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## Human Rights Council

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

#### **Mozambique**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. Background and framework

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

<i>Universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	18 April 1983	Yes (art. 22)	Individual complaints (art. 14): No
ICCPR	21 July 1993	None	Inter-State complaints (art. 41): No
ICCPR-OP 2	21 July 1993	None	–
CEDAW	21 April 1997	None	–
OP-CEDAW	4 November 2008	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	14 September 1999	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	26 April 1994	None	–
OP-CRC-AC	19 October 2004	Binding declaration under art. 3: 18 years	–
OP-CRC-SC	6 March 2003	None	–

*Treaties to which Mozambique is not a party: ICESCR, OP-ICESCR<sup>3</sup>, ICCPR-OP 1, OP-CAT, ICRMW, CRPD (signature only, 2007), CRPD-OP and CED (signature only, 2008).*

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	No (Signatory)
Palermo Protocol <sup>4</sup>	Yes
Refugees and stateless persons <sup>5</sup>	Yes, except 1954 Protocol and 1961 Convention
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup>	Yes, except AP III
ILO fundamental conventions <sup>7</sup>	Yes

## UNESCO Convention against Discrimination in Education No

1. In 2007, the Committee on Elimination of Discrimination against Women (CEDAW) encouraged Mozambique to ratify the OP-CEDAW and accept the amendment to article 20 of the Convention.<sup>8</sup> It encouraged Mozambique to consider ratifying ICESCR and ICRMW.<sup>9</sup> In 2009, the Committee on the Rights of the Child (CRC) also encouraged Mozambique to accede to ICESCR.<sup>10</sup>

2. In 2007, the Committee on the Elimination of Racial Discrimination (CERD) encouraged Mozambique to ratify, *inter alia*, OP-CAT,<sup>11</sup> CED and CRPD,<sup>12</sup> the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness.<sup>13</sup>

3. UNHCR indicated that Mozambique made significant reservations to the 1951 Convention relating to the Status of Refugees. However, it noted with appreciation that Mozambique maintains a generous asylum policy through the adoption of practical arrangements which grant asylum seekers and refugees rights similar to those of its nationals.<sup>14</sup> Regarding this issue, CERD recommended that Mozambique withdraw its reservations to the 1951 Convention relating to the Status of Refugees.<sup>15</sup>

## B. Constitutional and legislative framework

4. While appreciating the fact that the principle of the best interest of the child is incorporated into Mozambique's legislation, in 2009, CRC regretted that it is still not reflected as a primary consideration in most legislative and policy matters affecting children.<sup>16</sup> It recommended that Mozambique promptly adopt the necessary implementation procedures and regulatory frameworks to allow the new legislation concerning children to become fully operational, and urged Mozambique to ensure that the Convention prevails when there is a conflict with domestic legislation or common practice.<sup>17</sup>

5. In 2007, CEDAW commended Mozambique for incorporating into its Constitution a specific provision articulating the principle of equality between women and men, and for introducing legal reforms aimed at eliminating discrimination against women.<sup>18</sup> CEDAW was concerned, however, that discriminatory provisions still exist in several areas, including in the Penal Code and the laws governing inheritance rights. It called upon Mozambique to pursue a comprehensive revision of its legislation in all areas to ensure that all discriminatory provisions are amended or repealed.<sup>19</sup>

6. The United Nations Country Team (UNCT) indicated that, in July 2009, Parliament had adopted a law on Domestic Violence against Women and that support to dissemination of the law and monitoring its implementation was ongoing.<sup>20</sup>

7. While acknowledging certain developments in national law, such as the Labour Law of 2007, UNCT stated that the lack of specific civil and penal legislation on racial discrimination remains a concern.<sup>21</sup>

8. Similarly, in 2007, CERD recommended that Mozambique adopt specific legislation on racial discrimination, including a legal definition of racial discrimination, in line with article 1 of the Convention.<sup>22</sup>

9. UNCT highlighted that, in December 2008, Parliament had adopted a law to protect persons living with HIV/AIDS against stigmatization and discrimination, with the financial and technical assistance of the UN.<sup>23</sup>

### **C. Institutional and human rights infrastructure**

10. As at 21 July 2010, Mozambique did not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).<sup>24</sup>

11. In 2009, CRC welcomed the adoption in May 2009 of a law establishing the National Human Rights Commission (NHRC). The CRC urged Mozambique to ensure that the newly established NHRC has the mandate and capacity to monitor children's rights under the Convention, in accordance with the Paris Principles, and that child-sensitive procedures are set up through which children can make complaints of violations of their rights.<sup>25</sup>

