

Mozambique

National Statistical System

The economic and social transformations operated in the country, from 1987, have created a new scenario for which the statistics legislation in use is shown inadequate.

Being its alteration mandatory, with view to a major collaboration from the inquired entities, the non duplication of efforts, the rationalization and optimization of resources, the technical-methodological harmonization and the extension of the offer of statistical information, with the maximum of quality and minimum costs, under the coverage of the disposed in the number 1 of the article 135 from the Constitution, the Parliament determines:

CHAPTER 1

General Dispositions

SECTION 1

ARTICLE 1

(Creation)

The National Statistical System is created

ARTICLE 2

(Definitions)

For the effects of the present law, it is understood by:

- a) *National Statistical System*, shortly designated as SEN, the organic set comprised by institutions and entities whose competence is the exercising of the official statistics activity.
- b) *Official Statistical Activity*, the set of methods, techniques and procedures of conception, collection, treatment, analysis and diffusion of official statistics information of national interest, from which the undertaking of census, current and eventual surveys, the elaboration of national accounts and of economic, social and demographic indicators, as well as the undertaking of studies, analysis and applied research are detached..
- c) *Statistics Unit*, all single and collective persons of public or private right, who are or practice activities in the country.

ARTICLE 3

(Ambit of the Law)

The present law is applied to all citizens and moreover singular and collective persons of public or private right, who are or practice activities in the national territory.

ARTICLE 4

(Objectives)

SEN has as Objectives:

- a) To ensure the collection, treatment, analysis and diffusion of statistics information necessary to the country, to guide its social-economic development in its different levels;
- b) To optimize the use of human, technical, financial and material resources in the production of official statistics and in the development of national statistics activity, avoiding duplication of efforts and the consequent dilapidation of resources;
- c) To foster the interest from the population, the public and private institutions, and of companies in the national statistics activity, so to promote their participation and collaboration in the collection of pertinent, reliable and opportune statistics data;
- d) To Promote the analysis and use of official statistical information among the public and private institutions and the community in general, for a better objective knowledge of the national reality, as a fundamental tool for decision making at all levels.
- e) To ensure the functioning of a national system of economic, social and demographic information, of official statistical basis, able to satisfy the needs from different users;
- d) To Stimulate and promote, with permanent character, the training and the professional improvement of the personnel attached to the official statistics activity

SECTION II

Principles

ARTICLE 5

(Enumeration)

The Official Statistics Activity lays in the following principles:

- a) Statistical authority;
- b) Statistical secret
- c) Technical autonomy
- d) Impartiality
- e) Transparency
- f) Reliability
- g) Pertinence
- h) Statistical coordination.

ARTICLE 6

(Statistical Authority)

The principle of statistical authority consists of the power conferred to the National Statistics Institute of, in the exercise of statistical activities, undertake surveys with compulsivity of response in the deadlines that are established, as well as undertaking all necessary diligences to the production of statistics.

ARTICLE 7

(STATISTICAL SECRECY)

The principle of Statistical Secrecy consists of the obligation from INE to protect the individual statistical data, concerning singular or collective persons, collected for the production of statistics, against any non -statistical use and non authorized diffusion, foreseeing the safeguarding of the citizens privacy, preserve the competitiveness among economic agents and guarantee trust by the inquired.

ARTICLE 8

(Technical Autonomy)

The principle of technical autonomy consists of the power conferred to INE of, in exercising its statistical activity, freely define the means technically more adjusted to the prosecution of its activity, acting in the ambit of its technical competence with entire independence.

ARTICLE 9

(Impartiality)

The principle of impartiality consists of the right from INE of, in exercising its statistical activity, to produce statistics in an objective, scientific way and with unequivocal basis.

ARTICLE 10

(Transparency)

The principle of transparency consists of the right conferred to the suppliers of individual statistical data, necessary for the production of official statistics, of obtaining information related to the juridical ground, to the purposes for which such data is requested and to the protection measures of its confidentiality and its exclusive use for statistical purposes.

ARTICLE 11

(Reliability)

The principle of reliability consists on the right of INE, in the ambit of SEN, to produce the respective statistics, in such a way that they translate, the more reliable possible, the reality and the phenomenon that it proposes to quantify. INE should, yet, notify the statistical users about the sources and methods used in its production.

ARTICLE 12

(Pertinence)

The principle of pertinence consists in the right from INE to produce statistics related to the specific needs and to collect individual statistics data, limiting to what is strictly necessary for the attainment of the pretended statistics.

ARTICLE 13

(Statistical Coordination)

The principle of statistical coordination consists on the power conferred to SEN of elaborating and approving technical rules, nomenclatures, concepts and definitions standard of mandatory application

by all organs producers of official statistics, in order to ensure harmonization, integration and comparability of statistics produced.

