY**

- Suspension of the issuance of entry visas and cancellation of visas already issued.
- Introducing home quarantine measures of 14 days for all persons who have recently travelled outside the country and for all persons who have had direct contact with confirmed cases of COVID-19.
- Suspension of classes in all public and private schools from pre-school to university.
- Prohibition of public and private events, namely religious cults, cultural, recreational, sports, [associative], tourism and any other kind of activities, except for unavoidable State activities or of social nature such as funerals. In all cases the preventive measures established by the Ministry of Health must be adopted.
- Mandatory implementation of preventive measures in all public and private institutions, as well as passenger transport.

► **CONFERRAL OF POWERS UPON THE COUNCIL OF
MINISTERS**

The Council of Ministers is empowered to take all necessary and appropriate measures to combat the COVID-19 epidemic, and in particular:

RESTRICTIONS ON THE FREEDOM OF MOVEMENT

- limitation on the movement of persons in any part of national territory;
- imposition of the confinement of persons in a suitable home or establishment;
- imposition of the internment of people in health establishments for therapeutic purposes;
- limitation of entry and exit of persons from Mozambique by way of partial closure of its borders, except for matters of State interest, humanitarian support, and health and cargo transport;
- requirement of real-time knowledge through the use of geolocation.

ECONOMIC-MONETARY AND INDUSTRIAL SECTOR

- request for the provision of health and similar services;
- closure of commercial entertainment establishments or reduction of activity;
- monitoring the prices of essential goods, including those needed to prevent and combat the pandemic;
- promotion and reorientation of the industrial sector towards the production of items necessary to combat the pandemic;
- introduction of fiscal and monetary policies to support the private sector to meet the economic impact of the pandemic;
- adoption of communication strategies to intensify community education measures;

- introduction of job rotation or similar to ensure and control effectiveness.

► **ENSURING ESSENTIAL SERVICES**

Essential public and private services and activities should be maintained during the State of Emergency including:

- medical, hospital and drug services;
- water, energy and fuel supply;
- sale of food and basic needs;
- loading and unloading of animals and foodstuffs which are liable to deteriorate;
- post and telecommunications;
- airspace and weather control;
- health services;
- fire department, private security and funeral services.

The measures mentioned above should be implemented in accordance with the principle of proportionality so that their scope, duration and the means employed are limited to what is strictly necessary for the restoration of normality.

The implementation of the measures shall be ensured by the Defence and Security Forces during the State of Emergency.

The competent State bodies have recourse to specialised public and private entities that they deem necessary.

All persons and public and private entities are obliged to collaborate with the authorities.

Failure to comply with the measures imposed will be deemed to be a crime of disobedience and punished with the respective penalties.

► **ENTRY INTO FORCE**

The Presidential Decree entered into force on the day after its publication, i.e. on 31 March 2020.

[LAW NO. 1/2020, OF 31 MARCH](#)

This law ratified the Declaration of the State of Emergency as set out in Presidential Decree No. 11/2020 of 30.03.2020 and also defined new measures.

► **LEGAL AND ADMINISTRATIVE DEADLINES**

During the State of Emergency, the judicial vacation scheme shall apply, without prejudice to urgent acts, to (i) procedural acts and judicial proceedings, (ii) acts to be carried out in cases where fundamental rights are at stake, such as those relating to imprisoned defendants, (iii) minors at risk.

Additionally, for the duration of the State of Emergency all procedural and administrative time-limits shall be suspended, including disciplinary procedures.

Deadlines related to all processes and procedures are suspended until the end of the State of Emergency.

Within the scope of COVID-19 prevention, the President of the Supreme Court, the President of the Administrative Court and the Attorney General of the Republic may take additional measures deemed appropriate and the Mozambican Bar Association may be consulted in this context.

► **ENTRY INTO FORCE OF LAW NO. 1/2020**

The Law came into force on April 1 2020.

[DECREE NO. 12/2020, OF 2 APRIL](#)

This decree implemented and operationalized urgent administrative measures to be in force during the State of Emergency to prevent and contain the spread of the COVID-19 pandemic.

► **SCOPE OF APPLICATION**

The Decree applies to all national and foreign citizens, public and private institutions, on Mozambican territory.

