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### **Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

## **Mozambique**

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.



## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### 1. International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1983)	OP-CAT (2014)	ICESCR
	ICCPR (1993)	ICRMW (2013)	ICPPED (signature, 2008)
	ICCPR-OP 2 (1993)	CRPD (2012)	
	CEDAW (1997)		
	CAT (1999)		
	CRC (1994)		
	OP-CRC-AC (2004)		
	OP-CRC-SC (2003)		
<i>Reservations and/or declarations</i>	ICERD (reservation: art. 22, 1983)		
	OP-CRC-AC (declaration: art. 3 (2), 2004)		
<i>Complaints procedures, inquiries and urgent action<sup>3</sup></i>	OP-CEDAW, art.8 (2008)	OP-CRPD, art. 6 (2012)	ICERD, art. 14
	CAT, art. 20 (1999)		OP-ICESCR
			ICCPR, art. 41
			ICCPR-OP 1
			CAT, arts. 21 and 22
			OP-CRC-IC
			ICRMW, arts. 76 and 77
			ICPPED (signature, 2008)

#### 2. Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide		Rome Statute of the International Criminal Court (signature, 2000)
	Palermo Protocol <sup>4</sup>		

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
1951 Convention relating to the Status of Refugees and its 1967 Protocol	1954 Convention relating to the Status of Stateless persons (accession, 2014)  1961 Convention on the Reduction of Statelessness (accession, 2014)	
Geneva Conventions of 12 August 1949 and Additional Protocols I and II <sup>5</sup>		Additional Protocol III to the 1949 Geneva Conventions <sup>6</sup>
ILO fundamental conventions <sup>7</sup>		ILO Conventions Nos. 169 and 189 <sup>8</sup>  Convention against Discrimination in Education

1. Mozambique was encouraged to become a party to ICESCR, OP-ICESCR, ICCPR-OP 1 and ICCPED.<sup>9</sup> In 2014, the Special Rapporteur on extreme poverty and human rights expressed concern that Mozambique had not ratified ICESCR and indicated that that represented a major gap in its commitments.<sup>10</sup>

2. In 2013, the Committee against Torture recommended that Mozambique make the declarations provided for in articles 21 and 22 of the Convention.<sup>11</sup>

3. The United Nations country team noted that, among the achievements made with regard to the implementation of the recommendations from the universal periodic review, Mozambique had become a party to ICRMW, CRPD and OP-CRPD, OP-CAT, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>12</sup>

4. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Mozambique, in accordance with the recommendation<sup>13</sup> that Mozambique had accepted during its first universal periodic review, withdraw its reservations to the 1951 Convention relating to the Status of Refugees, so as to strengthen the protection environment and facilitate the local integration of refugees.<sup>14</sup> The Human Rights Committee, the Committee against Torture and the country team made similar recommendations.<sup>15</sup>

5. The United Nations Educational, Scientific and Cultural Organization (UNESCO) indicated that Mozambique should be encouraged to ratify the Convention against Discrimination in Education.<sup>16</sup>

## **B. Constitutional and legislative framework**

6. The country team noted that in 2014, Mozambique had adopted a new Penal Code replacing the previous Code from 1886, which reinforced its compliance with obligations with regard to women and children's rights, including obligations to criminalize various forms of sexual violence and abuse.<sup>17</sup>

7. UNESCO noted the adoption in 2014 of the access to information bill.<sup>18</sup>

## C. Institutional and human rights infrastructure and policy measures

8. UNHCR and the country team noted that in 2012, Mozambique had established a national human rights commission pursuant to Law 33/2009 of 2009.<sup>19</sup> UNHCR recalled that Mozambique had supported recommendations<sup>20</sup> on that topic during the first cycle of the universal periodic review.<sup>21</sup> The Human Rights Committee was concerned at the reported lack of independence of the National Human Rights Commission and urged Mozambique to ensure that it enjoyed full independence and was afforded the necessary resources to carry out its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).<sup>22</sup> The Special Rapporteur on extreme poverty expressed the hope that economic, social and cultural rights were included in the Commission's mandate.<sup>23</sup>

9. The country team also noted that an Ombudsman was elected by Parliament in 2012. The Ombudsman is a State body whose function is to ensure the rights of citizens and defend the legality of the performance of public administration. However, implementation of his recommendations were a challenge as they were not mandatory.<sup>24</sup>

## II. Cooperation with human rights mechanisms

10. The country team stated that the Directorate for Human Rights had developed a monitoring and evaluation framework for the implementation of recommendations outlined in the national action plan to ensure the effective implementation of recommendations made under the universal periodic review. The plan was designed to coincide with the national five-year development plan, the United Nations Development Action Framework, the Action Plan for Poverty Reduction and various sectoral plans.<sup>25</sup>

### A. Cooperation with treaty bodies

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
Committee on the Elimination of Racial Discrimination	August 2007	-	-	Combined thirteenth and fourteenth reports overdue since 2010
Human Rights Committee	-	2012 (initially due in 1994)	October 2013	Second report due in 2017
Committee on the Elimination of Discrimination against Women	May 2007	-	-	Combined third and fourth reports overdue since 2010
Committee against Torture	-	2012 (initially due in 2000)	November 2013	Second report due in 2017
Committee on the Rights of the Child	September 2009	-	-	Combined third and fourth reports due in 2016; initial report on OP-CRC-AC overdue since 2006; initial report on OP-CRC-SC overdue since

