



**REPUBLIC OF MOZAMBIQUE**

## **COUNCIL OF MINISTERS**

**Decree No. 85/2009 of 29 December (Published in Supplement 3 BR No. 5,  
December 29, 2009)**

As it has become necessary to establish appropriate principles and standards for the Basic Social Security Subsystem regarding the use of the competencies conferred on the system by Article 56 of Law No. 4/2007 of 07 February, the Council of Ministers decrees:

### **Article 1**

The Regulations of the Basic Social Security Subsystem, annexed to this Decree and of which they are an integral part, are approved.

### **Article 2**

The materialisation of benefits as foreseen in the Regulation of the Basic Social Security Subsystem is done gradually, taking into account the economic conditions of the country.

### **Article 3**

This Diploma shall enter into force 90 days after its publication.

Approved by the Council of Ministers.

**THE PRIME MINISTER**

**LUÍSA DIAS DIOGO**

# **REGULATIONS ON BASIC SOCIAL SECURITY**

## **CHAPTER I**

### **GENERAL PROVISIONS**

#### **Article 1**

##### **(Scope of the Application to Individuals)**

1. The Basic Social Security Subsystem covers national citizens who are unable to work and who are without means to meet their basic needs and in vulnerable situations:

- a) People in conditions of absolute poverty;
- b) Children in difficult situations;
- c) Elderly people in a situation of absolute poverty;
- d) People with disabilities in a situation of absolute poverty;
- e) People with chronic and degenerative diseases.

2. Pursuant to Law No. 4/2007, dated February 7, absolute poverty means the impossibility due to disability and / or lack of opportunities of individuals, families and communities to have access to basic minimum conditions, according to the norms and dynamics of society.

#### **Article 2**

##### **(Scope of Material Application)**

1. Basic social security is materialized through:

- a) Risk benefits
- b) Social support benefits

2. Risk benefits can be in cash or in kind at the level of primary health protection and by granting basic benefits.

3. Social support translates into the provision of services, programmes and projects for community development, targeting individuals or groups of persons with specific needs in terms of housing, shelter, food, and means of

compensation, among others.

4. The social support programmes consist of assistance to persons or groups of people living in situation of absolute poverty, which, due to unemployment, loss of the head of family and lack of or limited access to resources, cannot guarantee the minimum resources for their survival and the survival of their family.

5. The participation of beneficiaries and their families in resolving their problems is stimulated in the provision of social support, promoting community involvement and a spirit of mutual assistance and social solidarity.

## **CHAPTER II**

### **STRUCTURE OF THE SUBSYSTEM**

#### **Article 3**

#### **(Components of the subsystem)**

1. The Basic Social Security Subsystem has the following components:

a) Direct Social Action, managed by the Ministry that oversees the social action area;

b) Social action in health, managed by the Ministry that oversees the health area;

c) Social action in education, managed by the Ministry that oversees the education area;

d) Productive social action, jointly managed by the ministries that oversee the areas of social action, planning and development, agriculture, labour, public works and housing and state administration.

2. In the materialisation of Direct Social Action component other non-governmental entities with social objectives and other state administration services will participate, depending on the matter at hand.

**Article 4**  
**(Management)**

The Ministry that oversees the area of Social Action governs the implementation of the entire Basic Social Security Subsystem.

**Article 5**  
**(Coordination Body)**

4. The Coordination Council of the Basic Social Security Subsystem is established, which is an organ of inter-sectoral articulation for the implementation of this subsystem. The Council comprises the Ministers responsible for managing the components referred to in Article 3 of this Regulation, as well as representatives of public and private entities linked to the social action area, in numbers to be defined by a specific diploma.

4. The Minister who oversees the area of social action chairs the Coordination Council of the Basic Social Security Subsystem.

**CHAPTER III**

**RISK BENEFITS**

**Section I**

**Definition and beneficiaries**

**Article 6**

**(Definition)**

1. Risk benefits comprise a set of assistance interventions in the form of goods, products, payment of services or grant of monetary values intended to mitigate risks or to ensure the survival of people living in situations of absolute poverty and vulnerability.

2. The risk benefits related to the granting of monetary values are provided in the form of regular monetary social transfers.

