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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Mozambique**

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\* The present document is being issued without formal editing.



## I. Introduction

1. The Universal Periodic Review, hereafter referred to as UPR, has proven to be a useful tool for strengthening the promotion and protection of human rights at the domestic level. Since the last review in 2016, Mozambique has committed and made efforts to implement the 180 accepted and 30 noted recommendations.
2. The human rights situation from 2016 to 2020 has seen substantial improvement compared to the previous period, despite numerous challenges, such as: political-military instability in the Central and Northern regions, economic and financial crises, as well as adverse effects of climate change and Covid-19.
3. This Report was prepared based on contributions from State institutions. Prior to its submission to the United Nations (UN) a preliminary version was discussed with representatives of the State and civil society in a **National Workshop for the Validation of the National Report on the Third Cycle of the Universal Periodic Review Mechanism (UPRM) of the Republic of Mozambique** on 31 October 2020.

## II Main developments since the last review

4. Mozambique remains determined to respect and promote Human Rights for all, both nationally and internationally.
5. At the national level, the Ministry of Justice, Constitutional and Religious Affairs, as coordinator on issues of rights, articulates its actions with all public institutions and strengthens dialogue with civil society, which has been a key priority to achieve a better realization of Human Rights.
6. There has been increase in the institutional and response capacity of national human rights institutions, especially the Ombudsman and the National Human Rights Commission, whose actions can already be felt by citizens.
7. The increase of women's political participation in decision-making bodies at central and local level, which translates the strong commitment of the Government of Mozambique in fulfilling the goals of gender parity.
8. The reform of the Justice Administration System with the approval of several legislative packages, especially the Criminal Procedure Code, the Penal Code, the Code on the Execution of Penalties and Alternative Measures to Prison and other legislation of institutional strengthening of the power of the courts and the Public Prosecutor's Office.
9. The increase in trials for corruption cases attached to public service, which reflects a strong commitment of the Mozambican state to fight impunity associated with corruption.
10. The approval of legislation and policies to combat gender inequalities in various areas of national life and early marriages.
11. The expansion of the potable water supply and consumption network in rural areas, in quantity and quality, through the "Provida" Program launched by the President of the Republic.
12. Improvements in collaboration with civil society on human rights monitoring, based on an open and constructive dialogue.
13. The introduction of human rights modules in the training curricula of magistrates and public prosecutors, and other actors of the criminal justice system at the Judicial and Legal Training Center, as well as in the training institutions of the police of the Republic of Mozambique, the penitentiary services amongst others.
14. Increased capacity to prevent and respond to natural disasters and associated humanitarian crises.
15. At the international level, the increase of technical cooperation with the United Nations human rights bodies, namely the United Nations Development Program (UNDP),

the United Nations High Commissioner for Human Rights (OHCHR), the specialized commissions, special rapporteurs and the various working groups based in Geneva, as well as regular participation in the high-level meetings of the Human Rights Council (HRC).

### **Political context**

16. The cyclical holding of the electoral processes, in October 2019, within the limits determined by national legislation whose paradigmatic example was the holding of the General and Presidential, Governors' and Provincial Assemblies' Elections, in an environment of peace and harmony, which consolidates the democratic process in Mozambique.

17. Record of political-military tension after the 2014 elections won by the Frelimo party and its Presidential candidate. Between 2014–2018, Mozambique experienced political and military instability, with the refusal of the Mozambican National Resistance (RENAMO) to recognize the results of the last elections.

18. The President of the Republic, Filipe Nyusi and the leader of (RENAMO), Ossufo Momade, signed on 6 August 2019 the definitive Agreement for peace and national reconciliation in Mozambique, which is the main instrument of the materialization of the process of demilitarization, disarmament and reintegration (DDR) of RENAMO's residual men.

### **Constraints**

19. Mozambique had to face economic-financial crisis derived from the international conjuncture and the cut of foreign aid resulting from the so-called hidden debts.

20. The cyclical floods and droughts that devastate Mozambique resulting from climate change, with particular emphasis on the cyclones Kenneth, Idai and Eloise, which have affected the central, northern and southern regions.

21. In October 2017, the armed conflict in Cabo Delgado began, by unidentified armed men (terrorists) in the village of Mocímboa da Praia and continues to this day. It is estimated that over 2000 people have been killed and over 500 thousand displaced to various provinces of the country. As a consequence, there was destruction of property and social infrastructure, an unspecified number of disappearances, and more than 30 thousand children prevented from studying due to the conflict.

22. The efforts of the new Government resulting from the elections were focused on resolving the political-military tension in the Center and particularly in Cabo Delgado, providing due assistance and dignified treatment to the internally displaced, guaranteeing conditions of health, housing, psychosocial support, speed in the provision of food supplies, birth registration and civil identification, and strengthening institutional articulation.

23. The global advent of the COVID 19 Pandemic in late 2019 and in Mozambique in early 2020, forced the adoption of new measures of protection and prevention. As a result, the President of the Republic approved through Presidential Decrees four declarations of State of Emergency and public calamity throughout the national territory in order to prevent the spread of the virus, "**containment of the spread of the disease, to safeguard life and public health<sup>17</sup>**".

## **III Follow-up to the II cycle recommendations**

### **A Promotion and protection of human rights**

#### **Promotion and protection of human rights<sup>2</sup>**

24. Presidential Decree No. 2/2015 of 16 January creates the Ministry of Justice, Constitutional and Religious Affairs (MJCR), whose duties and powers are **enshrined** in

Presidential Decree No. 8/2015 of 13 March, which states: “The Ministry of Justice, Constitutional and Religious Affairs is a central organ of the State Apparatus that, in accordance with the principles, objectives and tasks defined by the Government, **is in charge of the direction, execution and coordination of the area of constitutionality, legality, justice, human rights and religious affairs.**”

25. **Presidential Decree No. 8/2015 of 13 March states in paragraph (p) of Article 2 that the duties of the MJCR are to ensuring the inter-ministerial and sectorial articulation and coordination of policies for the promotion and protection of human rights and citizenship.**

26. For the effectiveness of the directives aforementioned, Resolution n° 1/2015, of 24 June approves the Organic Statute of the Ministry, under article 12 of the legal diploma in question, it establishes the functions of the **National Directorate for Human Rights and Citizenship**, with the mandate of coordination and inter-ministerial and inter-sectoral articulation on human rights.