12. In 2007, while acknowledging the Law 7/2006 on the Provedor de Justiça (Ombudsman), CERD had recommended that Mozambique establish the future NHRC in line with the Paris Principles and provide it with adequate resources. It also recommended that Mozambique avoid creating a conflict in the mandates of the two institutions.<sup>26</sup>

13. CRC noted that steps had been taken to make the decree establishing the National Council on Child Rights (NCCR) effective. However, it was concerned that the Ministry of Women and Social Action, which chairs the Council, receives less than 1 per cent of the national budget and has several other tasks under its responsibility.<sup>27</sup>

14. UNICEF stated that the NCCR will be comprised of representatives from the Government and civil society and that further efforts must be made to ensure that the Council has a clear and independent budget to secure the desired level of independence.<sup>28</sup>

15. In 2007, CEDAW was concerned that the Ministry of Women and Social Action may suffer from inadequate human, financial and technical resources.<sup>29</sup>

### **D. Policy measures**

16. UNCT stated that, in 2008, the Ministry of Justice had initiated the process for the development of the National Action Plan for Human Rights, which should be finalized by the end of 2010. UNCT noted that the consultation process involved civil society and state bodies' representative from three provinces located in the Southern, Central and Northern regions of the country.<sup>30</sup>

17. UNICEF stated that the Plan of Action for Orphans and Vulnerable Children (PACOV) (2006-2010) addresses the impacts of HIV and AIDS on children, and aims to create a protective environment for children affected by the pandemic.<sup>31</sup>

18. CRC noted with concern that despite the commendable economic growth sustained over the last decade, Mozambique continues to be heavily dependant on international cooperation. It also noted that 53 per cent of the national budget still comes from development cooperation and is increasingly going to general budget support based on Government policies and priorities.<sup>32</sup>

19. In 2006, the Independent Expert on the effects of economic reform policies and foreign debt on human rights considered that close monitoring would be required to ensure that the proceeds from debt relief are effectively used to meet the needs of the most vulnerable.<sup>33</sup>

20. In 2005, the Special Rapporteur on the right to health encouraged Mozambique and its cooperation partners to develop an integrated and coordinated approach in the health sector that is as comprehensive, simple and efficient as possible, and emphasized that adequate resources must be allocated to the health sector.<sup>34</sup>

## II. Promotion and protection of human rights on the ground

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>35</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2006	August 2007	Overdue since 2008	13 <sup>th</sup> and 14 <sup>th</sup> reports overdue since May 2010
HR Committee	-	-	-	Initial report overdue since 1994
CEDAW	1999	May 2007	-	3 <sup>rd</sup> and 4 <sup>th</sup> reports overdue since May 2010
CAT	-	-	-	Initial report overdue since 2000
CRC	2008	September 2009	-	3 <sup>rd</sup> and 4 <sup>th</sup> reports due 2016
OP-CRC-AC	-	-	-	Initial report overdue since 2006
OP-CRC-SC	-	-	-	Initial report overdue since 2005

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	<p>Special Rapporteur on the right to health (15-19 December 2003)<sup>36</sup></p> <p>Independent Expert on economic reform policies (27-29 July 2005)<sup>37</sup></p> <p>Representative of the Secretary General on the human rights of internally displaced persons (Working Visit, 26 June–1 July 2008)<sup>38</sup></p> <p>Special Rapporteur on the independence of judges and lawyers (26 August-4 September 2010)<sup>39</sup></p>
<i>Visits agreed upon in principle</i>	<p>Special Rapporteur on the right to safe drinking water and sanitation</p> <p>Special Rapporteur on the right to health</p>

<i>Visits requested and not yet agreed upon</i>	Special Representative on human rights defenders (2003) Special Rapporteur on summary executions (2008)
<i>Facilitation/cooperation during missions</i>	The Independent expert on economic reform thanked the Government for the assistance and support provided for the mission. <sup>40</sup>
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, five communications were sent. The Government did not reply to any of these communications.
<i>Responses to questionnaires on thematic issues</i>	Mozambique did not respond to any of the 23 questionnaires sent by special procedures mandate holders. <sup>41</sup>

21. On 11 May 2010, Mozambique invited nine mandates (right to safe drinking water and sanitation; right to food; right to adequate housing; right to health; independence of judges and lawyers; human rights and counter terrorism; torture; arbitrary detention; and enforced disappearances) to make a simultaneous visit in the period between 23 and 31 August 2010.