**Article 7**  
**(Beneficiaries)**

1. All people who are permanently or temporarily unable to work and who are in situations of absolute poverty and vulnerability can benefit from risk benefits, including:
  - a) Elderly people over 55 years of age, in the case of women, and over 60 years of age, in the case of men.
  - b) People with disabilities;
  - c) People suffering from chronic and degenerative diseases;
  - d) Female heads of households;
  - e) Orphans and vulnerable children
2. Individual or household recipients of risk benefits are selected on the basis of eligibility criteria and procedures established by a specific statute.

**Section II**

**Regular Monetary Social transfers**

**Article 8**  
**(Definition)**

Regular monetary social transfers are a form of risk allowances aimed at ensuring the respective beneficiary access to a monetary value to meet their basic needs.

**Article 9**  
**(Beneficiaries)**

Regular monetary social transfers can benefit:

- a) Elderly people unable to work and living in a situation of absolute poverty;
- b) People with disabilities, permanently incapacitated for work and in situations of absolute poverty.
- c) People living with chronic or degenerative diseases, unable to work and who are in situations of absolute poverty.
- d) Households with orphans and vulnerable children aged between 0 and 18 years of age in situations of absolute poverty.

**Section III**

**Social action in healthcare**

**Article 10**

**(Scope of Material  
Application)**

Social Action in Healthcare provides universal access for the most vulnerable populations to primary health care, comprising actions aimed at improving the quality of their health.

**Article 11**

**(Means of access)**

Access to primary health care comprises:

- a) Universal exemption in the payment of health services for children under 5 years of age;
- b) Universal exemption in the payment of health care for pregnant and lactating women;
- c) Universal exemption in the payment of health care for certain categories of persons suffering from chronic or degenerative diseases, including tuberculosis, leprosy and HIV and AIDS;
- d) Universal exemption in the payment of health services to citizens in need, namely elderly people aged 55 and 60 years for women and men respectively, and persons with disabilities;

- e) Nutritional support to malnourished children;
- f) Micronutrient supplementation for prevention of chronic malnutrition and anaemia benefiting pregnant, lactating women, children aged 0 to 24 months of age and female adolescents;
- g) The provision, in public maternity hospitals, of basic babywear or other support deemed necessary for new-borns of families living in situations of absolute poverty;
- h) The provision of a basic food basket to malnourished people on antiretroviral treatment and to those who are subjected to tuberculosis treatment during the first six months, which may be extended for 12 months in special cases;
- i) Other initiatives that may be defined according to needs.

**Article 12**  
**(Beneficiaries)**

In the context of the Social Action in Healthcare the following are priority beneficiaries of allowances:

- a) Children aged from 0 to 5 years of age;
- b) Pregnant and lactating women;
- c) Malnourished children;
- d) Children of mothers who, due to serious health reasons, cannot breastfeed;
- e) The elderly, aged over 55 years of age, being women, and over 60 years of age, being men;
- f) People with disabilities;
- g) People suffering from chronic or degenerative diseases, including tuberculosis, leprosy and HIV and AIDS;
- h) People on antiretroviral treatment or treatment of tuberculosis;
- i) Other vulnerable groups to be defined according to their needs.

**Section IV**

**Social Action in Education**

**Article 13**

**(Scope of Material  
Application)**

In the implementation of minimum benefits are covered, amongst others, the actions aimed at promoting the participation of the most vulnerable population groups in the education system, which may materialize as follows:

- a) Free access to primary education for all children;

- b) Provision of school meals for the benefit of children in need who attend primary school;
- c) Free access to school books for primary school children;
- d) Support in school supplies to children, in situations of absolute poverty, attending primary school;
- e) Support in health care for children and adolescents attending school;
- f) Access to education for people with special needs;
- g) Other initiatives that may be defined according to identified needs within the social action in education.

## **Article 14**

### **(Priority Beneficiaries)**

In the context of the Social Action in Education the following are priority beneficiaries of support in accessing the education system:

- a) Orphans and vulnerable children;
- b) Children with special educational needs;
- c) Juveniles in vulnerable situations;
- d) People with disabilities;
- e) Other vulnerable groups to be defined according to their needs.

## **CAPÍTULO IV SOCIAL SUPPORT ACTIONS**

### **Section I**

#### **Definition, forms of support and beneficiaries**

### **Article 15**

#### **(Definition)**

Social support actions consist in the granting, by the State or non-governmental organizations which support access to services, the implementation of programmes or projects that ensure social and economic integration through work, directed at individuals or groups of individuals with specific needs in terms of housing, shelter, feeding and means of compensation, among others.