			2005
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families	-	-	Initial report overdue since 2014
Committee on the Rights of Persons with Disabilities	-	-	Initial report overdue since 2014

## 2. Responses to specific follow-up requests by treaty bodies

### Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
Human Rights Committee	2014	Arbitrary arrest or detention and legal guarantees; conditions of detention; insufficient number of judges, inadequate training and right to a fair trial <sup>26</sup>	Reminders sent in 2014 <sup>27</sup> and 2015 <sup>28</sup>
Committee against Torture	2014	Legal safeguards for persons in detention; investigation of the involvement of members of law enforcement agencies in extrajudicial executions and other unlawful killings; torture and ill-treatment <sup>29</sup>	Reminder sent in 2014 <sup>30</sup>

11. The Committee against Torture regretted that the initial report of Mozambique did not fully conform to the Committee's guidelines and that it was submitted with a 12-year delay.<sup>31</sup>

## B. Cooperation with special procedures<sup>32</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	Health Foreign debt Internally displaced persons Independence of judges and lawyers	Extreme poverty
<i>Visits agreed to in principle</i>	Water and sanitation Health	Food

<i>Visits requested</i>	Human rights defenders	Health
	Summary executions	Sale of children
<i>Responses to letters of allegation and urgent appeals</i>	During the period under review, one communication was sent. The Government did not reply to the communication.	

### **C. Cooperation with the Office of the United Nations High Commissioner for Human Rights**

12. Mozambique contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2013.<sup>33</sup>

13. OHCHR supported activities in Mozambique, including the National Conference on Business and Human Rights<sup>34</sup> and training for the National Human Rights Commission.<sup>35</sup> The Regional Office contributed to the increased awareness of the importance of developing a policy on business and human rights, including by undertaking a mission to Maputo with an OHCHR expert on business and human rights.<sup>36</sup>

## **III. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **A. Equality and non-discrimination**

14. The Special Rapporteur on extreme poverty indicated that despite gains made in political representation, social indicators demonstrated that women were lagging behind men in most social and economic measures. A deeply embedded patriarchal sociocultural order, along with a lack of implementation of laws and policies at the institutional level, hindered significant and measurable progress towards gender equality.<sup>37</sup> In addition, the Human Rights Committee expressed concern that women were vulnerable to discrimination under customary law, including in respect of inheritance and access to land.<sup>38</sup> The Committee urged Mozambique to combat stereotypes on the role of women.<sup>39</sup>

15. The country team and the Human Rights Committee noted the prolonged delays in registering the Mozambique Association for Sexual Minority Rights (Lambda), a non-governmental organization defending the rights of homosexuals.<sup>40</sup>

### **B. Right to life, liberty and security of the person**

16. The country team noted that the ongoing political tension between the Government and the main opposition party, *Renamo*, had led to armed confrontation in the central region of the country in 2014, which had resulted in the loss of human lives and destruction of infrastructure. Following the signature of a cease fire in September 2014, presidential and parliamentary elections were held in October 2014 and a new Government was sworn in January 2015.<sup>41</sup>

17. The country team stated that in recent years, the country had been characterized by increased insecurity, particularly in the main cities. It also noted that, at the same time, the circulation of small weapons outside the control of the authorities and the tendency to apply justice outside of formal institutions were increasing.<sup>42</sup> The Committee against Torture and

the Human Rights Committee were concerned at the persistence of lynching, and urged Mozambique to prevent and investigate lynchings, and prosecute and punish those responsible.<sup>43</sup>

18. The Committee against Torture was concerned about allegations of unlawful killings, including extrajudicial executions, by members of the police force and that the police resorted to excessive force, especially when apprehending suspects and controlling demonstrations. It urged Mozambique to investigate promptly, effectively and impartially all allegations of the involvement of members of law enforcement agencies in extrajudicial killings, as well as allegations of excessive force, and to provide the victims with redress.<sup>44</sup> The Human Rights Committee raised similar concerns.<sup>45</sup>

19. The Committee against Torture urged Mozambique to ensure that all instances of death in custody were promptly investigated and that those found responsible for such deaths as a result of torture, ill-treatment or wilful negligence were convicted and adequately punished.<sup>46</sup>

20. The Committee against Torture expressed concern at persistent impunity for police officers and prison officials who torture or ill-treat arrested and detained persons. It urged Mozambique to ensure that all such allegations were promptly, thoroughly and impartially investigated, perpetrators duly prosecuted and, if found guilty, sentenced to adequate penalties.<sup>47</sup> The Committee was also concerned that victims of torture and ill-treatment hardly ever received redress, and recommended that Mozambique ensure redress for victims.<sup>48</sup>

21. The Human Rights Committee expressed concern at reports of arbitrary arrests and detention, including of children.<sup>49</sup> The Committee against Torture and the Human Rights Committee were also concerned at reports of prolonged pretrial detention beyond legally prescribed limits and continued detention after the expiry of sentences.<sup>50</sup>

22. The country team stated that the prison system continued to face challenges with lengthy pretrial detention and harsh prison conditions. It stated that violence was common, prisons were overcrowded and had dilapidated infrastructures and insufficient water supply and sanitation facilities. It also mentioned the shortage and poor quality of food and the high prevalence of infectious diseases.<sup>51</sup> The Committee against Torture and the Human Rights Committee expressed similar concerns and recommended that Mozambique set up a system to regularly monitor places of detention, improve detention conditions and reduce overcrowding.<sup>52</sup>