27. In turn, Mozambique’s Legislative Branch, the Rules of Procedure of Parliament, establishes a specialized committee on the matter, namely the Committee on Constitutional Affairs, Human Rights and Legality, where all political parties with parliamentary seats (Frelimo, Renamo and the Democratic Movement of Mozambique) are represented; the Committee on Petitions; and the Office of Parliamentary Women.

28. In the context of global efforts to combat Gender Based Violence, the Multisectoral Mechanism for Integrated Assistance to Victims of Domestic Violence was created in 2012.

29. Government is also in process of institutionalizing the Inter-Ministerial Working Group for Human Rights and International Humanitarian Law through a Decree of the Council of Ministers.

30. Within the scope of national human rights institutions and in line with the Paris principles, the Ombudsman – Constitutional Body – and the National Human Rights Commission (CNDH: created by Law n°33/2009, 22 December) are established for institutional strengthening in the interest of citizens.

31. In terms of institutional coordination, different mechanisms have been established, most notably, the National Council for Social Action, a consultative body of the Ministry of Gender, Children and Social Action, whose composition includes civil society organizations; the National Children’s Council (CNAC), a body for social consultation, supervision and monitoring of the execution of policies to promote and protect children’s rights; among others.

32. In the area of legislative reform, the revision of the Penal Code, the Code of Criminal Procedure, the Code for the Execution of Penalties and Alternative Measures to Deprivation of Liberty were approved, which also fall within the domain of strengthening the mechanisms for the protection of human rights.

33. On the other hand, the incorporation of human rights modules in the curricula and training programs of justice operators, especially judges, police officers, prison guards and justice officials, contributes to the strengthening of the mechanisms for the protection of human rights in Mozambique.

34. In addition to the State mechanisms and Public Entities, the State provides openings for the establishment of parallel mechanisms by non-state actors and civil society, such as the Human Rights Commission of the Bar Association and the various platforms and organizations of civil society.

### **Cooperation with the different international mechanisms and institutions<sup>3</sup>**

35. Mozambique has made a great effort to regularize its situation with regard to reporting to the different specialized bodies of the United Nations and the African Union. Thus, the country was evaluated in November 2018 by the Committee on Migrant Workers, in July 2019 by CEDAW and September 2018 by the CRC. The State also submitted its report to CRPD in January 2020.

36. A further 3 reports are under preparation, namely, on the Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, which will be submitted to the specialized bodies by the second half of 2021.

37. Still in this component of international cooperation, and more specifically the cooperation with the special procedures, (Special Thematic Rapporteurs, Independent Thematic Experts, Special Envoys, Working Groups), the Republic of Mozambique in the context of the acceptance of the recommendations to the II Cycle of the UPR formulated the standing invitation to the Independent Experts.

#### **Acceptance of international standards<sup>4</sup>**

38. It should be noted that Mozambique has made an effort to affirm itself as a state party to various regional and international instruments for the promotion and protection of human rights. Thus, it is in progress for ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR), I Optional Protocol to the Covenant on Civil and Political Rights (OP-ICCPR I), the International Convention for the Protection of All Persons from Enforced Disappearance, Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure (OP-CRC).

#### **Human rights education and training<sup>5</sup>**

39. In this regard, the country has made significant progress to the extent that law schools in higher education have introduced a human rights module, and master's degrees in human rights have been adopted. In addition, several human rights centers have been created in law schools in public and private universities.

40. On the other hand, training institutions for judicial and prosecutorial magistrates, police officers, correctional and prison officers, and justice officials have included human rights modules in their structures and programs.

41. Despite the developments reported above, challenges remain to include human rights education in the curricula of the National Education System at the basic or secondary level and the Government is still studying this possibility from a practical point of view.

## **B. Civil and political rights**

#### **Right to participate in the affairs of public life<sup>6</sup>**

42. Based on different regional and international instruments, citizens have the right to participate in the affairs of public life, either by themselves or through their representatives. In the Republic of Mozambique, this right is enshrined in Articles 53 and 73 of the Constitution of the Republic of Mozambique.

43. According to the constitutional articles referred to above, the State promotes and supports the active participation of citizens in the development and consolidation of the national economy, especially the freedom of citizens to form or participate in political parties. In these terms, parties express political pluralism, contribute to the formation and manifestation of the popular will, and are a fundamental instrument for the democratic participation of citizens in the governance of the country.

44. In this regard, a number of efforts have been made by the Government to improve citizens' participation in political life. The Reform of the Public Sector is one of these efforts that aims to improve, modernize and simplify Public Services, especially decentralization and de-bureaucratization, greater celerity of administrative procedures, creation and greater management capacity of public policies and human resources among other aspects to respond to the legitimate interests of citizens.

45. In recent years, Mozambique has made considerable progress related to the need to "address identified gaps in the conduct of elections, party competitiveness, and the electoral

process. For example, the country's electoral law was amended ahead of the 2018 Municipal Elections to address the reshuffling of the membership of the National Elections Commission (CNE) and the Technical Secretariat for Electoral Administration (STAE) at the national, provincial and district levels.

46. The Government of Mozambique recognizes that Elections constitute a fundamental exercise for the development of democracy and the affirmation of the Rule of Law that contributes to the respect and protection of human rights, social justice and sustainable development. Many international instruments to which Mozambique is a State Party point to this importance.