### **Article 16**

#### **(Forms)**

1. Social support actions also consist of assistance to persons living in situations of absolute poverty who, due to unemployment, illness, physical incapacity, loss of the head of household or limited access to resources, cannot guarantee the minimum resources to their survival and the survival of their families.
2. Social support actions can be accomplished through social transfers over a



given period of time ensuring access to services, in response to transitional vulnerability situations, benefiting people living in situations of absolute poverty.

3. Social support actions can be carried out through:

- a) Programmes or projects that ensure social inclusion through work, in response to a situation of chronic food insecurity, exacerbated by shocks, structural risks and impacts of environmental change;
- b) Programmes or projects directed at people with specific needs in terms of housing, shelter and other basic means of survival;
- c) Programmes to be defined according to identified needs in the context of Individual and group assistance.

4. Recipients of social support, individuals or households, are selected based on eligibility criteria and procedures defined in specific statutes.

**Section II**  
**Social transfers over a given period of time**  
**Article 17**  
**(Forms of support)**

Social transfers over a given period of time to access goods or services can be materialized as follows:

- a) Support in food products;
- b) Support in the acquisition of material for household use;
- c) Assistance in the building or improvement of housing for destitute persons or persons affected by misfortune or in vulnerable situations;
- d) Grant of compensation means for people with disabilities;
- e) Accommodation in social units or other social services which care for people living in vulnerable situations;
- f) Payment of health related services, education, and purchase of transportation tickets as part of family reunification, support with funeral services and other services benefiting people living in situations of absolute poverty.

**Article 18**  
**(Beneficiaries)**

The following may benefit from social transfers over a given period of time:

- a) The elderly destitute living in situations of absolute poverty or vulnerability;
- b) People with disabilities living in situations of absolute poverty or vulnerability;
- c) Children living in situations of absolute poverty or vulnerability;
- d) Children heads of households and abandoned children;
- e) Women heads of households living in situations of absolute poverty or vulnerability;
- f) People plagued by misfortune and without adequate means for their survival;
- g) Drug addicts living in deprived families and unable to meet their basic needs;
- h) Prisoners whose families are unable to meet their basic needs;
- i) People living with chronic or degenerative diseases and deprived of the means of ensuring a balanced diet for themselves;
- j) Other vulnerable groups to be defined according to their needs.

**Section III**

**Programs for social integration through work**

**Article 19**

**(Definition)**

These are programmes that guarantee the social integration of beneficiaries through work, developed by the Government or non-governmental organizations, directed at people living in situations of absolute poverty, providing them with opportunities for the development of productive activities through which to support themselves and their families.

**Article 20**  
**(Beneficiaries)**

The following groups may be involved in the programmes or projects that ensure social inclusion through work:

- a) Women heads of households living in situations of absolute poverty;
- b) People with disabilities in situations of absolute poverty;
- c) Other people living in situations of absolute poverty.

**CHAPTER V**

**FINAL PROVISIONS**

**Article 21**

**(Levels and limits)**

The levels and limits of the amounts of monetary transfers to be applied in each of the services relating to the Basic Social Security Subsystem are set by joint decision of the ministers who oversee the areas of social work and finance.

**Article 22**

**(Regulations)**

1. Incumbent upon the Ministers who oversee the social, health and education areas, after consultation with the Coordination Council of the Basic Social Security Subsystem, to define, by ministerial decree, the procedures to follow in the application of these Regulations with regard to the component managed by the respective sector.
2. Incumbent upon the Minister who oversees the area of social action to approve the regulations on the functioning of the Coordination Council of the Basic Social Security Subsystem, after consultation with the Ministers who oversee the components referred to in Article 3 of this Regulation.
3. Incumbent upon the Minister who oversees the area of social action to define the rules for the implementation of the Basic Social Security by religious institutions and non-governmental organizations.

**Article 23**  
**(Revenues)**

Funding for services to be provided in the implementation of the Basic Social Security Subsystem is provided by the following revenue sources:

- a) Allocations from the State Budget;
- b) Contributions, donations, grants or subsidies from public or private entities, domestic or foreign;
- a) Other revenues obtained by any legally permitted means.

**Article 24**  
**(Expenses)**

Benefits in the context of this Act, and other related charges, constitute expenses of the Basic Social Security

**Article 25**  
**(Other minimum benefits)**

Other types of minimum benefits can be defined, taking into account the risk situation or vulnerability of persons or groups in need, and in accordance with the economic conditions of the country.