### 3. Cooperation with the Office of the High Commissioner for Human Rights

22. Established in 1998, the OHCHR Regional Office for Southern Africa provides human rights advice, assistance and support to governments and civil society in countries in the region, including Mozambique.<sup>42</sup> In 2008, the Regional Office carried out training in Mozambique on reporting to treaty bodies and the Universal Periodic Review.<sup>43</sup> During 2010, the Regional Office and UNDP supported the Government of Mozambique in establishing a NHRI in compliance with the Paris Principles. In August 2010, they organized a consultation in Maputo on the appointment procedure for members of NHRIs and accreditation with the ICC.<sup>44</sup>

## B. Implementation of international human rights obligations

### 1. Equality and non-discrimination

23. In 2007, CEDAW expressed general concern about the persistence of discriminatory stereotypes, cultural practices and traditions of a patriarchal nature relating to the roles and responsibilities of women and men in the family and in society, as they constitute serious obstacles to women's educational and professional prospects and the enjoyment of their human rights and contribute to the persistence of violence against women.<sup>45</sup>

24. CEDAW was also concerned about the situation of women in rural and remote areas, which is characterized by poverty, illiteracy, difficulties in access to health and social services and a lack of participation in decision-making processes.<sup>46</sup>

25. CEDAW expressed concerns about the social situation of older women, including poverty, isolation and lack of identity cards, as well as cultural beliefs about older women, and accusations of witchcraft against them. It urged Mozambique, inter alia, to challenge traditional views regarding older women, particularly accusations of witchcraft, and to provide identity cards free of charge in order to guarantee full access to social services and social protection.<sup>47</sup>

26. In 2007, CERD was concerned about cases of hate speech, as well as racist and xenophobic acts and attitudes, in particular with regard to employment, and recommended that Mozambique strengthen measures to prevent and combat xenophobia and racial prejudice.<sup>48</sup>

27. CERD acknowledged with appreciation the language policy of Mozambique, which includes the use of local languages, together with the official language, in the curricula of primary schools, as well as the promotion of national languages and cultures.<sup>49</sup> UNCT noted that Mozambique has adopted a language policy, but considered that full implementation nationwide of such provisions and policy remains a challenge.<sup>50</sup>

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

28. UNCT noted that the death penalty had been abolished in the Constitution of 1990. It also noted reports of extrajudicial executions by the police and the military as well as the phenomenon of lynching which continued to be a problem; 62 people were reportedly lynched during 2008.<sup>51</sup>

29. In 2006, the Special Rapporteur on extrajudicial executions sent a communication regarding allegations that in 2005 a man was shot by a policeman after he attempted to intervene on behalf of a young woman who was being beaten by policemen on the street.<sup>52</sup>

30. In 2009, the Working Group on Disappearances reported that two outstanding cases, which occurred in 1974<sup>53</sup>, had been transmitted to the Government and that no response had been received.<sup>54</sup>

31. In 2009, CRC expressed serious concern at reports of police officers illegally detaining children and subjecting them to torture and ill-treatment. It urged Mozambique to investigate all such allegations, take immediate measures to stop police violence against children, and address the prevailing culture of impunity.<sup>55</sup>

32. UNCT indicated that prisons seldom comply with the minimum requirements for the treatment of prisoners. Juveniles and adults often share the same cells, prisons are overcrowded and 34 per cent of prisoners are in preventive detention. There are also reports of mistreatment and torture in the prisons. UNCT reported that prisoners do not have access to proper food, health care and sanitation and that few measures for the social reintegration of prisoners exist.<sup>56</sup>

33. In 2009, CRC was concerned at information that former girl soldiers, as well as girls and young women who were exploited as slave labour or abducted into sexual slavery in armed forces, have often been excluded from programmes for the reintegration of former soldiers.<sup>57</sup>

34. UNCT noted that available data reveal a widespread acceptance of the use of violence against women. This was highlighted by a 2008 survey in which 36 per cent of the female respondents stated that men had the right to beat them under certain circumstances.<sup>58</sup> UNICEF made similar observations.<sup>59</sup>

35. In 2007, CEDAW called upon Mozambique to, *inter alia*, ensure that violence against women and girls constitutes a criminal offence, perpetrators are prosecuted, punished and rehabilitated, and women and girls who are victims of violence have access to immediate means of redress and protection.<sup>60</sup>

36. CRC was concerned that corporal punishment remains lawful in the home and schools and is often considered the only way to discipline children. It was also concerned that the Child Rights Protection Law does not explicitly prohibit corporal punishment at home and in schools.<sup>61</sup>

37. UNICEF referred to a 2008 Ministry of Education and Culture survey which revealed that 70 per cent of girl respondents reported that some teachers use sexual intercourse as a condition for promotion between grades; and 50 per cent of girls stated that boys in their peer group also abuse them sexually. The Ministry of Education has declared “zero tolerance” on sexual abuse in schools but enforcement of this policy remains weak.<sup>62</sup> UNCT indicated that sexual harassment and abuse of girls in schools is among the key hindrances to girls’ progress and completion.<sup>63</sup> Similarly, CRC expressed serious concern at the prevalence of sexual abuse and harassment in schools, which reportedly lead some girls to refuse to go to school.<sup>64</sup> CEDAW urged Mozambique to ensure that those responsible for the harassment and abuse of girls in the educational system are effectively punished and that girls are supported in denouncing such situations.<sup>65</sup>