23. In 2014, OHCHR noted that the National Human Rights Commission had visited prisons and detention centres in the provinces, which marked its first monitoring undertaking in its capacity as a national preventive mechanism.<sup>53</sup>

24. The country team reported that Mozambique had implemented the relevant recommendations from the first universal periodic review with the approval of the Integrated Multisector Mechanism for Assistance to Women Victims of Violence, with a view to offering quality services, encouraging complaints and effectively implementing the law.<sup>54</sup> The Special Rapporteur on extreme poverty stated that gender-based violence remained a serious problem despite the establishment of a political and legal framework to address the issue, which included a law against domestic violence and the establishment of specialized police services and a system offering assistance to victims. The Special Rapporteur was concerned about the lack of effective implementation.<sup>55</sup> The Human Rights Committee was concerned about the persistence and low reporting of such crimes owing to traditional societal attitudes and urged Mozambique to combat gender-based violence in all its forms and manifestations.<sup>56</sup>

25. In 2011, the Special Rapporteur on the independence of judges and lawyers recommended that Mozambique continue expanding coverage of the offices on violence against women and children and provide specific training to police and other officials providing assistance to women and children.<sup>57</sup>

26. The Human Rights Committee was concerned about reports of stigmatization and violence against older women accused of witchcraft. It urged Mozambique to protect older women accused of witchcraft from ill-treatment and abuses.<sup>58</sup>

27. The Committee against Torture remained concerned about the persistence of child debt bondage and corporal punishment (whipping) inflicted by some traditional authorities. The Committee urged Mozambique to combat harmful traditional practices, particularly in rural areas, and to ensure that its customary law and practices were compatible with its human rights obligations.<sup>59</sup>

28. The Human Rights Committee noted that child abuse and sexual exploitation, including in schools, were often not reported to the authorities because the families tried to get compensation from the perpetrators outside of the court system.<sup>60</sup> The country team recommended that Mozambique carry out a survey on violence against children; adopt behaviour change strategies to break the culture of silence and underreporting of violence against children; create friendly mechanisms for children to report violence; and strengthen mechanisms to increase conviction of sexual offenders.<sup>61</sup> The Committee against Torture recommended that Mozambique prohibit corporal punishment of children in all settings.<sup>62</sup>

29. The country team stated that child labour was still a concern in Mozambique, in both the formal and informal sectors. It noted that the Labour Law established the minimum age for employment as 15 years of age, nonetheless, according to the Multiple Indicator Cluster Survey (2008), 22 per cent of children between the ages of 5 and 14 years were engaged in child labour.<sup>63</sup> The Human Rights Committee was concerned about the high rate of child labour, especially in the agricultural sectors and domestic services, and about reports of sexual exploitation of children. The Committee urged Mozambique to implement the existing policies and laws to eradicate child labour and sexual exploitation of children and ensure that those responsible for the violations of those laws were prosecuted.<sup>64</sup>

30. The Committee against Torture noted the efforts made to prevent trafficking, but was concerned at internal and cross-border human trafficking for the purpose of sexual exploitation or forced labour, as well as trafficking in organs.<sup>65</sup> The Human Rights Committee was concerned that cases of trafficking were underreported for fear of reprisals and at reports of trafficking in body parts by so-called witch doctors. It urged Mozambique to strengthen efforts to prevent, suppress and punish trafficking in persons and trafficking in body parts and to protect victims of trafficking from reprisals.<sup>66</sup>

### **C. Administration of justice, including impunity, and the rule of law**

31. The Special Rapporteur on the independence of judges and lawyers stated that, despite the encouraging constitutional, legal and policy framework, several obstacles remained to the institutional independence and impartiality of the judiciary.<sup>67</sup> The Special Rapporteur recommended that Mozambique redouble its efforts to uphold the independence of the judiciary and to that end, consider undertaking constitutional and legal reforms aimed at strengthening the principles of the separation of powers and checks and balances and establish safeguards to ensure the budgetary allocations for the judiciary and the financial autonomy of the courts at all levels, the Office of the Attorney-General and the Institute for Legal Assistance and Representation.<sup>68</sup>

32. The country team noted that despite positive developments, the judiciary and social services were areas where most weaknesses were still identified, including understaffing;



inadequately trained social workers and law enforcement officials; insufficient police capacity to address issues such as guaranteeing public order and security; and unavailability of legal aid throughout the country.<sup>69</sup> The Committee against Torture remained concerned about the low number of magistrates and the backlog of cases in the courts.<sup>70</sup> The Human Rights Committee recommended that Mozambique urgently increase the number of qualified and trained judicial personnel and continue efforts to decrease delays in proceedings.<sup>71</sup>

33. The Committee against Torture was concerned that arrested and detained persons were not always afforded all fundamental legal guarantees.<sup>72</sup> The Human Rights Committee raised similar concerns and recommended that Mozambique ensure that detained persons enjoyed all legal guarantees, in compliance with ICCPR.<sup>73</sup>

34. The Special Rapporteur on the independence of judges and lawyers recommended that Mozambique, with the assistance of the international community, provide all required support to the Institute for Legal Assistance and Representation to enable it to achieve effective representation throughout the territory and obtain the administrative and financial autonomy necessary for carrying out its functions.<sup>74</sup> The Committee against Torture made a similar recommendation.<sup>75</sup>

