

## Former miners who worked for more than 30 years in South Africa are being wronged by the Government and the recruitment agency TEBA

- The long saga of struggle of ex-miners for their legitimate rights has been known for many years by Mozambican society. However, the situation of the ex-miners of Ressano Garcia has now emerged, demanding their rights and better living conditions.



These are former miners who worked for more than 30 years in the mines of neighboring South Africa and now find themselves left with one hand in front and the other behind.

The first of their demands is the payment of their retirement pensions and survivors' pensions to the widows and orphans of the ex-miners. Although they have submitted - at TEBA and at the Ministry of Labor and Social Security - all the necessary documents to receive their pensions, these payments have not been made for more than 10 years, putting them in a situation of misery and suffering.

All citizens have the right to assistance in the event of disability and in old age<sup>1</sup>, this social protection is independent of color, race, sex, ethnic origin, place of birth, religion, level of education, social status, parents' marital status or profession<sup>2</sup>.

Basic social security covers national citizens unable to work, without their own means to meet their basic needs<sup>3</sup>, as is the case with former miners who now, given their advanced age, are not able to work, and must therefore that receive their respective retirement pensions as well as widows and orphans the appropriate survivors' pensions.

It is an obligation of the Mozambican State to guarantee the full payment of pensions due to ex-miners, because they have contributed over the years to social security.

Another issue that afflicts the miners is tuberculosis, a disease that is a consequence of the work they have done for many years in the mines. Many miners in Ressano Garcia who have contracted the disease have not received any support from the Mozambican government, let alone the South African government.

Access to medical health care is a constitutionally enshrined right<sup>4</sup>, and is manifested through universal access to medical treatment and preventive health services so that citizens can achieve the highest level of physical and mental health, embodied in the possibility to benefit or enjoy a set of facilities, goods, services and conditions necessary for the realization of this right at the highest possible level, the issue of availability and access to health services being highlighted here.

As they are migrant workers, the International Conventions that deal with the matter emphasize the importance of the right to health, imposing on the State the obligation to provide appropriate medical services, both at the time of departure and arrival, in order to guarantee a state of satisfactory health of migrant workers<sup>5</sup>.



Créditos: Rádio Moçambique

Since the Mozambican State is bound by these obligations, it is not clear why it is evading its responsibility towards its citizens, in clear violation of the Constitution and various International Conventions to which Mozambique is a signatory.

As mandated by South African law<sup>6</sup>, mining companies must contribute to the Medical Department of Occupational Diseases (MBOD) which, in turn, assists in lifelong monitoring and surveillance of miners and ex-miners for possible compensable occupational lung diseases.

This monitoring must be carried out not only in South Africa, but also in the countries of origin of miners and ex-miners.

However, the Mozambican State has done nothing to ensure that these health services cover former miners residing in national territory.

In addition, given the non-receipt of retirement pensions, ex-miners have not been able to eat properly to face the treatment of tuberculosis, as a result of which many ex-miners have succumbed to disease and lost their lives.

The inertia of the Mozambican State has led to the occurrence of many preventable deaths among Mozambican miners and ex-miners.

But the situation of abandonment haunts the former miners of Ressano Garcia even to death. This is because, despite the fact that over the years they worked in the mines of neighboring South Africa and contributed to

the Death Benefit (a benefit granted to cover funeral expenses), when ex-miners lose their lives, their families do not receive the aforementioned benefit.

The Death Benefit must be paid within 24 hours of the notification of the ex-miner's death and the amount is estimated at 39 thousand Rands.

Likewise, there is no solution in sight for the compensation of the relatives of the miners brutally murdered at the Ressano Garcia Railway Station by the Portuguese Colonial Army in 1974.

This set of situations has created serious problems in the community of Ressano Garcia, as the children of ex-miners are marginalized and, although many have successfully completed High school, they are unable to have opportunities to continue their studies. Their parents are not able to pay for their studies and as a result they get involved in the world of drugs, alcohol and crime.

In response to the outcry of the ex-miners, a Miners Assistance Office was opened in Ressano Garcia on 24 May 2018, a unit that was supposed to function to channel all the concerns of miners, ex-miners, widows and orphans of the ex-miners. However, a little less than three years after its opening, the office is closed, and the reasons have not been communicated to the miners and ex-miners.

On the 25th of August 2021, the Deputy Minister of Labor and Social Security, accompanied by the Provincial Director of Migration Work and the Regional Director of TEBA,

<sup>1</sup> Number 1 of the article 95 of the Republic Constitution

<sup>2</sup> Article 6 of the Law no 4/2007 of February 7

<sup>3</sup> Number 1 of the Article 7 of Law no 7/2007 of February 7

<sup>4</sup> Article 89 of the Republic Constitution

<sup>5</sup> Article 5(a) of the Convention on Migrant Workers

<sup>6</sup> The Miner's Phthisis Act

traveled to Ressano Garcia to meet with the former miners and discuss their claims. The meeting did not produce the desired effects as the Deputy Minister was not able to provide answers to the problems presented by the former miners.

For this reason, he committed to return to Ressano Garcia to continue with the search for solutions, however since that date until today he has never been predisposed to reschedule that meeting.

Likewise, the Minister of Labor and Social Security, in response to a request for a hearing

by the ex-miners, undertook to meet with the ex-miners between the 18th and 22nd of July of this year. After more than two months, the Minister did not meet with the ex-miners in order to present solutions that trouble this group of former mine workers. This behavior by the senior leaders of the Ministry of Labor and Social Security reveals contempt and lack of consideration for the former miners.

It is important to remember that the State is subordinated to the Constitution and is based on legality<sup>7</sup>. In this way, the Public Administration, in the performance of its functions, must

act in close cooperation with the citizens, providing information and clarifications requested<sup>8</sup>, and must also deal fairly and impartially with all citizens<sup>9</sup>.

In the face of all these violations of fundamental rights, the CDD, whose attributions include the promotion and defense of the Democratic Rule of Law and the development of citizens, undertakes to do everything in order to guarantee that the rights of former miners, widows and orphans of ex-miners are protected, both with Mozambican and South African institutions.

<sup>7</sup> Number 3 of the Article 2 of the Republic Constitution  
<sup>8</sup> Subparagraph a) of number 1 of article 9 of the Law no 14/2011 of August 10  
<sup>9</sup> Number 1 of the Article 7 of Law no 14/2011 of August 10



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