38. UNCT stated that the 2008 Children’s Act prohibits child labour and any form of work for children under 15 years of age, but noted that it is not effectively enforced. Data quoted shows that 22 per cent of children between ages 5 and 14 are involved in child labour, with a large disparity between urban (15 per cent) and rural areas (25 per cent). In rural areas, child labour is widespread and in many cases considered necessary for household survival. It is estimated that there are about 800,000 economically active children in Mozambique.<sup>66</sup>

39. In 2009, CRC expressed concern at Mozambique’s intention to allow children aged 12 to 15 to work under special conditions as well as about the limited initiatives taken to combat child labour. It also expressed serious concern at the situation of orphaned children being economically exploited by foster families. It noted that while children aged 15 to 18 years are allowed to perform “non-hazardous work,” the list of occupations considered “light work” has yet to be established.<sup>67</sup>

40. CRC was deeply concerned that child prostitution is increasing in Mozambique and that the existing law does not cover certain sexual offences against children, including forced sexual relations and sexual exploitation. It recommended, *inter alia*, developing and strengthening appropriate legislative measures to address the issue of sexual abuse and exploitation.<sup>68</sup>

41. UNCT indicated that more than 3,500 cases of child violence were reported to the police in 2009.<sup>69</sup>

42. CRC noted with appreciation the adoption in 2008 of a law against trafficking and recommended that Mozambique adopt a plan of action against sexual abuse and trafficking, taking into account OP-CRC-SC.<sup>70</sup> The ILO Committee of Experts on the Application of Conventions and Recommendations expressed the hope, in 2010, that regulations to implement the Trafficking Act would be adopted very soon so that the protection and integration of victims could be put into effect.<sup>71</sup> CEDAW recommended, *inter alia*, that Mozambique pursue and reinforce policies and programmes to address the root causes of trafficking.<sup>72</sup>

### **3. Administration of justice and the rule of law**

43. According to UNCT, access to justice remains a major challenge, particularly for members of disadvantaged groups. The magistrates / population ratio is 1/96,000 and both the Ministries of Justice and the Interior have insufficient financial and human resources to fully comply with all their obligations. The Free Legal Aid (IPAJ) department only covers 45 per cent of the country’s districts.<sup>73</sup>

44. In 2007, CERD recommended, *inter alia*, the adoption of necessary measures to expand the provision of legal assistance and aid to the whole population.<sup>74</sup>



45. In 2007, CEDAW recommended that Mozambique guarantee that judges in community courts be adequately trained in human rights, and that women have access to those courts on equal terms with men.<sup>75</sup>

46. UNCT welcomed the provision of the Constitution on traditional authorities but noted the lack of information on the status of those institutions, and that the role of traditional courts in dealing with extrajudicial conflict resolution often does not lead to human rights-based decisions. For example, issues such as inheritance for widows put women in very vulnerable situations. Decisions on land ownership often discriminate against disadvantaged groups.<sup>76</sup>

47. In 2009, CRC welcomed the adoption of the Juvenile Justice Law and the fact that the minimum age of criminal responsibility has been set at 16 years. However, it was concerned that deprivation of liberty is not used as a measure of last resort and that pre-trial detention is frequent. It also welcomed the decision to establish specialized juvenile courts, but it was concerned that only one court, in Maputo, is functioning and that in all the other provinces, children are tried by adult courts.<sup>77</sup>

48. UNICEF stated that the police have the authority to detain minors who have allegedly committed an offence for a maximum of 30 days, following which the child must be presented in Minor Court or Civil Sections. Ideally, a transition centre or intermediate facility should be used and special consideration should be given to ensure that such cases are brought to the courts in a timely manner. However, this is not common practice.<sup>78</sup>

49. UNCT mentioned that the low ratio of police officers and the lack of adequate infrastructure and equipment restrict access to efficient police services. The lack of a disciplinary system and oversight bodies does not allow proper investigations of serious allegations made against the police.<sup>79</sup>

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

50. UNICEF indicated that under the Family Law of 2004, the legal age for marriage without parental consent was raised from 16 to 18 years, and the minimum age for marriage with parental consent was also raised from 14 to 16 years. Nevertheless, recent data revealed that 17 per cent of girls between the ages of 20 and 24 were married before the age of 15, and 52 per cent were married before the age of 18 (MICS 2008).<sup>80</sup> UNCT made similar observations.<sup>81</sup>

