



Convention on the Elimination of All Forms of Discrimination against Women

11 June 2007

Original: English

Committee on the Elimination of Discrimination against Women

Thirty-eighth session

14 May-1 June 2007

Concluding comments of the Committee on the Elimination of Discrimination against Women: Mozambique

1. The Committee considered the combined initial and second periodic report of Mozambique (CEDAW/C/MOZ/1-2) at its 783rd and 784th meetings, on 23 May 2007 (see CEDAW/C/SR.783 and 784). The Committee's list of issues and questions is contained in CEDAW/C/MOZ/Q/2, and the responses of the Government of Mozambique are contained in CEDAW/C/MOZ/Q/2/Add.1.

Introduction

2. The Committee commends the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women without reservations and expresses its appreciation to the State party for its combined initial and second periodic report, which although overdue, followed the Committee's guidelines for the preparation of reports. The Committee notes that the report was candid and provided an informative overview of the situation of women in Mozambique, but lacked reference to the Committee's general recommendations and comprehensive statistical data.

3. The Committee congratulates the State party on its high-level delegation, headed by the Minister of Women and Social Action, which included representatives of other ministries and specialized institutions with responsibility for implementation of measures in the areas covered by the Convention. It expresses appreciation to the State party for the quality of its introductory statement, its written responses to the list of issues and questions raised by the pre-session working group, and its further clarifications to the questions orally posed by the Committee.

Positive aspects

4. The Committee commends the State party for incorporating in its Constitution a specific provision articulating the principle of equality between women and men, as well as provisions on general principles of equality, and for the introduction of legal reforms aimed at the elimination of discrimination against women, particularly



in the Family Law of 2004, which establishes the equality of women and men in marriage and family relations, the Land Law of 1997, which explicitly sets forth equal rights to land for women, and the Commercial Code of 2005, which incorporates equal rights for women in the exercise of any commercial activity.

5. The Committee commends the State party for its National Plan for the Advancement of Women 2002-2006 and for its adoption of the Gender Policy and Implementation Strategy in 2005, as well as the inclusion of the objective of gender equality in the Government's five-year plan 2005-2009 and in certain sectoral plans and programmes.

6. The Committee notes with satisfaction the high level of the institutional machinery for achieving gender equality in place at the government level, including the Ministry of Women and Social Action and the National Council for the Advancement of Women, which is composed of different stakeholders from both Government and civil society, as well as mechanisms in place at the parliamentary level.

7. The Committee welcomes the progress made in women's access to decision-making posts in the political sphere, especially the appointment of a woman as Prime Minister and the appointment of a number of women ministers and vice-ministers. The Committee also notes with great appreciation that the proportion of women parliamentarians in Mozambique is among the highest in the world.

8. The Committee commends the State party for its cooperation with civil society organizations, particularly women's organizations, which is achieved both through the formal representation of civil society organizations in the national machinery and through government cooperation with such organizations on specific programmes and projects.

Principal areas of concern and recommendations

9. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to the Parliament so as to ensure their full implementation.

10. The Committee acknowledges that the Convention is directly applicable under Mozambican law, but notes that a comprehensive legal review has not yet been completed. The Committee is, therefore, concerned about the possibility of conflict between constitutional and other legal provisions and the provisions of the Convention.

11. The Committee calls upon the State party to ensure that the provisions of the Convention are upheld and applied and take primacy over any other conflicting provisions of law.

12. The Committee is concerned that discriminatory provisions still exist in several areas of Mozambican law, including in the Penal Code and in the laws governing inheritance rights.

13. The Committee calls upon the State party to pursue and accelerate without delay, in accordance with article 2 of the Convention, a comprehensive revision of its legislation in all areas and to work effectively with Parliament to ensure that all discriminatory provisions are amended or repealed in order to achieve full compliance with the provisions of the Convention, and provide legal remedies and sanctions for the application of the prohibition of discrimination against women, as contained in article 1 of the Convention.