47. In the framework of the dialogue for the achievement of effective Peace and national reconciliation, consensus was reached between the Government and the largest opposition party, the National Resistance of Mozambique (RENAMO), which allowed the approval by the Parliament of a new package of electoral legislation:

- Law No. 1/2018 of 12 June, Law of the Punctual Revision of the Constitution of the Republic of Mozambique;
- Law No. 6/2018, of 3 August amends Law 2/97, of 18 February, establishing the Legal Framework for the Establishment of Local Authorities;
- Law no. 7/2018, of 3 August, for the election of the Officers of the Local Authorities;
- Law no. 7/97, of 13 May, on the Supervision of Local Authorities by the State;
- Law No. 6 and 7/2018, of 3 August. **Law No. 6/2018**, amends Law no. 2/97, of 18 February, which establishes the legal framework for the establishment of local authorities and Law no. 7/2018, amends Law No. 7/2013, of 22 February, republished by Law no. 10/2014, 23 of April, concerning the election of the holders of the Bodies of Local Authorities;
- Law no. 2/2019 amends Law no. 8/2013, of 27 February, establishing the legal framework for the election of the President of the Republic and the deputies of the Parliament;
- Law No. 3/2019 establishes the legal framework for election of the members of the Provincial Assembly and the Provincial Government;
- Law No. 4/2019 establishes the principles, organizational rules, powers and operation of the executive bodies of provincial decentralized governance;
- Law No. 5/2019 establishes the legal framework of the state tutelage to which the provincial and local authority decentralized governance bodies are subject;
- Law No. 6/2019 establishes the legal framework on the organization, composition and operation of the Provincial Assembly;
- Law No. 7/2019 establishes the legal framework on the organization and operation of the organs of state representation in the province.

48. No less important was the reorganization of the electoral management bodies, namely the National Electoral Commission (CNE) and the Technical Secretariat for Electoral Administration (STAE) and the guarantee of the principle of parity between the FRELIMO party and the members of the other parties, namely RENAMO and MDM<sup>7</sup> on a proportional basis according to parliamentary representation.

#### **Right to political participation and right to vote<sup>8</sup>**

49. The country is a State Party to several international and regional instruments that enshrine citizens' right to political participation and voting rights. The African Charter on Democracy, Elections, and Governance ratified by Mozambique in 2017, aims to ensure the participation of citizens in fair, transparent, and free electoral processes, as well as prevent problems of post-election violence or conflict.

50. The African Charter upholds the principles of democracy and transparency, freedom and fair elections, gender equality, freedom of the press, and political pluralism. In addition, it provides for accountability in the management of public affairs, prevention and combating of corruption, and condemns all types of anti-constitutional political changes.

51. The CRM (2018), in its Article 30, grants all Mozambican citizens a set of possibilities for participation in national political life. There are few formal restrictions<sup>9</sup>.

52. There are few legal restrictions on political participation by Mozambican citizens, the real barriers are poverty, illiteracy<sup>10</sup>, access to information, gender inequalities, income, among other aspects.

### **Freedom of opinion and expression<sup>11</sup>**

53. In Mozambique, the right to freedom of expression, press and the right to information are rights guaranteed by the Constitution of the Republic of Mozambique, in line with the different regional and international legal instruments. These Rights comprise: i) journalists' freedom of expression and creation, ii) access to sources of information, iii) protection of independence and professional secrecy; and iv) the right to create newspapers, publications and other means of dissemination.

54. To this end, there is a Media Higher Council in Mozambique, a body of discipline and consultation, which ensures access to information, freedom of the press, as well as the rights of airtime and response.

55. In recent years, the media have expanded and diversified greatly. Community radios have been an important alternative in disseminating information to citizens in rural areas, but their reach is still limited.

### **Prohibition of slavery and trafficking in human beings<sup>12</sup>**

56. International human rights instruments state that all People have the right to and respect for their dignity, to recognition of their personality and, inherently, respect for their life and physical and moral integrity, and that no one shall be arbitrarily deprived of this right. This right also prohibits all forms of exploitation of the individual, more specifically, slavery, torture and trafficking.

57. The international and regional legal instruments to which Mozambique is a State Party, such as the Universal Declaration of Human Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the African Charter on Human and Peoples' Rights prohibit slavery, including prohibition of the slave trade, the prohibition of servitude and the prohibition of performing forced or compulsory labor, and the prohibition of torture.

58. In this regard the Constitution of the Republic of Mozambique enshrines in its Article 40 that *"every citizen has the right to life and to physical and moral integrity, and may not be subjected to torture or cruel and inhuman treatment. In the Republic of Mozambique there shall be no death penalty"*.

59. The Constitution of the Republic of Mozambique enshrines, in Article 84, the right to free choice of profession and prohibits compulsory labor. However, some of the forms of violation have been related to the crime of human trafficking, where the victims have been children, girls and adolescents, from rural areas, who in various ways are enticed, often with the complicity of family members, giving rise to new forms of labor and sexual slavery.

60. It is important to highlight the attack, kidnapping and trafficking of people with albinism with the purpose of extracting organs and parts of the human body, a new phenomenon that occurs in the Northern Zone, with greater emphasis on the Province of Nampula.

61. Within the framework of combating the phenomenon of human trafficking, Mozambique has been carrying out several relevant actions under the United Nations Convention against Transnational Organized Crime (Palermo Protocols against Trafficking in People, Especially Women and Children and the Protocol against Smuggling of

Migrants). Law no. 6/2008, of 9 July, was approved in 2018, which domesticates the Palermo Protocol and establishes the legal framework for preventing and combating trafficking in People, especially women and children.

62. In an effort to ensure the efficient implementation of the Trafficking in People Law, a review is underway under the guidance of UNODC, which has drafted a set of implementing regulations that are comprehensive and cover all the essential elements required by international law.

### **Police of the Republic of Mozambique<sup>13</sup>**

63. The Police of the Republic of Mozambique (**PRM**) is a corporation constitutionally enshrined under Article 252 of the **CRM**, with a mandate to guarantee law and order, safeguard the security of People and property, public tranquility, respect for the democratic rule of law, and the strict observance of the fundamental rights and freedoms of citizens.

64. The number of police officers to meet the demands of population growth and to guarantee public order and security remains very low compared to other countries, with the police per capita ratio being 1/1000, despite recent efforts to recruit and train new police officers in mass.

