



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the initial report of Mozambique (CCPR/C/MOZ/1), adopted by the Committee at its 107th session (11 – 28 March 2013)*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. In light of paragraphs (1) and (2) of article 18 of the Constitution (State party's report, CCPR/C/MOZ/1, para. 34), please cite examples, if any, of cases in which the provisions of the Covenant have been invoked before and by the courts of the State party, and to what effect. In addition, please provide information on (a) the availability and accessibility of remedies for individuals claiming a violation of the rights contained in the Covenant, and (b) human rights training for the judiciary in the State party.
2. Please provide information on the progress made in establishing a national human rights commission, pursuant to the bill approved by the Mozambique Parliament in May 2009, and an institution of the Ombudsman. Are they fully operational? To what extent have the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), been taken into account and complied with in this process?
3. In light of the commitment made by the State party in the context of the universal periodic review (A/HRC/17/16, para. 88.10 and A/HRC/17/16/Add.1, para.8), please indicate whether the State party has approved the National Action Plan for Human Rights. If so, please indicate the progress made in implementing the Plan in the State party.

Non-discrimination, equality between men and women (arts. 2, 3, 20 and 26)

4. What measures have been taken by the State party to adopt specific civil and criminal legislation on racial discrimination, and to promote the immediate and thorough investigation and sanction of hate speech cases, and racist and xenophobic acts, in particular with regard to employment (CCPR/C/MOZ/1, para.161)?

* A list of issues was adopted in the absence of a report under rule 70 of the Committee's rules of procedure during the 103rd session in November 2011 (CCPR/C/MOZ/Q/1). It was scheduled for examination during the 104th session in March 2012 but was postponed following confirmation from the State party that the initial report would be provided. This report was subsequently submitted.

5. Please provide information on the laws and policies in place to ensure that persons with disabilities enjoy legal capacity on an equal basis with others.
6. Please indicate measures taken to protect persons from discrimination and violence based on their sexual orientation. Please report on the number of people who have been attacked since 2005 based on their sexual orientation, including by police or other security forces, and specify whether perpetrators have systematically been prosecuted and punished. Are legislative amendments foreseen to decriminalize consensual same-sex sexual activity?

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment of persons deprived of their liberty (arts. 6, 7 and 10)

7. Please provide detailed information on the measures taken (a) to prohibit and prevent acts of unlawful killings, extrajudicial executions, excessive use of force, deaths in custody, torture and other cruel, inhuman and degrading treatment by the police, and (b) to investigate and sanction such cases (CCPR/C/MOZ/1, paras. 97 to 101). Information should also be provided on the number of investigations carried out and the types of penalties imposed.
8. Please comment on the allegations received by the Committee that treatment contrary to article 7 of the Covenant is used in prisons, including in the cases of 12 prisoners who died of asphyxiation in “Mogincual District Jail” in 2009 and in the cases of torture that took place in “Machave Central Prison and Maximum Security Jail” between April and May 2010.
9. Please provide updated information on the measures taken to address the problem of deteriorating prison conditions, overcrowding, poor infrastructure, and the lack of medical care and deaths in prison (CCPR/C/MOZ/1, paras. 118 to 120). Given the high number of prisoners, please describe what steps have been taken to reduce application of pretrial detention (CCPR/C/MOZ/1, paras. 121 and 123). To what extent has the State party used alternative measures of detention such as bail, suspended sentences and community service?
10. Please provide information on the measures taken to prevent and combat violence against women, including domestic violence, inter alia, by implementing the relevant legislation, ensuring its effective investigation and sanction, increasing the services for victims of such violence, and improving the statistical system of documentation of cases of such violence. Please comment on information that the Law against Domestic Violence, Law no. 29/2009, (CCPR/C/MOZ/1, paras. 55 - 58) and the Family Law, Law no. 10/2004 (CCPR/C/MOZ/1, paras. 169-173), are not respected in practice. Information should also be provided on: (a) the number of complaints received for such cases; (b) investigations carried out; (c) the types of penalties imposed; (d) compensation awarded to the victims and; (e) the number of safe shelters and any other resources allocated to assist victims of domestic violence.
11. Please provide information with regard to the specific measures undertaken to combat violence and stigmatization in relation to older women accused of witchcraft.
12. Please comment on information before the Committee that regular mutilation occurs in Mozambique and body parts are forcibly removed from children and adults causing death or severe disability, mainly to be used by so-called witch doctors in their traditional medicine, and frequently trafficked between Mozambique and South Africa. What steps have been taken to combat the trafficking of body parts?

