

When justice becomes an issue of class

Sofie Sjöstrand

(Afrikagrupperna)

Imagine that you have to face a horrible experience, you are the victim of a rape. Your family and your neighbors know what happened but they can't do anything to help. They don't have the right to report the crime. It is you that has to go to the police. It is you that has to provide the evidence. On top of that, it is you that has to hire and pay for an attorney, and you have to keep paying him until the process is finished. Imagine also that you are a farm worker with a salary of 677 Swedish kronor per month. Imagine that you have to provide for your children on that salary. What would you do? Would you press charges?

The above stated scenario is not just made up out of nothing. It is the reality of many Mozambican women, and men, every year. Last month it was decided that it will continue this way in the future as well. The 11th of June this year the new Mozambican penal code was approved. It will replace the 128 year old former code that was instated during the Portuguese colonial rule. Many civil society organizations have been working hard the last couple of years in order to make the new laws as just and equal as possible. In some cases they succeeded, in others they did not. In the case of rape and sexual violation, they did not. One of the main things that civil society has been fighting for is that rape should become what is called a "crime público". This means that anyone that holds knowledge of a crime has a right and a duty to report it. It also means that an automatic criminal process with the gathering of evidence, insight from the justice system will begin and the report cannot be withdrawn before having been investigated.

The new penal code is a setback when it comes to legal security in Mozambique. If we disregard all physical, psychological and cultural implications that sexual abuse entails, this law ensures that legal security will continue to be an issue of class. In practice, you need time, money and contacts in order to report a sexual violation. Dr. Maria José Arthur from [WLSA](#) (Women and Law in Southern Africa) tells us: "I have been handling a case where a woman was sexually assaulted by a group of men. We have tried to bring the case up in court for two years without success. If we are having these difficulties, imagine how hard it is for someone alone and without means"

Despite the fact that the new penal code has been approved, Mozambican civil society has not given up the struggle. They keep fighting so that the law will be looked over once more before being implemented. "If we have to, we will take it all the way to Geneva." says Dr. Maria José Arthur.

This is the first post in a series on the new Mozambican penal code. More posts on different aspects of the code will follow in the upcoming weeks. [Next week](#) we will be talking to Afrikagrupperna's partner organization AMODEFA. Stay tuned!

Link to the original article (in Swedish): <http://sodraafrikaidag.se/2014/08/19/nar-rattssakerhet-blir-en-klassfraga/>