35. The country team noted that cultural values and customary laws could prevent women and children from enjoying their constitutional rights. It also noted the low level of human rights awareness and poor capacity-building initiatives of traditional judges and community leaders when addressing issues at the community level.<sup>76</sup>

36. The country team indicated that there had been an increase in the number of offences committed by minors and noted that, according to the Ministry of Justice, 13 per cent of the prison population were between the ages of 16 and 21 years.<sup>77</sup> The Committee against Torture was concerned that pretrial detention was frequently applied to juveniles. It urged Mozambique to ensure that pretrial detention was used for juveniles only as a measure of last resort and for the shortest period of time possible, and that all juveniles in conflict with the law were held separately from adults.<sup>78</sup>

37. The country team noted that the Council of Ministers had approved an anti-corruption package in 2011.<sup>79</sup> The Special Rapporteur on extreme poverty expressed disappointment that corruption continued to blight the country's administration, aided by gaps in the legal framework, and emphasized that corruption seriously undermined the State's capacity to fulfil human rights obligations, with a disproportionate impact on those living in poverty.<sup>80</sup> The Special Rapporteur recommended that Mozambique strengthen cooperation between the Central Office for Combating Corruption and other law enforcement agencies.<sup>81</sup>

#### **D. Right to privacy, marriage and family life**

38. The Special Rapporteur on extreme poverty stated that Mozambique had extremely high rates of child marriage, with 38 per cent of girls 15 to 19 years old being mothers or pregnant in 2011. The Special Rapporteur stated that those girls had little or no access to information on reproductive health, which left them vulnerable to adolescent pregnancy and sexually transmitted diseases, including HIV/AIDS. Child marriage and adolescent pregnancy also resulted in low secondary school enrolment and completion rates for girls.<sup>82</sup> The Human Rights Committee and the country team expressed similar concerns.<sup>83</sup>

39. The country team stated that articles in the previous Penal Code, which provided for the imposition of "security measures against those who habitually commit vices against nature" which, upon interpretation, could be used to criminalize sexual relations among same sex people had been removed.<sup>84</sup> The country team noted that even though

Mozambique had not accepted the relevant recommendation from the first universal periodic review, it had been partially fulfilled with the review of the Penal Code.<sup>85</sup>

#### **E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

40. UNESCO noted that defamation was a criminal offence and could lead to fines and prison terms of up to two years;<sup>86</sup> it recommended that Mozambique decriminalize defamation and place it within a civil code in accordance with international standards.<sup>87</sup> The Human Rights Committee made a similar recommendation.<sup>88</sup>

41. The Human Rights Committee was concerned about arbitrary arrests of participants in peaceful demonstrations and the use of tear gas, water cannons, rubber bullets and batons by police during demonstrations. It urged Mozambique to ensure that the right to freedom of assembly was safeguarded in practice.<sup>89</sup>

42. While noting the progress made, particularly at high levels of Government, the Human Rights Committee expressed concern at the low representation of women in decision-making positions at the local level. It urged Mozambique to effectively implement and enforce the existing relevant legal and policy frameworks on gender equality and non-discrimination and to increase the representation of women in decision-making positions at the local level.<sup>90</sup> The Special Rapporteur on extreme poverty made a similar recommendation.<sup>91</sup>

#### **F. Right to work and to just and favourable conditions of work**

43. The country team noted that the unemployment rate remained high despite the reported economic growth associated with investments in extractive industries. Youth was the mostly affected.<sup>92</sup>

44. The country team also noted information that in Mozambique, there were more women (24 per cent) unemployed than men (16 per cent), and more women (56.8 per cent) than men (43.2 per cent) working in the informal sector. Women were mainly employed in rural areas, started to work earlier, had jobs of poorer quality and had more difficulties accessing credit.<sup>93</sup>

45. In 2013, the ILO Committee of Experts on the Application of Conventions and Recommendations asked the Government to take steps to amend the Labour Act No. 23/2007, so that it fully reflected the principle of equal remuneration for men and women for work of equal value.<sup>94</sup>

#### **G. Right to social security and to an adequate standard of living**

46. The Special Rapporteur on extreme poverty and the country team noted Mozambique's rapid economic growth over the past two decades, one of the fastest in sub-Saharan Africa.<sup>95</sup> The Special Rapporteur noted, however, that economic growth had failed to reach the most disadvantaged in society and had not been leveraged into a significant reduction in poverty.<sup>96</sup> The country team noted that chronic malnutrition remained a major health challenge in the country and more than half of the population (54 per cent) lived below the poverty line.<sup>97</sup>

47. The Special Rapporteur on extreme poverty stated that immediate measures must be taken to support older persons caring for orphaned children. She noted that they often lived in extremely precarious circumstances and had to deal with their own health concerns.<sup>98</sup>

48. The Special Rapporteur recommended that Mozambique ensure that adequate resources were provided to implement the Poverty Action Reduction Plan, improve identification of beneficiaries, re-evaluate criteria to ensure social security schemes reached the poorest and most disadvantaged sectors of society and effectively implement the Law on the Promotion and Protection of Older People's Rights.<sup>99</sup>