Security of person and protection against arbitrary arrest and detention (art. 9)

13. Please describe measures taken to ensure the prosecution of all police officers known to have carried out arbitrary arrests or detentions (CCPR/C/MOZ/1, para. 109), and to provide access to compensation to all victims for such violations. What is the role of the Communitarian Police Councils in this regard (CCPR/C/MOZ/1, para.113)?

Equality between men and women (arts. 3 and 26)

14. Please provide information on the measures taken to effectively implement the legislation listed in paragraph 49 of the State party's report, which intends to promote equality between men and women. What is the outcome of this implementation?

15. Please indicate the measures that have been taken to bring an end to all traditional discriminatory practices and stereotypical attitudes about the roles of women and men in the family and society which impair the equal enjoyment of rights by women and men, and contribute to the persistence of violence against women.

16. Please describe the measures taken or envisaged to increase the representation of women in decision-making bodies at the local level (CCPR/C/MOZ/1, para. 54). Which measures have been adopted to promote the rights of women in rural and remote areas particularly with regard to poverty, illiteracy, access to health and to social services?

Prohibition of slavery and forced labour (art. 8)

17. Please provide further information on (a) the progress made to prevent and combat trafficking in human beings, (b) the prevalence of this phenomenon, expressed in up-to-date statistical data disaggregated by gender, age and country of origin; (c) the number of prosecutions, convictions and sanctions imposed on persons involved in human trafficking, (d) training programmes for professionals involved in implementing the State party's measures against trafficking, including the police, the judiciary, members of the prosecution authorities and social workers and (e) the programmes established to assist victims of trafficking or to raise awareness about this issue. In this context, please provide specific information on the implementation of the Trafficking Act (CCPR/C/MOZ/1, paras. 104 and 105).

18. Please comment on the information before the Committee according to which 22 per cent of children between ages 5 and 14 are involved in child labour, the 2008 Laws on the Promotion and Protection of the Rights of the Child (Law No. 7/2008 of 9 July) is not effectively enforced (CCPR/C/MOZ/1, para. 181), and the existing law does not cover certain sexual offences against children, including forced sexual relations and sexual exploitation. Please describe further information on the measures taken to eliminate forced labour and the worst forms of child labour (CCPR/C/MOZ/1, para.190), inter alia, investigating complaints related to child labour, prosecuting and punishing the perpetrators, as well as developing and strengthening appropriate legislative measures to address the issue of sexual abuse and exploitation of child.

19. Please comment on reports 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.

Right to a fair trial (art. 14)

20. Please provide information on the measures that have been taken to improve access to justice for the population, particularly for members of ethnic groups disadvantaged on account of their location, language or poverty. What measures have been taken to address the problems of lack of clarity in calculating the court fees, insufficient funding of the

judiciary as indicated by the Special Rapporteur on the independence of judges and lawyers. Please inform the Committee on the measures that have been taken to enhance the capacity of the Institute for Legal Assistance and Representation (IPAJ) and to enable its effective representation in all regions of the State. Please comment on reports (a) that the courts and the offices of the Attorney General have high rates of procedural delays, results in pretrial detainees constituting a significant percentage of the prison population, and (b) that significant provisions of the criminal laws were outdated and that these limit access to justice (A/HRC/WG.6/10/MOZ/3, paras. 25 and 27).

Protection of children (art. 24)

21. Please provide information on the progress made to enable the National Council on Child Rights to work effectively, including the implementation of the National Action Plan for Children (2006-2011) and the Plan of Action for Orphan and Vulnerable Children (2005-2010), with the necessary financial and human resources (CCPR/C/MOZ/1, para. 183). Please comment on concerns 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 (CRC/C/MOZ/CO/2, para. 11).

22. Please provide further information on the measures taken to strengthen a free and sustainable birth registration system throughout the country (CCPR/C/MOZ/1, paras. 135-139).

23. What steps have been taken to put an end to corporal punishment in all settings, including through the revision of the Child Protection Law to explicitly prohibit corporal punishment? What measures have been taken to encourage non-violent forms of discipline as alternatives to corporal punishment, such as public information campaigns to raise awareness about its harmful effects?

Rights related to marriage and family (art. 23)

24. Please indicate the measures adopted to prevent the persistence of harmful traditional practices such as early or forced marriage and polygamy in some areas, despite their prohibition under the Family Law of 2004 (CCPR/C/MOZ/1, para. 169). What steps have been taken to ensure the implementation of this law and the involvement of families, community leaders, society at large and children themselves into the awareness-raising campaigns to this end?

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

25. Please provide information on the steps taken to disseminate information on the Covenant and its Second Optional Protocol, the submission of the first periodic report of the State party, and its forthcoming examination by the Committee. Please also provide more information on the involvement of representatives of ethnic and minority groups, civil society, non-governmental organizations, and the Ombudsman in the preparatory process of the report.