51. In 2007, CEDAW was concerned about the persistence of harmful traditional practices, such as early or forced marriage and polygamy in some areas, although they are prohibited under the new Family Law, and called on Mozambique to increase efforts to raise awareness of the law.<sup>82</sup> In 2009, CRC expressed similar concerns.<sup>83</sup>

52. UNCT stated that, although significant progress has been made in birth registration, about 51 per cent of all children in Mozambique are yet to be registered. Lack of registration among the adult population is also a critical concern.<sup>84</sup> In 2009, CRC urged Mozambique to accelerate the free birth registration system, which should be sustainable and available throughout the country, including in the most remote areas.<sup>85</sup>

53. UNCT mentioned that due to a history of low registration rates combined with long-term migration patterns driven by economic considerations and internal conflicts, a significant part of the population may be at risk of statelessness.<sup>86</sup> UNHCR made similar observations.<sup>87</sup>

54. CEDAW recommended that Mozambique seriously consider the situation of women in de facto unions, and of children resulting from such unions, and ensure that they enjoy adequate legal protections.<sup>88</sup>

55. UNCT stated that the current penal code prohibits homosexuality while the revised labour law (2007) prohibits discrimination against employees on the basis of their sexual orientation.<sup>89</sup>

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

56. UNCT noted that freedom of association is enshrined in the Constitution, that there are hundreds of civil society organisations in the country and, in general, the right to demonstrate is respected.<sup>90</sup>

57. While acknowledging the significant presence of women in political decision-making posts, CEDAW noted that obstacles to the advancement of women remain in other areas of public and professional life, including in the realms of diplomacy, the judiciary and public administration, mainly at senior levels.<sup>91</sup> UNCT made similar observations.<sup>92</sup>

**6. Right to work and to just and favourable conditions of work**

58. UNCT indicated that the adoption of a new labour code in 2007 has gone a long way in formally establishing workers' rights. However, it considered that a major constraint to granting basic workers rights is the insufficient enforceability of laws.<sup>93</sup>

59. In 2007, CEDAW expressed concern, *inter alia*, at the disadvantaged situation of women and discrimination against them in the formal labour market, as well as about the weak enforcement of the existing equality provisions in labour laws. It was further concerned about the high numbers of women in the informal sector, where they lack job security and access to social security benefits. CEDAW urged Mozambique to strengthen the enforcement of equality provisions in employment laws.<sup>94</sup>

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

60. UNCT stated that more than half of the population live below the national poverty line, 34 per cent of households are vulnerable to food insecurity and the rate of chronic malnutrition among children under five is still alarmingly high (44 per cent). Further, only 13.5 per cent of the population has access to electricity.<sup>95</sup>

61. In 2009, CRC remained concerned about the extreme poverty of a large proportion of families and children and at the still limited proportion of children who benefit from special programmes. It urged Mozambique, *inter alia*, to develop programmes for major improvement of the social security system, housing schemes in rural and peri-urban areas, home sanitation facilities and access to clean drinking water.<sup>96</sup>

62. In 2007, CERD recommended that Mozambique strengthen its programmes to provide universal access to health care, and encouraged the adoption of further measures to prevent and combat HIV/AIDS, malaria and cholera.<sup>97</sup>

63. UNCT indicated that, while there has been progress regarding child health, maternal mortality remained high at 408/100,000 live births.<sup>98</sup> In 2007, CEDAW expressed concerns about maternal mortality, the high level of teenage pregnancies and obstacles faced by women in accessing health services. It urged Mozambique to adopt, *inter alia*, measures to improve availability of information and education regarding sexual and reproductive health and prevention of teenage pregnancy.<sup>99</sup> In 2009, CRC made similar recommendations, in particular regarding teenage pregnancies.<sup>100</sup>

64. CRC was concerned that Mozambique has one of the highest infant mortality rates in the world.<sup>101</sup> It was also deeply concerned at the growing proportion of child deaths as a result of HIV-related illnesses, and the prevalence rate among women. While noting that the number of children receiving antiretroviral treatment has increased significantly, CRC

was concerned that only 18 per cent of eligible children receive proper treatment.<sup>102</sup> In 2007, CEDAW<sup>103</sup> and UNCT<sup>104</sup> expressed similar concerns, in particular regarding the situation of women. According to UNCT, prevalence rates among girls in the 14-29 years age group are four times higher than for boys.<sup>105</sup>