► **QUARANTINE**

Those persons subject to 14-day home quarantine regime are:

- persons who have entered Mozambique in the last two weeks;
- persons who have had direct contact with confirmed cases of COVID-19; and
- persons for whom the health authorities have determined the requirement for surveillance.

Violation of quarantine measures shall result in confinement to an appropriate home or establishment.

► **HOSPITAL VISITS**

- Visits to in-patients are reduced to a maximum of two people per day per patient.
- Visits to patients with COVID-19 are forbidden.

► **SPECIAL PROTECTION**

Persons who work for a public or private entity that must provide services during the State of Emergency will be exempt from working if they are:

- 60 years of age or older;
- carriers of disease and considered at risk; or
- pregnant.

► SUSPENSION OF DOCUMENT ISSUANCE

The issue of the following official documents is suspended:

- travel documents;
- civil ID, except birth and death registration;
- marriage certificates;
- land registry;
- criminal records;
- car registrations;
- registration of legal entities;
- driver's license;
- booklet and title deeds;
- licenses;
- tax identification number.

► SUSPENSION AND CANCELLATION OF VISAS AND VISA WAIVER AGREEMENTS

The following shall be suspended and cancelled during the term of the State of Emergency:

- issuance of entry visas and the cancellation of visas already issued;
- visa waiver agreements.

► VALIDITY OF EXPIRED OFFICIAL DOCUMENTS

The following official documents are valid and effective until 30 June 2020, even if expired:

- ID card;
- drivers licence;
- identification and residence documents for foreigners and temporary visas;
- vehicle import licence.

► LICENSES AND PERMITS

Licenses, permits or other administrative acts shall remain valid, irrespective of their expiry, during the State of Emergency.

► LIMITATION OF ENTRY AND EXIT OF PEOPLE

All border crossing points are closed except the following:

- Negomano, in Cabo Delgado Province;
- Mandimba, Il Congress and Entrelagos, Niassa Province;
- Melosa, in Zambezia Province;
- Cassacatisa, Cuchamano and Zóbwè, Tete Province;
- Machipanda, Manica Province;
- Chicualacuala, Gaza Province; and
- Ressano Garcia and Namaacha, Maputo Province.

All Airports are also closed, except:

- Pemba, Cabo Delgado Province;
- Lichinga, Niassa Province;
- Nampula, Nampula Province;
- Quelimane, Zambezia Province;
- Chingodzi, Tete Province;
- Chimoio, Manica Province;
- Beira, Sofala Province;
- Inhambane and Vilanculos, Inhambane Province; and
- Maputo, Maputo City.

All ports are closed except:

- Nacala, Nampula Province;
- Quelimane and Pebane, Zambezia Province;
- Beira, Sofala Province; and
- Maputo, Maputo Province.

► **BAN ON EVENTS AND CLOSURE OF ENTERTAINMENT ESTABLISHMENTS**

Cultural, recreational and sporting activities in public spaces are prohibited and are closed, including:

- discos;
- games rooms;
- bars and stalls for the sale of alcoholic beverages;
- sports gymnasia, except for therapeutic activities;
- public pools;
- recreational activities such as official or recreational group games;
- playing fields;
- museums;
- libraries;
- theatres;
- monuments and similar, except in the case of State ceremonies, provided that the maximum limit of 20 participants is met.

It is forbidden to go to beaches. Holidays and exhibitions are suspended.

► **CULTS AND RELIGIOUS CELEBRATIONS**

Collective religious services and celebrations are suspended in all places of worship.

► **FUNERAL CEREMONIES**

- The number of participants at funeral ceremonies shall not exceed 20 and social distancing and the compulsory wearing of masks must be ensured.
- For funeral ceremonies of people that died from COVID-19, the limit of participants will be 10.

► **FUNCTIONING OF PUBLIC AND PRIVATE INSTITUTIONS**

Public and private institutions that continue to operate must observe the prevention and control measures implemented in the context of COVID-19.

The number of staff must be no more than 1/3, with a turnover of service teams every 15 days, with the exception of State employees and agents who hold positions of management, leadership and trust, who maintain the full exercise of their functions.

► **INDIVIDUAL PROTECTION MEASURES**

Public and private institutions that remain operational under the terms set out above must ensure essential conditions of protection for State employees and agents, workers and users.

Customer service should observe the guidelines on distancing between people, and special attention should be given to the protection of health professionals and agents.