49. The Special Rapporteur on extreme poverty stated that the right to access to land was essential for reducing poverty in Mozambique, given that 61 per cent of the population lived in rural areas. However, lack of capacity at the State level, a general lack of awareness of rights and participation at the community level and failure by local Government and prospective land developers to recognize the extent of community land holdings had resulted in frequent land disputes or other tensions.<sup>100</sup> Moreover, the demand for housing in Mozambique was increasing and migration to urban areas was putting pressure on resources. The Special Rapporteur recommended that Mozambique implement the Land Law of 1977 and take measures to eliminate sociocultural barriers preventing women from exercising their right to land and ensure that the physical infrastructure required for housing to be considered adequate, including access to water, sanitation and electricity, was in place for all members of society, particularly the most vulnerable.<sup>101</sup>

50. The country team indicated that, only about half of all Mozambicans drank water from improved sources in 2011, and about 40 per cent of the population spent more than 30 minutes collecting water. Less than one in four Mozambicans used improved sanitation infrastructures and 39 per cent still practised open defecation. The use of unimproved water supply sources and sanitation methods was a major threat to the health of Mozambicans and was the cause of the majority of diarrhoea deaths globally.<sup>102</sup>

## H. Right to health

51. The country team stated that the prevailing high maternal mortality and morbidity ratios were indicators of structural discrimination against women and girls and denial of their sexual and reproductive health rights. Although child survival had improved substantially over the past 15 years the current levels of mortality were still among the highest in the world. Contraceptive use was low, which partly explained the high levels of early and unwanted pregnancies.<sup>103</sup> The Special Rapporteur on extreme poverty was particularly concerned about the situation facing rural women with regard to access to sexual and reproductive health care.<sup>104</sup> The country team also noted that the new Penal Code allowed for abortions to be performed by health professionals in public or private health facilities before the twelfth week of pregnancy.<sup>105</sup>

52. The Special Rapporteur recommended that Mozambique take immediate steps to reduce the mortality rate of newborns and children under 5 years; ensure that all women have access to quality sexual and reproductive health services; and ensure that sufficient financial resources are allocated to the national health services in the national budget.<sup>106</sup>

53. The country team stated that life expectancy had improved slightly but continued to be affected by an epidemiological profile dominated by communicable diseases such as malaria, HIV, tuberculosis and the growing burden of non-communicable diseases.<sup>107</sup> The country team also noted that HIV and AIDS continued to be a major challenge and that 11.5 per cent of the population were infected, with the majority being women. It stated that the Government had not increased the national budget for HIV response, which continued to be sustained by external assistance.<sup>108</sup>

54. The Special Rapporteur on extreme poverty indicated that the effect of HIV/AIDS on children was devastating, with an estimated 19,000 child deaths due to AIDS in 2008, and 180,000 children under 14 years living with HIV. The number of orphans and

vulnerable children whose situations were due to HIV/AIDS was estimated to be 740,000.<sup>109</sup>

55. The country team recommended that Mozambique scale up comprehensive HIV and AIDS prevention interventions to cover the five areas of the National Accelerating Strategic Plan, redouble efforts to achieve the universal malaria prevention coverage<sup>110</sup> and increase financial support to address maternal and newborn mortality, including the reduction in the overall pregnancy rate.<sup>111</sup>

## **I. Right to education**

56. The country team stated that although access to education had increased, quality continued to be a challenge and the rate of students completing primary school was very low. In 2012, only 55 per cent of children had completed primary education and every year many children completed primary education with deficiencies in reading and writing. The country team indicated that the law on the national education system (Law 6/92) should be reviewed and aligned with the 2004 Constitution and the quality of infrastructures should be improved.<sup>112</sup>

57. UNESCO noted that Mozambique continued to improve the implementation of the right to education but that insufficient measures had been taken to address discrimination against girls in schools and to combat the causes which impeded girls from completing their education.<sup>113</sup> It stated that Mozambique should be encouraged to address discrimination against girls in schools and harassment and abuse of girls in the education system.<sup>114</sup> The Special Rapporteur on extreme poverty noted that in one survey, 70 per cent of girl respondents reported that some teachers used sexual acts as a condition for promotion between grades and 50 per cent stated that they faced sexual abuse from teachers and boys in their peer groups. Those crimes often go unpunished, as girls were unwilling to report abuse.<sup>115</sup> The Committee against Torture urged Mozambique to eradicate violence and sexual abuse against girls in schools, implement all protective measures necessary to do so and ensure that victims obtained redress.<sup>116</sup>

58. The Special Rapporteur was concerned at reports that girls were often forced to attend night schools when they became pregnant, and at order (*despacho*) No. 39/GM/2003, issued in 2003 by the Ministry of Education, which prohibits pregnant girls from attending day classes. The Special Rapporteur recommended that Mozambique revise the order (*despacho*) in line with its human rights obligations.<sup>117</sup>

## **J. Persons with disabilities**

59. The Special Rapporteur on extreme poverty noted that the living conditions of persons with disabilities were generally much more precarious than the living conditions of the rest of the population and that persons with disabilities suffered from considerable discrimination and stigmatization.<sup>118</sup> The Special Rapporteur recommended that Mozambique ensure that its legislation was in line with its obligations under CRPD; take appropriate measures to ensure that persons with disabilities had equal access to transportation, information and means of communication; and implement awareness-raising campaigns at the community level to eliminate discrimination against persons with disabilities.<sup>119</sup>