65. UNCT highlighted that, while treatment for HIV/AIDS is provided free, coverage is far from comprehensive. Adolescent girls in urban areas and in the south of the country are the most at risk. Of the estimated 1.8 million orphans in Mozambique, 510,000 have been orphaned due to AIDS. The number of orphans is expected to rise with AIDS-related illnesses increasingly becoming the primary cause of orphanhood.<sup>106</sup> UNICEF provided similar information and indicated that in 2008, only 68 per cent of children were living with both parents.<sup>107</sup>

66. UNCT also indicated that given its geographic location, Mozambique is highly vulnerable to natural disasters which have a significant impact on the population's enjoyment of human rights.<sup>108</sup>

67. UNCT noted that while the Constitution recognizes the right to housing, adequate housing remains an issue in terms of quantity and quality. The number of deaths caused annually due to insufficient water, sanitation and hygiene is estimated at 17,000.<sup>109</sup>

## **8. Right to education**

68. In 2009, CRC was concerned, *inter alia*, that significant disparities in accessing education persist between provinces, school enrolment at secondary level remains at an extremely low level, the rapid increase in enrolment has not been matched by increases in investment in the quality of education, the teacher-student ratio has not decreased to an acceptable level, and gender disparity remains high in the higher levels of education<sup>110</sup>.

69. UNCT further noted that while enrolment at primary schools reached parity, completion rates still show disparity. Only 65.1 per cent of girls finish school, against 80 per cent of male students. Disparity is also significant in terms of illiteracy, especially among the adult and older population, affecting 65 per cent of women, in general, and double the male population rate.<sup>111</sup>

70. UNCT indicated that school fees for secondary level education are still in place. Despite great increases, 20 per cent of children in the 6 to 12 age group do not attend primary school, and only 15 per cent complete their primary education. The lack of appropriate teaching facilities, the low number of classrooms, inadequate sanitary installations, difficult access, particularly in rural areas, creates a situation which aggravated by poverty, sexual abuse of students, early marriage and general cultural aspects, have a significant negative impact on children's ability to enjoy their right to education. Adult illiteracy continues to be alarmingly high at 53 per cent.<sup>112</sup>

71. In 2007, CEDAW was concerned about girls' low levels of participation at the secondary and tertiary levels, as well as the high failure and drop-out rates among women. It also expressed concern at conditions that impede girls' access to education at all levels, including poverty, a dispersed network of schools, domestic responsibilities of girls, early marriage and early pregnancy.<sup>113</sup>

## **9. Migrants, refugees and asylum-seekers**

72. UNCT stated that Mozambique faces the challenge of hosting thousands of migrants, and is a transit corridor for mixed migration flows. It notes that given the constraints in terms of human and material resources, border guards, police and the Immigration Service face increasing difficulties in managing the steep rise in mixed

migration in a protection sensitive manner, in order to ensure respect and adherence to refugee and human rights law and protection principles.<sup>114</sup>

73. According to UNHCR, Mozambique currently hosts 7,723 persons of concern, including 3,547 refugees and 4,176 asylum-seekers. Maratane Camp has been declared the only reception and registration centre for new asylum-seekers in Mozambique.<sup>115</sup>

74. UNCT stated that Mozambique ensures that all asylum seekers and refugees are documented with identification papers or cards. Refugees and asylum seekers have full access to civil status documentation. It also stressed that it is commendable that asylum seekers are free to move outside the refugee camp after the refugee status determination interview.<sup>116</sup>

#### **10. Internally displaced persons**

75. In 2009, the Special Representative of the Secretary General on internally displaced persons observed that impressive efforts had been made to protect the rights of persons displaced by flooding. He recommended, *inter alia*, that the authorities establish a consultation process with the populations concerned.<sup>117</sup>

### **III. Achievements, best practices, challenges and constraints**

76. UNCT stated that, overall, from a post-conflict situation, Mozambique has shown remarkable progress on all indicators of economic development, which has fuelled progress for the improvement of the human rights situation.<sup>118</sup>

77. UNCT also advised that four of Mozambique's Northern provinces were on their way to becoming mine-free. The remaining areas are expected to be cleared before Mozambique's 2014 deadline under the Anti-Personnel Mine Ban Treaty (APMBT).<sup>119</sup>

78. UNCT mentioned that corruption continues to be a widespread problem, negatively affecting the enjoyment of all human rights. It commended the existence of an anti-corruption authority since 2004.<sup>120</sup>

### **IV. Key national priorities, initiatives and commitments**

#### **Specific recommendations for follow-up**

79. In 2007, CERD requested that Mozambique provide information within one year on how it had followed up on recommendations contained in paragraphs 13 (traditional authorities and customary law), 21 (ombudsman) and 22 (hate speech and racist and xenophobic acts)<sup>121</sup> of its concluding observations. No response has been received.