► **MARKETS**

Markets shall remain in operation from 6 a.m. to 5 p.m. However, the health authorities can recommend the closure of markets.

In any event, market managers should ensure conditions for the observance of the recommended

distancing between sellers and between sellers and consumers, as well as the use of masks.

The authorities must ensure conditions for the regular disinfection of markets.

► INSPECTION OF ECONOMIC ACTIVITIES

The competent authorities for the inspection of economic activities remain in place and inspection activities should be reinforced with the purpose of identifying and sanctioning price speculation by commercial establishments.

► INDUSTRIAL AND AGRICULTURAL ACTIVITIES

Industrial and agricultural entities must ensure the use of COVID-19 prevention and control measures that are necessary for the protection of workers. It is the responsibility of the Ministers with oversight of industry, trade and agriculture to redirect the agricultural and industrial sectors towards production of goods necessary to cope with the pandemic situation.

► LICENSING FOR IMPORT OF NECESSARY GOODS

The import of food, medicines, biosafety material, diagnostic tests and other essential products is subject to an exceptional licensing regime.

It is the responsibility of the Ministers who oversee finance, transport, industry and trade, and the Bank of Mozambique to define the regime mentioned above, which should look to facilitate processes and reduce bureaucracy.

► TAX REGULARIZATION

The payment of taxes on the import of food, medicines and other essential goods shall be subject to a subsequent regularization regime. In this regard, the Ministry overseeing finance shall be responsible for ensuring the mechanisms for ensuring tax regularization.

► BANK CREDITS

During the State of Emergency interpellations and executions resulting from the delay in the fulfilment of obligations that cannot be carried out due to the application of the measures foreseen in this Decree shall be null and void.

► COLLECTIVE TRANSPORT OF PEOPLE AND GOODS

For public and private transport there is a maximum limit of 1/3 passengers. The provision of motor-taxi and bicycle-taxi services is prohibited.

The owners of undertakings or vehicles must guarantee health and safety conditions. Infringement of these rules by transport service providers will result in the confiscation of vehicles.

The Ministry that oversees transport must carry out the necessary and appropriate acts to ensure the transport of people and essential goods by land, sea and air transport, as well as the maintenance and operation of essential infrastructure.

► MEDIA

The media (public and private), shall continue to operate and, in the public interest, shall collaborate with the authorities. In addition, measures must be adopted in order to reduce the number of people working during the State of Emergency, always safeguarding the provision of essential services, as well as ensuring public information on the evolution of the pandemic in Mozambique.

The media (public and private) should reserve a space in their programming grid for information on the COVID-19 pandemic, as defined by the Information Office - GABINFO. Media outlets that broadcasts information contrary to official information will be sanctioned.

► SAFEGUARDING LEGAL AND LABOUR RELATIONS

The termination of employment on the grounds of the absence of workers from the workplace, as a result of COVID-19's prevention and control measures, is prohibited. However, this does not prevent the implementation (if appropriate) of disciplinary measures, in particular for State employees and agents, as well as workers with a duty to provide services during the State of Emergency.

► PROTECTION OF TENANTS

During the State of Emergency, it is forbidden to evict tenants with residential leases, but this prohibition does not imply the release of tenants from the duty to pay the rent due.

► VISITS TO CORRECTIONAL FACILITIES

Visits to penitentiary establishments are forbidden. However, meals may continue to be delivered to those on special diets, in accordance with the prevention and control measures of COVID-19.

The competent authorities have a duty to ensure that information regarding the situation of the inmates, prisoners and detainees is made available to family members.

► DEFENCE AND SECURITY FORCES INTERVENTION

During the State of Emergency, the Defence and Security Forces may be called upon to ensure compliance with the prevention and control measures of COVID-19.

► DUTY OF COOPERATION

Persons, as well as public and private entities, have the duty to promptly collaborate, in particular in compliance with orders or instructions from the authorities responsible for security, civil protection

and public health, with requests which are justifiably made to them by the competent authorities for the implementation of the measures foreseen in this Decree.

► VOLUNTEERING

Whenever recommended, voluntary action may be encouraged in order to ensure the essential functions for the implementation of the measures provided for in this Decree.

► EXCEPTIONAL PUBLIC PROCUREMENT REGIME

The purchase of urgent goods and services needed to control and combat the pandemic is subject to an exceptional regime.