65. The training of PRM officers includes a human rights component, it is provided on a mandatory basis by three educational institutions: i) the Academy of Police Sciences (**ACIPOL**) in Maputo Province for the training of officers and senior staff, awarding bachelor and master degrees in police sciences; ii) the Police Sergeants' School (**ESAPOL**) located in Sofala Province, which trains sergeants; and iii) the Matalane Practical School in Maputo Province, for the initial training of guards.

66. Despite the Government's efforts, the Police sector also faces difficulties related to the scarcity of resources, as a result of the country's economic and financial situation, which compromises the efforts undertaken by the Government for its modernization, the increase in personnel and continuous training with a view to guaranteeing public order and security based on respect for the democratic rule of law and human rights.

### **Prison system and detention conditions<sup>14</sup>**

67. The Government has been approving reforms to the Prison Sector with the objective of guaranteeing fundamental human rights principles. In practice, efforts to observe pre-trial detention periods have been notable, as well as, compliance with applicable prison terms. This has been a result of improvements in oversight of criminal system, through the Penitentiary Information Management System, which allows for a better tracking of proceedings and status of prisoners, namely their identification, procedural situation, health condition, among others.

68. The biggest challenge continues to be overcrowding. Inmate capacity in 2020 was 8,498 and the prison population was 19,569, a fact that demonstrates a level of overcrowding, of 11,071, corresponding to 130% above existing capacity. Contributing to overcrowding, are procedural delays, limited internment capacity in penitentiary establishments, increase in crime rates and also the weak application of alternative measures to imprisonment.

69. The Government and cooperating partners have developed measures for the gradual improvement of prison conditions, with emphasis on the rehabilitation of detention facilities for prisoners and detainees, in addition, the correct application of alternative measures to imprisonment by magistrates and the ongoing reform of the prison system, are part of the solution.

70. To face this major challenge and others in this area, the institutions of the administration of justice have been carrying out various actions, including:

- Itinerant trial campaigns at a national level;
- Effective implementation of the Penitentiary System package, with emphasis on alternative sentences and measures to imprisonment, approved in the Penal Code, and very recently the approval of the Code of Criminal Procedure and the Code of



Enforcement of Sentences, instruments that establish the procedures for the implementation of said measures; and

- Rehabilitation and construction of fence walls in penitentiary establishments.

71. The application of these actions in the medium and long term will permit a substantial improvement in conditions in penitentiaries and other places of detention, with particular emphasis on the contribution to decongesting penitentiaries and reducing the number of defendants in preventive custody.

### **Corruption and transparency<sup>15</sup>**

72. As part of its strong international commitment to fight corruption, Mozambique has ratified a number of regional and international instruments on the matter, notably the African Union Convention on Preventing and Combating Corruption and the United Nations Convention against Corruption. In this sense, in order to prevent and combat the phenomenon, the Government has been adopting various legislative and administrative measures and vigorously combating impunity.

73. For the strengthening and effective application of the approved legal instruments the Government has been adopting several legislative actions and anti-corruption strategy provided for in the AU Convention on Combating and Preventing Corruption and the SADC Protocol against Corruption and “impunity,” acts investigated in judicial proceedings.

74. Other Government efforts include: i) successful implementation of the Global Strategy for Public Sector Reform; ii) capacity building of Development Observatories and District Consultative Councils; iii) second survey on governance and corruption; iv) creation of the Administrative Inspection career; v) regular monitoring by the Inspectorate General of Finance; and vi) implementation of the State Assets Module.

75. The Public Probity Law approved in 2012, outlines the priority of public interests over private interests. It defines conflict of interest and prohibits holders of public office from accepting gifts, facilities, etc., that may jeopardize the independent execution of their duties. It also establishes the duty of holders of public office to declare their assets and defines sanctions for violators of the law. In light of this law, **the Central Commission for Public Sector Ethics was created.**

76. Also approved was Law 13/2020 of 23 December establishing the Special Regime for Extended Asset Forfeiture and Asset Recovery. This law establishes the special legal regime for extended confiscation of assets, asset recovery and asset management, in favor of the State, resulting from illicit or criminal activity, under the provisions of article 178, paragraph 1, of the Constitution of the Republic.

### **Gender equality, non-discrimination and gender-based violence<sup>16</sup>**

77. The 2017 General Population and Housing Census points out that the current Mozambican population consists of 28,861,863, of which 52.2% are female and 47.8% are male<sup>17</sup>.

78. Article 36 of the Constitution of the Republic of Mozambique postulates the Principle of Gender Equality, which stipulates that “*men and women are equal before the law in all spheres of political, economic, social and cultural life*”.

79. Mozambican legislation encourages the observance of quotas favorable to women as a mechanism to ensure their representation in politics and in decision-making positions. Given the subordinate role that women have occupied since the colonial period, the Government has sought in a positive and constructive way to ensure women’s representation in society.

80. In 2005, Mozambique signed and ratified the SADC Protocol on Gender and Development, with the intention of reaching a 50/50 parity of women in relevant positions in decision-making bodies in the public and private sphere.

81. Mozambique has a progressive legal and institutional framework for the promotion and protection of women's rights reported in the **Second Universal Periodic Review Cycle**, with particular emphasis on Law No. 10/2017 of 1 August, approving the General Statute of State Employees and Agents in Article 78 numbers 2 and 3, which repeals Law No. 14/2009 of 17 March – this law increases maternity leave from the previous 60 days of leave to 90 days.

82. At the institutional level, one must emphasize the Gender Policy and Strategy for its implementation (2018), which is focused on guaranteeing equal rights and opportunities for both genders. And it also provides for appropriate and sustainable financial and human resources for its dissemination, coordination, capacity building, and guidance of various sectors from the public to civil society.

83. Also, still in this field, the Government has approved the National Plan to Prevent and Combat Gender-Based Violence (2018-2021), which falls under the Government's Five-Year Program (2015-2019) and is also in line with the Beijing Declaration and Platform for Action (1995), in addition to being aligned with the Sustainable Development Goals (SDG-2015), especially Goal n°5 "*Achieve gender equality and empower all women and girls*".