14. The Committee is concerned that, although the country has been a State party to the Convention since 1997, there is still not adequate knowledge about the rights of women under the Convention in Mozambican society in general, including among the judiciary, and in particular at the level of community courts. The Committee is further concerned that women themselves are not aware of their rights under the Convention and thus lack the capacity to claim them.

15. The Committee urges the State party to ensure that the Convention and related domestic legislation are made an integral part of education and training for members of the legal profession and the judiciary. The Committee also recommends that the State party guarantee that judges in community courts be adequately trained in human rights and the provisions of the Convention, and that women have access to those courts on equal terms with men. It further urges the State party to ensure that information on the Convention is provided to women and community leaders, through the use of appropriate media, and that all women in need, including women in prison, are provided legal aid to ensure their access to justice.

16. The Committee is concerned about the lack of a holistic approach to achieving de jure compliance with, and de facto implementation of, the Convention.

17. The Committee urges the State party to utilize the Convention as a comprehensive framework and instrument for the development of its policies and strategies to achieve gender equality and promote the human rights of women, so as to ensure the practical realization of the principle of equality between women and men in accordance with article 2 (a) of the Convention.

18. While welcoming the high position of the national machinery for women at the ministry level and the establishment of the National Council for the Advancement of Women, the Committee is concerned that the Ministry of Women and Social Action may suffer from inadequate human, financial and technical resources. Such inadequacies could prevent it from effectively discharging its functions in promoting specific programmes for the advancement of women, in effectively coordinating efforts among the different institutions of the national machinery, at various levels, and in ensuring comprehensive gender mainstreaming in all areas of government policy.

19. The Committee urges the State party to provide the existing national machinery with adequate human, financial and technical resources, at all levels, to ensure that it may effectively carry out its functions, including monitoring the implementation of the Convention. The Committee also urges the State party to provide gender training, which explicitly includes

information on the Convention, for gender focal points at the national and departmental levels.

20. The Committee expresses a general concern about the persistence of discriminatory stereotypes and 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.

21. The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life, which is therefore subject to change, and encourages the State party to adopt a comprehensive strategy to promote cultural change and eliminate discriminatory stereotypes with respect to the roles of women and men, in line with its obligations under articles 2 (f) and 5 (a) of the Convention. The Committee recommends that such a strategy include educational and awareness-raising programmes targeting women and men at all levels of society, that it be undertaken in collaboration with civil society and women's organizations and that it aim for the creation of a favourable environment for positive cultural change.

22. The Committee is concerned about the persistence of harmful traditional practices, such as early or forced marriage, as well as polygamy, in some areas, although they are prohibited under the new Family Law. The Committee also expresses concern about information received regarding the promotion, by some sectors of Mozambican society, of conservative views contesting women's human rights on the basis of cultural values and the preservation of national identity.

23. The Committee calls upon the State party to increase its efforts to develop and implement comprehensive educational measures and awareness-raising campaigns with regard to the new Family Law for all sectors of society, including the judiciary, the legal profession, law enforcement agents, public officials and community and civil society organizations, with the involvement of and in cooperation with the media. The Committee further recommends that, whenever necessary, the State party take a clear stand on the issue of negative traditional practices, explicitly recognizing that such practices should not violate human rights under any circumstances.

24. Although acknowledging the measures already in place, including counselling services for victims, help lines, training actions for the police and the establishment of a database, the Committee is concerned about the high prevalence of domestic violence and sexual violence against women, which appear to be socially legitimized and accompanied by a culture of silence and impunity, and by the still inadequate responses of social services and of the system of administration of justice. The Committee is further concerned at the vulnerable situation of women victims of violence with respect to their access to justice.

25. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls upon the State party to adopt the draft law against domestic violence as soon as possible, and to ensure that violence against women and girls, including domestic violence, marital rape, sexual

harassment, and all forms of sexual abuse, constitutes a criminal offence; that perpetrators are prosecuted, punished and rehabilitated; and that women and girls who are victims of violence have access to immediate means of redress and protection. The Committee also recommends the implementation of training for the judiciary, public officials, law enforcement personnel and health-care providers to ensure that they are sensitized to all forms of violence against women and can provide adequate gender-sensitive support to victims. It also recommends the establishment of counselling services for victims of violence and the implementation of public awareness-raising campaigns, which should also target men, on all forms of violence against women. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence.