SECTION III

OF STATISTICAL CONFIDENTIALITY

ARTICLE 14

(Statistical confidentiality)

1. All the Statistical information of individual character, collected by organs producers of official statistics, in the ambit of SEN, are of strictly confidential nature, so:
 - a) They cannot be discriminately inserted in any publication or supplied to any persons or entities, nor can a certification be written on them.
 - b) no service or authority can ordain or authorize its exam;
 - c) They constitute Professional Secrecy for all staff or agents from SEN organs, which of them take knowledge, by force of their statistical duties.
2. The individualized information about singular people should never be disclosed.
3. The individualized information about public or private companies should never be published, unless with written authorization from the respective representatives, or after authorization from the Statistical Superior Council, case by case, as long as the needs of planning and economic coordination, the external economical relations or the scientific research are in cause.
4. From the disposed in the no.1 of the present Article, the information about public administration and identification, location and activity from companies and establishments, and others that are generally of public interest and public use are excepted.

CHAPTER II

SEN organs, nature and competences

Section I

SEN Organs

ARTICLE 15

(Organs)

They are organs of SEN:

1. *The Statistical High Council*, shortly designated by CSE;
2. *The National Institute of Statistics*, shortly designated by INE
3. *The Banco de Moçambique (The Central Bank)*, shortly designated by BM;
4. *The Coordinating Council for the General Population and Housing Census*, shortly designated by CCRGP.

SECTION II

Statistical High Council

ARTICLE 16

(Nature)

The Statistical Superior Council is the State organ that excellently guides and coordinates SEN

ARTICLE 17

(Composition)

1. The CSE is Chaired by the Prime Minister or by a member of the government to whom he/she delegates the respective tasks and it is composed of the following members of the board:
 - a) The president of INE;
 - b) A representative from the BM
 - c) A representative of each Central Organ from the State Apparatus;
 - d) Two representatives from national universities to be indicated by the National Council of Superior Teaching;
 - e) Representatives of entrepreneurial associations to the maximum of three, from which one from the area of industry, one from agriculture and another for commerce.
2. The CSE president may invite, whenever necessary, other entities.

ARTICLE 18

(Competences)

It competes to CSE in the ambit of SEN:

- a) To define the general guidelines of the national statistical activity and establish the respective priorities;
- b) Appreciate the INE plan of activity and the corresponding annual report
- c) Promote and ensure the SEN coordination approving, under INE proposal, concepts, definitions, nomenclatures and other technical instruments of statistical coordination of mandatory use in the development of official statistical activities;
- d) Foster the use of administrative acts for statistical purposes, formulating recommendations with view to the use, in administrative documents, of concepts, definitions and statistical nomenclatures, as well as the access to the respective data;
- e) Always notify about projects or proposals of law that create statistical services or that contain any norms that fall upon the structure or functioning of SEN;
- f) Care for the observance of the statistical secrecy and decide about the proposals of releasing of the statistical secrecy, in terms of the number 3 of the article 14 from the present law;
- g) To Pronounce oneself, at Government's request, about general norms and principles that should regulate the production of official statistical data;
- h) Give an opinion about bilateral and multilateral cooperation projects in the dominium of statistics developed in the country;

- i) Issue an opinion about the proposals of delegation of competencies from INE in other services, as well as about proposals of the respective rescission;
- j) approve the internal regulation

SECTION III

NATIONAL INSTITUTE OF STATISTICS

ARTICLE 19

(Nature, Purpose and competence)

1. The National Institute of Statistics is the SEN Executive Central Organ that has as objective the notation, selection, coordination and diffusion of the country's official statistical information and reports to the Council of Ministers.
2. It competes to INE the undertaking of the Country's official statistical activity. The other competencies, as well as their functioning, will be established in its statutes and rules.

SECTION IV

Banco de Moçambique (The Central Bank)

ARTICLE 20

(Competence)

It competes to the Banco de Moçambique (The Central Bank), in terms of the Law no.1/92, of 3rd January, to ensure the centralization and compilation of monetary and exchange statistics that may be deemed necessary to the prosecution of an efficient policy in those dominium

SECTION V

Coordinating Council for the General Population Census

ARTICLE 21

(nature and competence)

1. The Coordinating Council of the General Population Census is the SEN organ responsible for the directorship of the census and the census process.
2. The composition and functioning of the CCRGP are regulated by proper law.

CHAPTER III

Of Extraordinary Collection of Data and Statistical Transgressions

SECTION I

Extraordinary Data Collection

ARTICLE 22

(Extraordinary Collection)

INE may proceed to the extraordinary collection of statistical information, in the cases foreseen in the no.1 of the article 24 from the present law.