84. The Declaration of the Heads of State and Government of the Southern African Development Community on Gender and Development of 1997, following the Beijing Conference of 1995, exhorts the State Parties to introduce quotas to guarantee at least 30% of women in decision making positions. Mozambique has been introducing important gender promotion tools, such as the creation of the Ministry of Gender, Children and Social Action. In the Ministries and other public institutions Gender Units have been created and Focal Points have been appointed.

85. It should be noted that Mozambique has been occupying top positions in the region, in the continent and in the world with regard to the presence of women in the National Parliament. In the First Multi-Party General Elections of 1994, female representation in the National Assembly reached 25.20%. This figure rose to 29.20% in 1999; 35.60% in 2004; 39.20% in 2009 and 39.60% in the 2014 Elections.

86. According to data from the National Institute of Statistics for the period 2013–2015, the average female representation, of all posts at the central level was 36.20%; 32.70% at the provincial level and 22.70% at the local level. However, in 2015, the number of women in the Mozambican Parliament reduced from 100 to 96 out of a universe of 250 deputies, going from 40.0% to 38.0%.

87. The Mozambican State welcomed and incorporated in the internal order, since 2018 the Resolution 1325 on Women, Peace and Security, of the UN, and that for the purposes of its materialization approved its Action Plan (2018-2022) that aims to strengthen the actions of the State and in the promotion of human rights and gender equality.

88. The Plan defines the priority actions to be implemented by state institutions, civil society and cooperation partners, in the context of women's participation in conflict management and resolution. However, there are major challenges in recognizing women's participation in peace and security issues.

### **Children's rights<sup>18</sup>**

89. According to the Convention on the Rights of the Child and the Constitution of the Republic of Mozambique, a child is "every human being below the age of eighteen years unless, under the law, majority is attained earlier".

90. The 2017 Population and Housing Census, in Mozambique, there are 14,261,208 people considered children, adolescents and pre-youth which means that Mozambique is made up mostly of youth.

91. The child is one of the aspects present in the legal and institutional framework of Mozambique. The Mozambican State has shown a number of significant progresses in ratifying and adhering to various regional and international instruments that promote the protection of children's rights<sup>19</sup>. Among these instruments are: United Nations Convention

on the Rights of the Child, African Charter on the Rights and Welfare of the Child, Convention No. 138 (1973), on the minimum age for admission to employment; and Convention No. 182, (1999), on the worst forms of child labor.

92. In the incorporation of the legal instruments mentioned above into the internal order, Mozambique has adopted several legislations, policies, plans and other mechanisms that are in force in the legal framework reported in the Second Universal Periodic Review Cycle, with emphasis on the following legal diplomas:

National Action Plan for Children (PNAC II) 2012-2019; Five-Year Government Plan (PQG) 2015-2019, under Strategic Objective 5 of Priority 2 (Developing Human and Social Capital); National Action Plan to Combat the Worst Forms of Child Labor (2018-2022); Approval of Law No. 19/2019 of 22 October (Law to Prevent and Combat Premature Unions, also the timely revision of the Family Law, with a view to eliminating the article that allowed the marriage of People under the age of 18 upon parental consent.

93. With the approval of the last two instruments mentioned above, the necessary conditions have been created to eliminate the practice of early marriages in Mozambique, which currently ranks 10th in the world, with a 48% prevalence rate of early marriages.

94. A significant step is the revocation of Dispatch no. 39/2003, which obliged all pregnant girls to be transferred to night classes, one of the reasons that fomented school abandonment and violated the principle of gender equality consecrated in the Constitution of the Republic and other applicable legislation.

95. Mozambique has adopted severe measures to combat violence against children, through the application of criminal sanctions ranging from 8 to 12 years of imprisonment.

96. The elimination of this practice recognizes the need for mobilization and allocation of resources, multi-sectoral coordination, monitoring and data collection, cooperation with civil society and dissemination of information on the prohibition of early unions in communities with a view to a more effective implementation of the existing legal and policy framework.

#### **Rights of persons with disabilities<sup>20</sup>**

97. The Constitution of the Republic and a number of laws, resolutions and ministerial diplomas protect the Rights of persons with Disabilities and guarantee non-discrimination. In its Article 35, it ensures that *“all citizens are equal before the law, enjoy the same rights and are subject to the same duties, regardless of color, race, sex, ethnic origin, place of birth”*. Article 37 establishes that *“citizens with disabilities fully enjoy the rights enshrined in the Constitution and are subject to the same duties, with the exception of the exercise or fulfillment of those for which, due to disability, they are incapacitated.”*

98. In view of this constitutional provision, in Mozambique, citizens with disabilities enjoy fully the rights enshrined in the Constitution and are subject to the same duties, except those which disability prevents them from exercising them fully.

99. Article 125 of the Constitution of the Republic of Mozambique (2018) provides that *“the persons with disabilities are entitled to special protection from the family, society and the State”. The State, promotes the creation of conditions for learning and developing sign language, the creation of conditions necessary for the economic and social integration of citizens with disabilities, cooperation with associations of people with disabilities and private entities, a policy that ensures: the rehabilitation and integration of people with disabilities; the creation of conditions to prevent their isolation and social marginalization; the priority of care for citizens with disabilities by public and private services; ease of access to public places. Further encourages the creation of associations of people with disabilities”*.

100. In Mozambique, people with disabilities constitute a significant number. According to the 2017 Population and Housing Census, out of a universe of 26,899,105 inhabitants, 727,620 people with disabilities were identified, representing 2.7% of the Mozambican population. The majority being people with amputated or atrophied lower limbs,

representing 115,918 cases, followed by people with movement difficulty with 105,529 cases.

101. Most people with disabilities live in rural areas (509,903), compared to 217,717 citizens with disabilities living in urban areas. In terms of gender, 372,061 are men and 355,559 are women. As for age group, disability affects children and adolescents the most. 59,378 citizens are in the 5 to 9 age group, 56,023 in the 10 to 14 age group and, 55,763 in the 15 to 19 age group.