## K. Migrants, refugees and asylum seekers

60. UNHCR noted that since 2010, Mozambique and its neighbouring countries had faced growing challenges related to the identification of persons in need of international protection moving in mixed migration flows.<sup>120</sup> UNHCR recommended that Mozambique further strengthen its policies on managing mixed migratory movements in a protection-sensitive manner and enhance the awareness and capacity of border officials and law enforcement officials.<sup>121</sup>

61. The country team was concerned about the practice of detaining irregular migrants in conditions that did not meet the standards for migrants held in detention, including the following: lack of registration of irregular migrants; lack of contact with the outside world; lack of judicial review; and poor conditions of stay in police offices or squad stations.<sup>122</sup>

62. UNHCR stated that enjoyment of the rights covered by reservations made by Mozambique to the 1951 Convention relating to the Status of Refugees was unpredictable and could be restricted at any moment through a ministerial regulation or policy. It noted, however, that Mozambique had generally maintained a generous approach in practice. UNHCR recommended that the Government review the Refugee Act No. 21/1991 and Decree No. 33/2007 in order to establish a rights-based legal framework that reflected the positive arrangements already in place.<sup>123</sup>

63. UNHCR indicated that the process for determining refugee status remained lengthy and that the second instance process was a challenge owing to the complexity of the procedure at the Administrative Tribunal and the backlog of applications. UNHCR recommended that the Government continue to work towards reducing the backlog of asylum applications, and streamline the appeal process and reinforce the capacity of the Administrative Tribunal.<sup>124</sup>

64. UNHCR noted that the main causes of statelessness in Mozambique were legal gaps, low registration rates and lack of documentation, combined with long-term migration patterns. It stated that no new legislation had been enacted to regulate the revised 2004 Constitution, therefore the applicability of the inconsistent provisions of the 1975 Nationality Act and its implementing regulations was contested. In addition, based on the 2007 Census, it was possible to identify a significant number of undocumented persons in the country. UNHCR recommended that Mozambique identify stateless persons and those of unknown or undetermined nationality in the 2017 Census and include fields in the survey that would assess the root causes of the lack of documentation, undertake a review of the 1975 Nationality Act and implementing regulations to bring them into line with the 2004 Constitution and the conventions on refugees and stateless persons.<sup>125</sup>

65. The Human Rights Committee noted that registration of children remained low and that there were deficiencies in the registration of children who were not born in maternity hospitals or whose parents were absent. It urged Mozambique to ensure the registration of children, including by setting up special units outside of maternity hospitals that reached all areas of the country.<sup>126</sup>

## L. Right to development, and environmental issues

66. The Special Rapporteur on extreme poverty stated that despite the economic growth in recent years, development partners and donors were still crucial to poverty reduction and equitable growth efforts. In 2012, foreign aid constituted almost 50 per cent of the State budget. While welcoming the efforts of the international community to provide assistance, the Special Rapporteur called on the international community to ensure consistency and to implement and guarantee a long-term strategy.<sup>127</sup>

67. The Special Rapporteur noted that in the past 35 years, Mozambique had experienced more than 35 extreme weather and flooding events, which had had significant impacts on the population that were exacerbated by widespread deep poverty and a lack of resilience. Mozambique had also witnessed a dramatic change in its environmental landscape owing to the increasing number of mining projects. The Special Rapporteur noted information received about the negative impact that some of those projects have had on communities living in the surrounding areas, including restrictions on access to land and natural resources.<sup>128</sup>

68. The Special Rapporteur recommended that Mozambique ensure that communities affected by resettlement efforts can participate in a meaningful way in all stages of the resettlement process, including by providing them with information in an accessible and timely manner. The Special Rapporteur also recommended that Mozambique promote a national debate around environmental sustainability and establish mechanisms for corporate accountability, in line with the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework.<sup>129</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Mozambique from the previous cycle (A/HRC/WG.6/10/MOZ/2).