26. While noting the State party's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Committee is concerned about trafficking in women and children and the increasing prostitution of children, particularly girls. In particular, the Committee expresses concern over the trafficking and sexual exploitation of girls stemming from poverty and from their need to provide support to their families.

27. **The Committee urges the speedy adoption and implementation of the draft anti-trafficking law, which must include prevention measures, effective prosecution and punishment of traffickers and the provision of protection and support to victims. The Committee also recommends that information and training on the new law be provided to the judiciary; law enforcement agents, including border police; public officials; and social workers. The Committee further recommends that the State party pursue and reinforce policies and programmes to address the root causes of trafficking, including the creation of income-generating activities, in order to eliminate the present vulnerability of women and girls with respect to prostitution and trafficking.**

28. While acknowledging the significant presence of women in political decision-making posts, the Committee notes that the same level of progress has not been achieved and that obstacles to the advancement of women still remain in other areas of public and professional life, including in the realms of diplomacy, the judiciary and public administration, mainly at senior levels.

29. **The Committee recommends that the State party pursue sustained policies aimed at the promotion of women's full and equal participation in decision-making as a democratic requirement in all areas of public and professional life, including, wherever necessary, the further adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention and with the Committee's general recommendation 25 on temporary special measures.**

30. While the Committee recognizes the State party's efforts to expand girls' access to education, in particular the measures taken and results achieved at the primary level, the Committee is concerned about their low levels of participation at the secondary and tertiary levels and in technical streams, as well as about their high failure and drop-out rates. The Committee also expresses concern at the current 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. The Committee is further concerned about information received indicating that pregnant girls are transferred to night schools, thus creating further difficulties with respect to attendance, owing to security reasons.

31. The Committee urges the State party to reinforce and invest further resources in programmes addressing obstacles to girls' and young women's equal educational participation at the secondary and tertiary levels. The Committee also encourages the State party to actively encourage diversification of educational and professional choices and opportunities for women. The Committee recommends that measures be taken to identify and address the causes leading to the high failure and drop-out rates for girls; it further recommends that pregnant girls be supported and encouraged to continue their education.

32. The Committee is concerned that adequate sex education, essential for a healthy view of sexuality, is not sufficiently covered in school curricula. The Committee is particularly concerned that, on the contrary, girls in schools are sometimes victims of sexual abuse by teachers, colleagues and others, despite the existing legal provisions addressing this issue.

33. The Committee urges the State party to guarantee that adequate age-appropriate sex education is provided to girls and boys, aimed at a healthy and responsible view of sexuality. The Committee also urges the State party to ensure that those responsible for the harassment or abuse of girls in the educational system are effectively punished, that such abuse is viewed as a human rights violation and that girls are supported in denouncing such situations. The Committee also urges the State party to take measures to promote the creation of a positive environment that will prevent such situations from arising, including by encouraging families not to accept the settlement of such cases through the marriage of the girl with the aggressor.

34. The Committee expresses concern about the disadvantaged situation and discrimination against women in the formal labour market, as reflected in their overrepresentation in the lower ranks of the private and public sectors and at the administrative level, in the wage gap and in inequalities in access to financial compensation and benefits as compared to men. The Committee is also concerned about the weak enforcement of the existing equality provisions in labour laws. The Committee is further concerned about the high numbers of women in the informal sector, where they lack job security and access to social security benefits.

35. The Committee urges the State party to strengthen the enforcement of equality provisions in employment laws, including those regarding equal opportunities of access to the labour market and professions, equal treatment and equal remuneration for equal work or work of equal value, and to ensure equal access to benefits for women and men. The Committee also urges the State party to promote the career progression of women and to utilize temporary special measures to accelerate women's progress towards equality in the areas of work and employment. The Committee further encourages the State party to embrace support for women in the informal sector, including by creating opportunities for training and ensuring access to credit, as well as social security and social protection measures.