102. People with disabilities face a number of challenges, with regard to the promotion and protection of their rights. It is the Government's commitment to improve the legal and institutional framework for persons with disabilities; to promote the right to protection of children with disabilities; to improve the conditions to guarantee access to public services and buildings; to guarantee their access to education, professional training and employment; to guarantee that their voting process is safe and effective, especially for the visually impaired. This will improve the system of multisectoral coordination and comprehensive implementation of policies, strategies, and action plans, as well as improve institutional capacity for the adequate accommodation of people with disabilities.

103. Mozambique has taken a series of legislative and policy measures that indicate commitment to the advancement of the rights of People with disabilities having ratified the United Nations Convention on the Rights of People with Disabilities – CRPD and its Optional Protocol, making them legally valid in the national legal system, as well as approved the Law n°4/2007, of 7 February (Establishes the legal framework on social security); and the Decree n° 53/2008 of 30 December (approves the regulation of construction and maintenance of technical devices for accessibility, circulation and use of systems and services and public places to People with physical disabilities or mobility impaired).

#### **Rights of older persons<sup>21</sup>**

104. The CRM (2018) provides, in its Article 124 that “the older persons are entitled to special protection by the family, society and the State, particularly in the creation of housing conditions, family and community life and understanding in public and private institutions, which prevent their marginalization; the State promotes a policy for older persons that integrates economic, social and cultural actions, with a view to creating opportunities for personal fulfillment through their involvement in the life of the community”.

105. The constitutional text also guarantees this group the right to assistance in disability in its Article 95, where it states that *“all citizens have the right to assistance in disability and old age; The State promotes and encourages the creation of conditions for the realization of this right”*.

106. Worth to note the approval of various policies, namely in Social Action, by Resolution No. 46/2017, of 2 November; for Older Persons Person and Action plan, approved by Resolution No. 84/2002, of 12 November; and, of Law No. 3 /2014, of 5 February, on the Promotion and Protection of the Rights of the Older Persons, and other normative instruments in accordance with the Constitution.

107. According to the 2017 Census, the number of the population aged sixty or above is estimated at 1,275,660, of which 580,671 are male and 694,889 are female.

108. In Mozambique, older persons are considered “**living libraries**” and transmitters of socio-cultural values, guardians of our history, traditions and Mozambican culture. The accumulation of a historical and social legacy imposes on them the responsibility for education, transmission of moral and social values to the younger generations.

109. Older persons play a leadership and conflict management role at the family and community levels and establish the bridge between the historical and cultural past and present in our society.

110. In order to protect older persons, several legislative and policy measures have been adopted that show the advancement of the rights of older persons: there are several policies,

instruments and programs in place such as: i) National Policy for Older Persons, **ii) Basic Social Allowance Program; and** iii) Draft Law on the Promotion and Protection of the Rights of Older Persons.

111. It should be noted that a large number of households receive regular cash transfers under the Basic Social Grant Program; as well as households receiving indefinite social transfers under the Direct Social Support Program; as well as households receiving cash transfers under the Productive Social Action Program in the public work component and support for the development of income generation initiatives.

112. In addition to the legal and institutional framework, the country has asylums and necessary social assistance programs for older persons through the National Institute for Social Action (INAS), which in 2018 alone supported 300,000 older persons throughout the country, about 25% of the national universe<sup>22</sup>, with 75% having been left out under the Older People Act.

113. It has also been a practice to conduct campaigns to divulge the rights of women, children, older persons, persons with disabilities, and to prevent harmful social practices.

114. Older persons are part of at risk groups in Mozambican society. Under the Basic Social Subsidy Program, older persons benefit from a subsidy, which in practice is recognized as still being a challenge since it does not solve the problems of these groups because many of them are in a situation of abandonment and without basic health assistance from their families.

115. Within the framework of strengthening the protection of Older persons, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa was approved in the African Union on 31 January 2016.

116. The Protocol constitutes a binding international legal instrument that enshrines among several other rights, the recognition of the fundamental rights of older persons and expresses the commitment to eliminate all forms of discrimination based on age, ensure the protection of the rights of older persons under appropriate legislation, including the right to organize in groups and to representation with a view to promoting their interests.

117. The provisions of the Protocol establish the obligation of the State Parties, in the materialization of the fundamental programmatic rights of citizens, provided for in the Constitution of the Republic of Mozambique, specifically in articles 95 and 124 under the headings Right to assistance in Disability and Old Age, and Third Age, respectively.

### **People with albinism**

118. The CRM guarantees the protection of this population group under the principles of non-discrimination and equality among citizens. However, despite the safeguarding of their rights in the constitutional field and more laws, such as the new Penal Code, the problem persists constituting a serious challenge for society.

119. Due to several socio-cultural and anthropological factors in our society, the country has recently experienced waves of violence against persons with albinism. This situation has created a special need for the government to establish appropriate mechanisms in order to give this social group greater protection.

120. In Mozambique it is estimated that there are 20,000 to 30,000 people with albinism. Skin cancer is one of the leading causes of death among People with albinism in Sub-Saharan Africa. Persons with albinism are also victims of persecution, violence and discrimination due to myths and superstitions.

121. In order to combat discrimination and human trafficking for the extraction of organs and human body parts, the new Penal Code was approved, which severely punishes any and all practices related to the crime of kidnapping and human trafficking, without distinction.

122. Approval of the Multisectoral Plan on 24 November 2015 by the Council of Ministers to respond to the Problem of the Person with Albinism and its Protection which is in the process of implementation.

123. For the implementation of this plan, the government works closely with State institutions, civil society (with emphasis on the **Albimoz** and **Amor a Vida Associations**), the private sector and academia.

### **C. Economic, social and cultural rights**

124. Although Mozambique has not yet ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR), a recommendation noted in the II Cycle, the Government has been making efforts to implement the policies emanating from this Covenant, assessing the Socioeconomic and Cultural Rights provided for in the Constitution of the Republic and in other legislation.