Essential goods and services such as drugs, hospital material, biosafety material, diagnostic tests and other essential materials may be purchased on a simplified contract basis.

The Ministry responsible for finance is responsible for creating conditions for the implementation of the provisions of this regime.

► AWARENESS AND CIVIC EDUCATION

The authorities must implement additional measures to raise awareness and educate citizens about the COVID-19 pandemic.

► ADDITIONAL MEASURES

All additional measures adopted by the competent authorities for the prevention and control of the COVID-19 pandemic are valid as long as they do not contradict the provisions of this Decree.

► SANCTIONS

Failure to comply with the provisions of this Decree constitutes a crime of disobedience, punishable under criminal law.

► ENTRY INTO FORCE

This Decree shall enter into force on 2 April 2020.

► BANK OF MOZAMBIQUE

The Bank of Mozambique has announced the adoption of measures to ensure the necessary liquidity of the financial system to address the possible negative macroeconomic impact of the COVID-19 pandemic.

► DECISION OF 16.03.2020

The Bank of Mozambique has announced the reduction by 150 basis points of the coefficients of the mandatory reserves of national and foreign currency, with effect from 07.04.2020.

With this change, the coefficient of mandatory reserves for liabilities in local currency is increased to 11.50% and, for liabilities in foreign currency to 34.50%.

► DECISION OF 22.03.2020

The Bank of Mozambique announced the introduction of a foreign currency financing line for institutions participating in the Interbank Foreign Exchange Market, in the total amount of US\$ 500 million, for a period of 9 months from 23.03.2020.

It also authorised that additional provisions by credit institutions and financial companies are not required in cases of renegotiation of terms and conditions of loans, prior to maturity, to clients affected by COVID-19, with effect from 23.03.2020 until 31.12.2020.

► DECISION OF 30.03.2020

The Bank of Mozambique announced the approval of several extraordinary measures under the Payments System.

For electronic money institutions:

- these institutions will no longer charge fees and commissions for transfers from customer to customer up to a daily limit of 1,000 MT;
- the limit per transaction in the digital wallet is adjusted from 25,000 MT to 50,000 MT;
- the daily limit for transactions in the digital wallet is adjusted from 125,000 MT to 250,000 MT;
- the annual transaction limit for Level I customers in the digital wallet is adjusted to 400,000 MT;
- commissions and charges to be levied for the new limits shall not exceed the maximum value of the pricing in force;
- commercial banks can no longer charge commissions for transactions through digital channels up to a daily limit of 5,000 MT for individual customers, with the exception of ATM withdrawals.

For e-money institutions and commercial banks.

- commissions and charges for transfers between banks and e-money institutions, for individual customers, are reduced in 50%;
- commercial banks and e-money institutions can take other measures to enhance the use of digital means of payment.

In the same statement, the Bank of Mozambique also announced extraordinary measures regarding specific provisions, having decided that credit institutions no longer need to establish provisions for credit in foreign currency.

These measures entered into force at 0:00 a.m. on 10.04.2020 for a period of 3 months, with the exception of the provisions concerning specific provisions which entered in force immediately and is valid until 31.12.2020.

MOZAMBIQUE SUPREME COURT

Given the need to ensure the effective implementation in the courts of individual and collective prevention measures against COVID-19, the Supreme Court of Mozambique (by way of Directive No. 01/TS/GP/2020 of 23.03).

- recommended the holding of hearings only in the presence of the parties, lawyers, witnesses, declarants or other essential procedural parties;
- recommended not scheduling trials of various cases at the same time;
- ordered no face-to-face meetings with more than 50 people and the postponement of those that are not strictly necessary;
- recommended, in case of unavoidable face-to-face meetings, that these are held in places with good ventilation, maintaining a minimum distance of 1 meter between people.

These measures entered in force immediately and will last until specific instructions on the contrary.

Following the Declaration of the State of Emergency, the Supreme Court of Mozambique, by way of Directive No. 03/TS/GP/2020, of 01.04.

- ordered that no face-to-face meetings are to be held, unless unavoidable, in which case the measures provided for in Directive 01/TS/GP/2020 of 23.03 should be implemented;
- recommended that judges urgently consider pending requests for conditional release.

The Directive entered in force immediately and should remain in for the duration of the State of Emergency.

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