<sup>2</sup> The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

- <sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); For the official status of ratifications, see International Committee of the Red Cross, [www.icrc.org/IHL](http://www.icrc.org/IHL).
- <sup>6</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, [www.icrc.org/IHL](http://www.icrc.org/IHL).
- <sup>7</sup> International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).
- <sup>8</sup> ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169); and Domestic Workers Convention, 2011 (No. 189).
- <sup>9</sup> See CAT/C/MOZ/CO/1, para. 30; and CCPR/C/MOZ/CO/1, para. 5.
- <sup>10</sup> See A/HRC/26/28/Add.1, para. 11.
- <sup>11</sup> See CAT/C/MOZ/CO/1, para. 29.
- <sup>12</sup> United Nations country team submission for the universal periodic review of Mozambique, p. 2.
- <sup>13</sup> For the full text of the recommendation see A/HRC/17/16, para. 88.9 (Ecuador).
- <sup>14</sup> UNHCR submission for the universal periodic review of Mozambique, p. 5.
- <sup>15</sup> See CCPR/C/MOZ/CO/1, para. 16; CAT/C/MOZ/CO/1, para. 30; and the country team submission for the universal periodic review of Mozambique, p. 14.
- <sup>16</sup> See UNESCO submission for the universal periodic review of Mozambique, para. 39; also the country team submission, p. 13.
- <sup>17</sup> Country team submission for the universal periodic review of Mozambique, p. 3.
- <sup>18</sup> See UNESCO submission for the universal periodic review of Mozambique, para. 31; also the country team submission, p. 4.
- <sup>19</sup> Country team submission for the universal periodic review of Mozambique, p. 4; and UNHCR submission, p. 2.
- <sup>20</sup> For the full text of the recommendations, see A/HRC/17/16, paras. 88.11 (Russian Federation) and 88.12 (United Kingdom),
- <sup>21</sup> UNHCR submission for the universal periodic review of Mozambique, p. 2.
- <sup>22</sup> See CCPR/C/MOZ/CO/1, para. 7; also CAT/C/MOZ/CO/1, para. 10.
- <sup>23</sup> See A/HRC/26/28/Add.1, para. 14.
- <sup>24</sup> Country team submission for the universal periodic review of Mozambique, p. 4.
- <sup>25</sup> *Ibid.*, p. 1.
- <sup>26</sup> See CCPR/C/MOZ/CO/1, para. 24.
- <sup>27</sup> Letter from the Human Rights Committee to the Permanent Mission of Mozambique to the United Nations Office and other international organizations in Geneva, dated 24 November 2014, available from [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MOZ/INT\\_CCPR\\_FUL\\_MOZ\\_18882\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MOZ/INT_CCPR_FUL_MOZ_18882_E.pdf).
- <sup>28</sup> Letters from the Human Rights Committee to the Permanent Mission of Mozambique to the United Nations Office and other international organizations in Geneva: one dated 9 June 2015 and available from [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MOZ/INT\\_CCPR\\_FUL\\_MOZ\\_21024\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MOZ/INT_CCPR_FUL_MOZ_21024_E.pdf); the other dated 1 October 2015 and available from [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MOZ/INT\\_CCPR\\_FUL\\_MOZ\\_21845\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MOZ/INT_CCPR_FUL_MOZ_21845_E.pdf).
- <sup>29</sup> See CAT/C/MOZ/CO/1, para. 33.

- <sup>30</sup> Letter from the Committee against Torture to the Permanent Mission of Mozambique to the United Nations Office and other international organizations in Geneva, dated 8 December 2014, available from [http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MOZ/INT\\_CAT\\_FUL\\_MOZ\\_19040\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MOZ/INT_CAT_FUL_MOZ_19040_E.pdf).
- <sup>31</sup> See CAT/C/MOZ/CO/1, para. 2.
- <sup>32</sup> For the titles of special procedure mandate holders, see [www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx).
- <sup>33</sup> OHCHR Report 2013, pp. 131, 134-135 and 140-141.
- <sup>34</sup> OHCHR Report 2014, p. 157 and 159.
- <sup>35</sup> Ibid., p. 157; and OHCHR Report 2013, p. 216.
- <sup>36</sup> OHCHR Report 2014, p. 157.
- <sup>37</sup> See A/HRC/26/28/Add.1, para. 24.
- <sup>38</sup> See CCPR/C/MOZ/CO/1, para. 9.
- <sup>39</sup> Ibid.
- <sup>40</sup> Ibid., para. 22; and country team submission for the universal periodic review of Mozambique, p. 6.
- <sup>41</sup> Country team submission for the universal periodic review of Mozambique, p. 1.
- <sup>42</sup> Ibid., p. 6.
- <sup>43</sup> See CAT/C/MOZ/CO/1, para. 22; and CCPR/C/MOZ/CO/1, para. 12.
- <sup>44</sup> See CAT/C/MOZ/CO/1, para. 9.
- <sup>45</sup> See CCPR/C/MOZ/CO/1, para. 11.
- <sup>46</sup> See CAT/C/MOZ/CO/1, para. 19; also CCPR/C/MOZ/CO/1, para. 14.
- <sup>47</sup> See CAT/C/MOZ/CO/1, para. 18.
- <sup>48</sup> Ibid., para. 20.
- <sup>49</sup> See CCPR/C/MOZ/CO/1, para. 13.
- <sup>50</sup> See CAT/C/MOZ/CO/1, para. 15; and CCPR/C/MOZ/CO/1, para. 13-14.
- <sup>51</sup> Country team submission for the universal periodic review of Mozambique, p. 6.
- <sup>52</sup> See CAT/C/MOZ/CO/1, para. 15; and CCPR/C/MOZ/CO/1, para. 14.
- <sup>53</sup> OHCHR Report 2014, p. 157.
- <sup>54</sup> Country team submission for the universal periodic review of Mozambique, , p. 4.
- <sup>55</sup> See A/HRC/26/28/Add.1, para. 30.
- <sup>56</sup> See CCPR/C/MOZ/CO/1, para. 10.
- <sup>57</sup> See A/HRC/17/30/Add.2, para. 121.
- <sup>58</sup> See CCPR/C/MOZ/CO/1, para. 10.
- <sup>59</sup> See CAT/C/MOZ/CO/1, para. 25.
- <sup>60</sup> See CCPR/C/MOZ/CO/1, para. 19.
- <sup>61</sup> Country team submission for the universal periodic review of Mozambique, p. 13.
- <sup>62</sup> See CAT/C/MOZ/CO/1, para. 27.
- <sup>63</sup> Country team submission for the universal periodic review of Mozambique, p. 9.
- <sup>64</sup> See CCPR/C/MOZ/CO/1, para. 18.
- <sup>65</sup> See CAT/C/MOZ/CO/1, para. 26.
- <sup>66</sup> See CCPR/C/MOZ/CO/1, para. 17.
- <sup>67</sup> See A/HRC/17/30/Add.2, para. 117.
- <sup>68</sup> Ibid., para. 119.
- <sup>69</sup> Country team submission for the universal periodic review of Mozambique, p. 7.
- <sup>70</sup> See CAT/C/MOZ/CO/1, para. 11.
- <sup>71</sup> See CCPR/C/MOZ/CO/1, para. 15.
- <sup>72</sup> See CAT/C/MOZ/CO/1, para. 8.
- <sup>73</sup> See CCPR/C/MOZ/CO/1, para. 13.
- <sup>74</sup> See A/HRC/17/30/Add.2, para. 120 (i).
- <sup>75</sup> See CAT/C/MOZ/CO/1, para. 8.
- <sup>76</sup> Country team submission for the universal periodic review of Mozambique, p. 7.
- <sup>77</sup> Ibid., p. 6.
- <sup>78</sup> See CAT/C/MOZ/CO/1, para. 16. See also CCPR/C/MOZ/CO/1, para. 14.
- <sup>79</sup> Country team submission for the universal periodic review of Mozambique, p. 3.
- <sup>80</sup> See A/HRC/26/28/Add.1, paras. 16-17.
- <sup>81</sup> Ibid., para. 80.