### **V. Capacity-building and technical assistance**

80. In 2009, CRC recommended that Mozambique seek the assistance of UNICEF and other relevant organizations on domestic violence,<sup>122</sup> the United Nations and other competent bodies on landmines,<sup>123</sup> and to continue to seeking assistance from ILO and UNICEF with regard to child labour,<sup>124</sup> and from the Interagency Panel on Juvenile Justice, which includes the United Nations Office on Drugs and Crime, UNICEF, OHCHR and NGOs,<sup>125</sup> in the areas of juvenile justice and police training.

## Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

<sup>2</sup> The following abbreviations have been used for this 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
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 the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

<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> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>6</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); Convention relative to the Treatment of Prisoners of War (Third Convention); 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); 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 Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child

- Labour.
- <sup>8</sup> CEDAW/C/MOZ/CO/2, para. 46.
- <sup>9</sup> Ibid., para. 49.
- <sup>10</sup> CRC/C/MOZ/CO/2, para. 93.
- <sup>11</sup> CERD/C/MOZ/CO/12, para. 29.
- <sup>12</sup> Ibid., para. 30.
- <sup>13</sup> Ibid., para. 31.
- <sup>14</sup> UNHCR submission to the UPR on Mozambique, p. 2.
- <sup>15</sup> CERD/C/MOZ/CO/12, para. 31.
- <sup>16</sup> CRC/C/MOZ/CO/2, para. 31.
- <sup>17</sup> Ibid., para.10.
- <sup>18</sup> CEDAW/C/MOZ/CO/2, para. 4.
- <sup>19</sup> Ibid., paras. 12–13.
- <sup>20</sup> UNCT submission to the UPR on Mozambique, para. 41.
- <sup>21</sup> Ibid., para. 14.
- <sup>22</sup> CERD/C/MOZ/CO/12, para. 12.
- <sup>23</sup> UNCT submission to the UPR on Mozambique, para. 42.
- <sup>24</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- <sup>25</sup> CRC/C/MOZ/CO/2, paras. 15-16.
- <sup>26</sup> CERD/C/MOZ/CO/12, para. 21.
- <sup>27</sup> CRC/C/MOZ/CO/2, para. 11.
- <sup>28</sup> UNICEF submission to the UPR on Mozambique, para. 3.
- <sup>29</sup> CEDAW/C/MOZ/CO/2, para. 18.
- <sup>30</sup> UNCT submission to the UPR on Mozambique, para. 9.
- <sup>31</sup> UNICEF submission to the UPR on Mozambique, para. 5.
- <sup>32</sup> CRC/C/MOZ/CO/2, para. 19.
- <sup>33</sup> E/CN.4/2006/46/Add.1, para. 45(b).
- <sup>34</sup> E/CN.4/2005/51/Add.2, paras. 87 and 89.
- <sup>35</sup> The following abbreviations have been used for this document:
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| CERD  | Committee on the Elimination of Racial Discrimination        |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CRC   | Committee on the Rights of the Child                         |
- <sup>36</sup> E/CN.4/2005/51/Add.2.
- <sup>37</sup> E/CN.4/2006/46/Add.1.
- <sup>38</sup> A/HRC/10/13, paras. 63-64.
- <sup>39</sup> OHCHR Press release, Access to Justice and independence of the judiciary still a challenge in Mozambique - UN Expert on the judges and lawyers, 8 September 2010, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10321&LangID=E>.
- <sup>40</sup> E/CN.4/2006/46/Add.1, para. 6.
- <sup>41</sup> The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24 and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, Annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para.120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16, footnote 29 AND Corr.1, n° 4; (m) A/HRC/11/6, Annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para.2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, Annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- <sup>42</sup> High Commissioner's Strategic Management Plan 2010-2011, p. 68; OHCHR 2009 Report, p. 85.
- <sup>43</sup> OHCHR 2008 Report, p. 81.
- <sup>44</sup> A/65/340, para. 30.
- <sup>45</sup> CEDAW/C/MOZ/CO/2, para. 20.

