

LEGAL ALERT

COVID-19 AND THE STATE OF EMERGENCY IN MOZAMBIQUE

After the announcement of the World Health Organization in which COVID-19 was declared Pandemic, it was decreed the State of Emergency in Mozambique by the Presidential Decree no. 11/2020, of 30 March, later ratified by Law no. 1/2020, of 31 March, by the Republic Assembly. In truth, in terms of Article 282 of the Constitution of Mozambique Republic, the State of Emergency assumes, among others, the existence of public calamity, causing a suspension or limitation of freedoms and guarantees enjoyed by citizens whose starting duration can't be superior to 30 days, although it can be renewed for equal periods, till the maximum limit of three times, since the causes that were in its origin are still on.

The Proclamation of the State of Emergency caused, meanwhile, the approval of several law exceptional instruments, just to prevent the Pandemic COVID-19 spread, at least, to protect human life and public health, assuring, whenever possible, the work of both public and private Institutions. Thus, Decree no. 12/2020, of 2 April, published in Official Gazette (*Boletim da República*) with the same date, approved administration execution measures, lasting during the State of Emergency and applied since that date, including all national and foreign citizens, public or private Institutions in Mozambique Territory. Among them, we refer the following:

1. Subjection to the house quarantine regime for 14 days, for all people who have entered the country two weeks before the referred Proclamation or who have had contact with suspicious cases of contamination for COVID-19;

2. It was decided the civil request of doctors, nurses and other health staff, from outside the Health National System;
3. It was suspended the issue of some official documents (that is, civil identification, wedding certificates, real estate certificates, criminal certificates, cars certificates, legal entities, driving licenses, vehicles carnet and registration certificates, licenses – in general – and NUIT/taxpayer number);
4. It was suspended the issue of entrance visa, as well as agreements of abolition of visas;
5. Some ports and airports were locked;
6. As for the operation of public and private Institutions, it started becoming limited, which results in the reduction to the number of (till) 20 participants in meetings or gathering places, as well as the reduction to 1/3 of the effective labour staff that started operating every fortnight rotative, being that the Institutions which supply public services can reduce the volume of supplying services;
7. As for bank credits, interpellations, delay in payment and executions are considered null and void if caused by the delay of compliance of obligations that can't be performed due to the execution of the foreseen measures in the Decree in analysis and which are summarized now;
8. As for labour matters, it was decided the prohibition of stopping the labour relationships with fundament in workers 'absence, from the place work, resulting of the measures of prevention and control of COVID-19;
9. From a social perspective, it is referred the prohibition of eviction of tenants with lease agreements.
10. Bear in mind that the disrespect for the above mentioned measures, is crime of disobedience, punished by Law.

On the other hand, it is important to refer that Law no. 2/2020, of 6 April, published in Official Gazette and in force since the same date, gave forgiveness and amnesty for crimes punished with prison till 1 year, with or without fine, once more, to prevent the mitigation and spread of Corona Virus and simultaneously, the spread of Pandemic of COVID-19.

In short, the summary of the referred measures, causes important changes in daily life of People and Enterprises, without prejudice of further clarifications, as well as the articulation with other legal diplomas. We are at your disposal to provide you with any further information.

HRA Advogados

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