#### **Right to education<sup>23</sup>**

125. Under the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child in Africa, among other international legal instruments that bind the country aim to ensure the promotion, respect and provision of the right to education.

126. Article 88 of the CRM establishes the right to education as a right and duty of every citizen<sup>24</sup> and consequently the State must promote the enjoyment of this right by all citizens<sup>25</sup>. The content of this provision concretize several legal instruments, with particular emphasis on Law No. 6/92 of 6 May, which approves the regime of the National Education System, which is governed by the principles of equality and non-discrimination, among others in the field of human rights.

127. Approval of Law No. 18/2018 of 28 December approving the revision of the National Education System Law, raises compulsory schooling from Grade 7 to Grade 9, and integrates six education subsystems, namely: i) Preschool education subsystem; ii) General education subsystem; iii) Adult education subsystem; iv) Vocational education subsystem; v) Professional education subsystem, teacher training subsystem; and vi) Higher education subsystem. Public education is free in Mozambique up to grade 9 and the books are distributed free of charge.

128. Due to various factors, in particular the armed conflicts in the central and northern regions, the cyclones (IDAI, Kenneth and Eloise) and recently the Covid 19 pandemic and floods, several school infrastructures have been destroyed and the beginning of the school year has been delayed, as well as the massive destruction of the free text books that were in the possession of the student population. The lack of schools is one of the elements contributing to the high rate of illiteracy and the low rate of school enrollment.

129. The Revocation of the Ministry of Education's Dispatch 39/GM/2003, which prohibited all pregnant students from attending daytime classes, was of particular concern because it was discriminatory and infringed upon some of the basic rights of girls, since the transfer of pregnant girls to night classes exposed them to high levels of vulnerability, particularly situations of physical and sexual abuse and violence.

130. However, in order to safeguard the protection and equality of rights, creating conditions for parity and materialization of the rights of girls, the above mentioned legal diploma was revoked.

131. Another problem that has arisen in the education sector is the issue of harassment, abuse and sexual violence in schools.

132. To address the situation, the following measures are being implemented in schools and communities:

- Production of civic education material for the prevention and combat of violence and sexual abuse of children and adolescents;
- Installation of complaint and suggestion boxes;
- Establishment of gender focal points and School Councils as service mechanisms;

- Installation of a Green Line at the General Inspection Office of the Ministry of Education and Human Development (MINEDH) for the purpose of reporting cases of harassment and violence.

133. All actions combined have greatly contributed to achieving positive and encouraging results, namely: Increased access to education for millions of students in both primary and secondary education. As an example, the net enrolment rate in 2017 reached 84.4%, with more than 691,000 students entering school at the right age (6 years), which contributes to improved retention rates.

134. An expansion of school network throughout the country and with some impact in rural areas. In effect, the rate of new entrants has increased and the average distance traveled by students has been reduced.

135. Reduction in disparities in enrollment rates between boys and girls converging towards equilibrium; Introduction of a “civic and moral education” discipline which contemplates education about human rights that is also inserted in the teacher training program. Introduction in many higher education institutions of specific human rights subjects, in addition to the inclusion of the human rights subject in training schools for the PRM (Police of the Republic of Mozambique), the Penitentiary Services and the CFJJ which trains magistrates and other professionals in the area of justice administration.

136. Despite the important gains made in this area, much still needs to be done to:

- Eliminate inequalities in access to education between the countryside and the city;
- Reduce the high dropout levels, especially among girls;
- Improve the quality of education by improving the working conditions of teachers;
- Decrease the distances between home and school;
- Create strategies that encourage adherence to schools and ensure retention of students as a way to end early marriages of female students, sexual harassment of teachers and administrative staff;
- Promote girls’ access to education, literacy, vocational, scientific and technological training;
- Create mechanisms for the reduction of school dropout and failure rates;
- Expand inclusive education throughout the country, so that more persons with disabilities can have access.

#### **Right to health and HIV/AIDS<sup>26</sup>**

137. Although the Mozambican State is party to various international conventions that enshrine the right to health, the Government recognizes that the structural indicators of commitment are still lagging behind due to the fact that the International Covenant on Economic, Social and Cultural Rights (ICESCR) has not yet been ratified. Therefore, one of the priority actions is to bind the country to the ICESCR.

138. According to the provisions of article 89 of the Constitution of the Republic, all citizens have the right to medical and health care, as well as the duty to promote and defend health. Article 116 of the CRM enshrines health as a fundamental right, guaranteeing the enjoyment of the right of all citizens to have access to the National Health Service.

139. To achieve the objectives pursued by the National Health System, the law shall establish modalities for the exercise of medical profession and health care; the State shall promote the participation of citizens and institutions in raising the level of health of the community; the State shall promote the extension and equal access of all to the enjoyment of this right.

140. The Government of Mozambique has always emphasized, repeatedly, that the health sector is one of the priority areas for national development. The general picture of the health sector in Mozambique demonstrates that, on the one hand, poverty is behind the major public health problems, and on the other hand, this sector greatly influences socio-

economic development, due to the high costs involved in combating and preventing diseases such as Malaria, HIV/AIDS, Tuberculosis, Cholera, among other diseases, and very recently the Covid-19 pandemic.

141. There are health indicators that demonstrate growth at national level, including in rural areas and poorer provinces, where infrastructure needs to be rehabilitated, after the war of destabilization and cyclical floods, a situation exacerbated by the passage of cyclones Idai, Kenneth and Eloise in early 2019.

142. Overall, the result indicators and targets set in the PQG and the Social Economic Program (PES) are positive with regard to the expansion of the health network (from 1534 to 1652 from 2015 to 2019) associated with the **One District, One Hospital program**, an increase in hospital deliveries from 75% to 87% (2015–2019), vaccination coverage, among others, except in the areas of HIV/AIDS, Malaria, Tuberculosis whose indicators remain alarming and in the provision of better health care and medicines.