- 46 Ibid., para. 40.
- 47 Ibid., paras. 42-43.
- 48 CERD/C/MOZ/CO/12, para. 22.
- 49 Ibid., para. 9.
- 50 UNCT submission to the UPR on Mozambique, para. 12.
- 51 Ibid., para. 16.
- 52 A/HRC/4/20/Add.1, pp. 220-221.
- 53 E/CN.4/2006/56, para. 360.
- 54 A/HRC/13/31, para. 373.
- 55 CRC/C/MOZ/CO/2, paras. 45-46.
- 56 UNCT submission to the UPR on Mozambique, para. 21.
- 57 CRC/C/MOZ/CO/2, para. 77.
- 58 UNCT submission to the UPR on Mozambique, para. 13.
- 59 UNICEF submission to the UPR on Mozambique, para. 11.
- 60 CEDAW/C/MOZ/CO/2, para. 25.
- 61 CRC/C/MOZ/CO/2, para. 47.
- 62 UNICEF submission to the UPR on Mozambique, para. 23.
- 63 UNCT submission to the UPR on Mozambique, para. 13.
- 64 CRC/C/MOZ/CO/2, para. 73.
- 65 CEDAW/C/MOZ/CO/2, para. 33.
- 66 UNCT submission to the UPR on Mozambique, para. 28.
- 67 CRC/C/MOZ/CO/2, paras. 79-80.
- 68 Ibid., paras. 84-85.
- 69 UNCT submission to the UPR on Mozambique, para. 17.
- 70 CRC/C/MOZ/CO/2, paras. 86-87.
- 71 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29), 2010, Geneva, doc. No. (ILOLEX) 092010MOZ029, 1<sup>st</sup> para.
- 72 CEDAW/C/MOZ/CO/2, para. 27.
- 73 UNCT submission to the UPR on Mozambique, para. 19.
- 74 CERD/C/MOZ/CO/12, para. 15.
- 75 CEDAW/C/MOZ/CO/2, para. 15.
- 76 UNCT submission to the UPR on Mozambique, para. 20.
- 77 CRC/C/MOZ/CO/2, para. 88.
- 78 UNICEF submission to the UPR on Mozambique, para. 26.
- 79 UNCT submission to the UPR on Mozambique, para. 22.
- 80 UNICEF submission to the UPR on Mozambique, paras. 12-13.
- 81 UNCT submission to the UPR on Mozambique, para. 13.
- 82 CEDAW/C/MOZ/CO/2, paras. 22-23.
- 83 CRC/C/MOZ/CO/2, para. 65.
- 84 UNCT submission to the UPR on Mozambique, para. 38.
- 85 CRC/C/MOZ/CO/2, para. 38.
- 86 UNCT submission to the UPR on Mozambique, para. 39.
- 87 UNHCR submission to the UPR on Mozambique, p. 8.
- 88 CEDAW/C/MOZ/CO/2, para. 45.
- 89 UNCT submission to the UPR on Mozambique, para. 15.
- 90 Ibid., para. 26.
- 91 CEDAW/C/MOZ/CO/2, para. 28.
- 92 UNCT submission to the UPR on Mozambique, para. 13.
- 93 Ibid., para. 27.
- 94 CEDAW/C/MOZ/CO/2, paras. 34-35.
- 95 UNCT submission to the UPR on Mozambique, para. 29.
- 96 CRC/C/MOZ/CO/2, paras. 69-70.
- 97 CERD/C/MOZ/CO/12, para. 18.
- 98 UNCT submission to the UPR on Mozambique, para. 30.
- 99 CEDAW/C/MOZ/CO/2, paras. 36-37.

- <sup>100</sup> CRC/C/MOZ/CO/2, paras. 63-64.  
<sup>101</sup> Ibid., para. 62.  
<sup>102</sup> Ibid., para. 67.  
<sup>103</sup> CEDAW/C/MOZ/CO/2, para. 38.  
<sup>104</sup> UNCT submission to the UPR on Mozambique, para. 13.  
<sup>105</sup> Ibid.  
<sup>106</sup> UNCT submission to the UPR on Mozambique, para. 31.  
<sup>107</sup> UNICEF submission to the UPR on Mozambique, para. 43.  
<sup>108</sup> UNCT submission to the UPR on Mozambique, para. 33.  
<sup>109</sup> Ibid., para. 34.  
<sup>110</sup> CRC/C/MOZ/CO/2, para. 71.  
<sup>111</sup> UNCT submission to the UPR on Mozambique, para. 13.  
<sup>112</sup> Ibid., 35.  
<sup>113</sup> CEDAW/C/MOZ/CO/2, para. 30.  
<sup>114</sup> UNCT submission to the UPR on Mozambique, para. 36.  
<sup>115</sup> UNHCR submission to the UPR on Mozambique, p. 1.  
<sup>116</sup> UNCT submission to the UPR on Mozambique, para. 45.  
<sup>117</sup> A/HRC/10/13, paras. 63-64.  
<sup>118</sup> UNCT submission to the UPR on Mozambique, para. 40.  
<sup>119</sup> Ibid., para. 18.  
<sup>120</sup> Ibid., para. 25.  
<sup>121</sup> CERD/C/MOZ/CO/12, para. 35.  
<sup>122</sup> CRC/C/MOZ/CO/2, para. 58.  
<sup>123</sup> Ibid., para. 34.  
<sup>124</sup> Ibid., para. 81.  
<sup>125</sup> Ibid., para. 89.
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