ARTICLE 23

(Statutes of INE Staff)

The staff in charge of the extraordinary collection of data are considered authority agents, whilst they are in the undertaking of such tasks, and can request, from the other authorities, all the collaboration they may need.

ARTICLE 24

(Information and exhibition of books and documents)

1. The provision of information requested by accredited staff for the extraordinary collection of data, as well as the exhibition of pertinence books and documents requested by them is mandatory.
2. The refusal in supplying the statistical information or the exhibition of books and documents, as well as their falsity, is punishable with the penalties applied to the crimes of disobedience and false declarations, foreseen in the Penal Code.

SECTION II

Statistical Transgressions

ARTICLE 25

(Enumeration)

1. It constitutes statistical transgression, in terms of the present law:
 - a) The non supply of statistical information in the established terms.
 - b) The supply of inexact information, insufficient or susceptible to induce to an error;
 - c) The supply of information in patterns different from the ones that are defined;
 - d) The denial to the diligences from staff or agents from SEN organs, in view to direct collection of statistical information through inter view.

SECTION III

Penalties

ARTICLE 26

(Nature of the Penalties)

The statistical transgressions foreseen in the previous article are susceptible of a fine, whose amount will be graduated according to its gravity and the circumstances under which they occur.

ARTICLE 27

(Fines)

1. The following transgressions will be punished with a fine from 200 000,00 to 3 000 000,00 Mts:
 - a) Incomplete accomplishment of statistical questionnaires;
 - b) inobservance of norms or expressed instructions of statistical annotation contained in the questionnaires;
 - c) non fulfillment of the terms fixed for the return of statistical questionnaires duly completed.
2. The following transgressions will be punished with a fine from 5 000 000,00 to 10 000 000,00:
 - a) Deliberated supply of inexact statistical data;
 - b) Non supply of requested statistical data;
 - c) Proven withholding of information
3. It is considered a proven withholding of information the refusal, from the addressee, of receiving documents sent by the organs producers of official statistics, in the ambit of SEN, under registration of the mail with a reception warning, or through protocol.
4. The payment of fines does not release the transgressors from supplying of the missing information.
5. For the infractions committed by collective persons, they are personally and **solidarity** responsible their leaders, management bodies or organs from the directorate, on duty by the time the infraction is practiced.

ARTICLE 28

(Breaching of the Statistical Secrecy)

The staff and agents from the SEN organs that breach the principle of the statistical secrecy, are subject to disciplinary responsibility, without prejudice of civil or criminal responsibility.

ARTICLE 29

(Worsening Circumstances of Fines)

1. they are aggravating circumstances for the determination of the value of the fine, without prejudice to the established in the general law:
 - a) The importance of the activity developed by the transgressor;

- b) The importance of the statistical data not supplied concerning the set of data to render;
 - c) If the transgressor was warned that he was in fault
 - d) the lack of response to the official letters sent by the organs producers of official statistics, in the ambit of SEN
 - e) If the infraction occurred to obstruct or delay any diffusion or publication of official statistics
2. In case of relapse, the amount of the fine will be the double of the normally applicable for the transgression.
3. Relapsing is verified always that, in a period of two years, counting from the date of definite transgression, the offender practices another statistical transgression.
4. The processes of statistical transgression are exempted of costs.

ARTICLE 30

(competence for application of fines)

1. It is the competence of the INE President, or to whom he delegates the power, to apply all the duly fines for the statistics transgressions committed.
2. From the decisions from the INE President, concerns the appeal to the CSE President who will decide, without prejudice of the competencies of the Administrative Court.

ARTICLE 31

(updating of fines)

The amount of the fines established in the article 26 of the present law, may be updated by the Council of Ministers.

ARTICLE 32

(Destination of Fines)

The amounts charged by the application of fines in process of statistical transgression, as well as by the extraordinary collection of data, constitute a revenue for INE or BM, according to the nature of the infraction.

CHAPTER IV

Final Dispositions

ARTICLE 33

(Exception to the application of penalties)

The penalties foreseen in the present law do not apply to the General Population Census

ARTICLE 34

(MAKING OF REGULATIONS)

The Council of Ministers will rule the application of the law, within a period of hundred and eighty days counted from the date of its approval.

ARTICLE 35

(Revocatory Rule)

All the legal dispositions that are contrary to the present law are revoked..

ARTICLE 36

(Validity)

The present law enters into force sixty days after the date of its publication.

Approved by the Parliament, by the 4th May, 1996.

The President of the Parliament, Eduardo Joaquim Mulêmbue'

Promulga ted on the 5th July, 1996

Be Published.

The President of the Republic, JOAQUIM ALBERTO CHISSANO