36. The Committee is concerned about multiple aspects of women's health needs, including the maternal mortality rate which, though decreasing, still remains high. It is also concerned at the high rate of teenage pregnancy and its linkage to the lack of information and prevention measures, illegal abortion and to maternal mortality. The Committee is further concerned about the obstacles that women still face in terms of access to health services, including reproductive health services, difficulties with regard to lack of information on sexual and reproductive health and difficulties linked to such factors as a lack of resources, deficient infrastructure and poor roads and transport.

37. The Committee calls upon the State party to adopt a comprehensive approach to address women's health concerns. It urges the State party to undertake measures to improve women's access to health care services, to improve the availability of information and education regarding sexual and reproductive health and to address the identified causes of maternal mortality. The Committee also recommends that measures that aim at the prevention of unwanted pregnancies, including teenage pregnancies, be strengthened by increasing knowledge about family planning services.

38. The Committee is deeply concerned at the alarming level and rapid spread of HIV/AIDS among women, including young women and pregnant women, and at the widespread consequences of the pandemic in Mozambique, including the high number of orphaned children.

39. While noting with appreciation the existing global programmes for addressing the AIDS pandemic and the priority already given to that issue, the Committee recommends continued and sustained efforts to address all relevant aspects of the impact of HIV/AIDS on women, as well as its social and family consequences.

40. The Committee is 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 at the community level. The Committee also expresses concern about the particularly difficult situation of women heads of household. The Committee notes that rural women often lack effective access to the ownership of land, despite the existence of legal provisions providing such access. The Committee further expresses concern about the specific impact of environmental degradation on the situation of rural women.

41. The Committee recommends that the State party take measures to increase and strengthen the participation of women in designing and implementing local development plans, and pay special attention to the needs of rural women, particularly women heads of household, ensuring that they participate in decision-making processes and have improved access to health, education, clean water and sanitation services, fertile land and income-generation projects. The Committee further recommends that the specific impact of environmental degradation on rural women be evaluated and that the solutions and policies adopted take such evaluations into account. The Committee also recommends that the State party widely disseminate information regarding the rights of women under the Land Law.

42. Although acknowledging the efforts undertaken, the Committee expresses concern over the vulnerable situation of certain groups of women, including women with disabilities, who suffer from social marginalization and exclusion, namely in the labour market. In particular, the Committee is concerned about the social situation of older women, including their poverty, isolation and lack of identity cards as well as cultural beliefs about older women, and accusations of witchcraft against them. The Committee also expresses concern regarding the particular vulnerabilities of women refugees and internally displaced persons.

43. The Committee recommends that the State party pay special attention to the precarious situation of older women, women with disabilities, women refugees and internally displaced persons, to ensure that, as appropriate, they have full access to health and social services and to decision-making processes, and that they have adequate jobs in the labour market. The Committee further urges the State party to adopt special programmes to alleviate poverty within those groups of women, and to combat all forms of discrimination against them. The Committee also urges the State party to challenge traditional views regarding older women, particularly accusations of witchcraft, and to provide identity cards free of charge, in order to guarantee their full access to social services and social protection.

44. The Committee, although welcoming the major breakthrough brought about by the new Family Law, is concerned that discriminatory customary practices still persist with regard to marriage and family relations. The Committee is further concerned that women in de facto unions (a common form of union in Mozambique) and their children do not enjoy adequate legal protection.

45. The Committee calls upon the State party to ensure regular monitoring of the implementation of the new Family Law to guarantee equal rights for women in marriage and family relations, and to ensure that where conflicts arise between formal legal provisions and customary law, the formal provisions prevail. The Committee recommends that the State party seriously consider the situation of women in de facto unions, and of the children resulting from such unions, and ensure that they enjoy adequate legal protections.

46. The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

47. The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

48. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.

49. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Mozambique to consider ratifying the treaties to which it is not yet a party, namely, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

50. The Committee requests the wide dissemination in Mozambique of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

51. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its third periodic report, which was due in May 2006, and its fourth periodic report, due in May 2010, in a combined report in 2010.

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.