- <sup>82</sup> Ibid., para. 34.
- <sup>83</sup> See CCPR/C/MOZ/CO/1, para. 9; and the country team submission for the universal periodic review of Mozambique, pp. 5-6.
- <sup>84</sup> Country team submission for the universal periodic review of Mozambique, p. 3
- <sup>85</sup> Ibid., p. 6.
- <sup>86</sup> See UNESCO submission for the universal periodic review of Mozambique, para. 32.
- <sup>87</sup> Ibid., para. 42.
- <sup>88</sup> See CCPR/C/MOZ/CO/1, para. 21.
- <sup>89</sup> Ibid., para. 22.
- <sup>90</sup> Ibid., para. 9.
- <sup>91</sup> See A/HRC/26/28/Add.1, para. 82 (b).
- <sup>92</sup> Country team submission for the universal periodic review of Mozambique, p. 9.
- <sup>93</sup> Ibid., p. 6.
- <sup>94</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, observation concerning ILO Equal Remuneration Convention, 1951 (No. 100) – Mozambique, adopted in 2013, published 103rd ILC session (2014), available from [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3141910:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3141910:NO).
- <sup>95</sup> Country team submission for the universal periodic review of Mozambique, p. 1; see also A/HRC/26/28/Add.1, para. 6.
- <sup>96</sup> See A/HRC/26/28/Add.1, para. 7.
- <sup>97</sup> Country team submission for the universal periodic review of Mozambique, p. 9.
- <sup>98</sup> See A/HRC/26/28/Add.1, para. 39.
- <sup>99</sup> Ibid., paras. 79 (c), 89 (a) and 84 (a).
- <sup>100</sup> Ibid., paras. 60-61.
- <sup>101</sup> Ibid., paras. 65, 88 (a)-(b).
- <sup>102</sup> Country team submission for the universal periodic review of Mozambique, p. 9.
- <sup>103</sup> Ibid., p. 6.
- <sup>104</sup> See A/HRC/26/28/Add.1, para. 50.
- <sup>105</sup> Country team submission for the universal periodic review of Mozambique, p. 3.
- <sup>106</sup> See A/HRC/26/28/Add.1, paras. 83 (b), 82 (e) and 86(a).
- <sup>107</sup> Country team submission for the universal periodic review of Mozambique, p. 9.
- <sup>108</sup> Ibid., p. 10.
- <sup>109</sup> See A/HRC/26/28/Add.1, para. 33.
- <sup>110</sup> Country team submission for the universal periodic review of Mozambique, p. 13.
- <sup>111</sup> Ibid., p. 14.
- <sup>112</sup> Ibid., pp. 10-11.
- <sup>113</sup> See UNESCO submission for the universal periodic review of Mozambique, para. 38.
- <sup>114</sup> Ibid., para. 39.
- <sup>115</sup> See A/HRC/26/28/Add.1, para. 36; also the country team submission for the universal periodic review of Mozambique, p. 5-6.
- <sup>116</sup> See CAT/C/MOZ/CO/1, para. 24.
- <sup>117</sup> See A/HRC/26/28/Add.1, paras. 37 and 83(f).
- <sup>118</sup> Ibid., para. 44.
- <sup>119</sup> Ibid., para. 85(a), (c) and (e).
- <sup>120</sup> UNHCR submission for the universal periodic review of Mozambique, p. 6.
- <sup>121</sup> Ibid., pp. 6-7.
- <sup>122</sup> Country team submission for the universal periodic review of Mozambique, p. 8.
- <sup>123</sup> Ibid., pp. 3-5.
- <sup>124</sup> Ibid., pp. 5-6.
- <sup>125</sup> Ibid., pp. 7-8.
- <sup>126</sup> See CCPR/C/MOZ/CO/1, para. 20.
- <sup>127</sup> See A/HRC/26/28/Add.1, para. 73.
- <sup>128</sup> Ibid., paras. 18 and 20.
- <sup>129</sup> Ibid., para. 81 (b) and (e).