143. Despite the adverse events reported above, successful results have been observed that guarantee permanent improvement in the health indicators defined in the Five-Year Government Program 2015-2020, of which we highlight:

- Massive rehabilitation of the Health Facilities;
- Training, capacity building and redistribution of health personnel;
- Improvement in the rates of outpatient consultations, child vaccination, and infant mortality;
- Expansion of the health network and improvement of health services, highlighting the start-up of 29 Type II Health Centers, mostly in rural areas;
- Construction in Maputo Province of the first Institute of Health Sciences for health professionals, with the capacity to annually train about 900 health technicians from different areas;
- Guarantee of the population's access to the national medicine system, particularly in the maternal and child health protection measures;
- Application of the TARV 104595 HIV-positive pregnant women, corresponding to the annual target compliance index of 110%. Contributed to this result the expansion of health facilities (HF) offering TARV services in 99 HF totaling 1320 HF;
- Increased coverage of ART in TB/HIV patients notified by the National Program to Fight Tuberculosis – NTCP, from 81% in 2014 to 94% in 2017;
- Distribution of Mosquito Nets Impregnated with Long Lasting Insecticides (REMILDS) according to plan;
- Conducting awareness and training on Sexual and Reproductive Health and HIV, alcohol and Drugs for adolescents and Youth (Geração Biz) in communities and municipalities;
- Expansion of ART coverage of HIV-positive pregnant women from 91% in 2015 to 92% in 2017.

144. Despite these developments that have clearly brought about significant changes, there are still several challenges for the right to health to be an effective reality in Mozambique, such as:

- Continue to expand the health network;
- Improve the provision of public health services;
- Promote access to health care for vulnerable population groups, particularly women, children, and the elderly;
- Guarantee free medical care and medication to children, older persons, and public employees;
- Guarantee HIV/AIDS sufferers adequate medical assistance and medication;



- Promote social integration and full citizenship to HIV/AIDS carriers;
- Adopt strategies to integrate Covid-19 to the new reality in the context of public health policies;
- Strengthen cooperation between the government and civil society organizations in carrying out activities related to the promotion of health rights.

### **Labor law, business and human rights<sup>27</sup>**

#### *Right to work*

145. In Mozambique, the right to work is enshrined in Article 84 of the Constitution of the Republic (2018). The instrument stipulates that “work constitutes the right and duty of every citizen; every citizen has the right to freely choose a profession; compulsory work is prohibited, with the exception of work performed within the framework of criminal legislation.”

146. The exercise of the right and duty to work in Mozambique is regulated by the Labor Law – Law No. 263/2007 of 1 August, for general cases, and by the General Statute of State Employees and Agents, for State employees.

147. In this exercise, “every worker has the right to fair remuneration, rest, vacation and retirement under the terms of the law; the worker has the right to protection, safety and hygiene at work; the worker may only be dismissed in the cases and under the terms established by law,” as can be seen in Article 85 of the Constitution of the Republic of Mozambique, 2018.

148. The legal and institutional framework of labor law provides for the right of workers to organize and collectively negotiate labor contracts and other labor benefits. It is in this context that trade unions have been responsible for negotiating wage increases within the Social Concertation mechanism between the Government, Employers and Trade Unions. The Constitution of the Republic enshrines, in number 1 of its Article 86, the freedom of professional and trade union association. Thus, “workers are free to organize themselves into professional associations or unions”.

149. The right to strike is a constitutional guarantee enshrined in Article 87 of the CRM. In this context, “workers have the right to strike, the exercise of which is regulated by law. The law limits the exercise of the right to strike in essential services and activities, in the interest of the pressing needs of society and national security.

150. In Mozambique, working is not only a right, but also a duty of every citizen for the sake of development. The Mozambican legal and institutional labor framework prohibits compulsory labor and enshrines the prohibition of forced labor and slavery within the national territory.

151. In this framework, it is important to mention that Mozambique is part of several instruments of the International Labor Organization with emphasis on the Conventions on: Abolition of Forced Labor; Freedom of Association and the Protection of the Right to Organize; Equal Remuneration; Discrimination in Employment and Profession; The Minimum Age for Admission to Employment; Eradication of the Worst Forms of Child Labor.

152. The structural problems related to the right to work are the lack of employment in the places of greater concentration of the population, specifically in the cities. The age group most affected by the lack of employment today is young people, which contribute negatively to social welfare and human development.

153. In Mozambique, unemployment rates are very high and are around 30.0%, where about 23 million of the population does not have formal and fixed jobs, with emphasis on the age group between 18 and 40 years old that is the most affected by unemployment. Another problem is the ever-increasing number of labor cases in the courts related to the violation of workers’ rights and duties. To address the lack of employment, the Government in coordination with various entities has been developing several programs to support the youth through technical and professional training and economic empowerment.

**Rights to housing, water and sanitation<sup>28</sup>**

154. The right to housing is a constitutional desideratum. The PQG advocates the development of housing conditions and decent infrastructures for the population with greater emphasis on youth. In this context, the Ministry of Housing and Public Works, through the Promotion and Housing Fund, is developing several projects with a view to guarantee decent housing for urban and rural populations.

155. The country has a Water Policy, approved in 1995, and successively revised in 2007 and 2016, which outlines in terms of water supply and sanitation, among others, the following objectives: (i) achieving the Sustainable Development Goals, universal access of water supply and sanitation; and (ii) meeting the basic needs of the poorest population, aiming at poverty reduction, always seeking a situation of sustainability.

156. As a result of the effort to meet the 2015-2019 PQG (90% urban coverage and 75% rural coverage at the end) and the Sustainable Development Goals (SDGs) – universal coverage, there has been notable progress in access to water and sanitation in the region.

157. However, the situation of access to water and sanitation remains a major challenge, although progress has been made in recent years, with an increase from 12.6 million people with access to safe drinking water in 2015 to 17.5 million by the first half of 2019<sup>29</sup>, as well as the implementation of the **Water for Life Program - PRAVIDA** to benefit about 1.7 million people.

**Right to a quality of life in general<sup>30</sup>**

158. The continued strengthening of social policies for poverty eradication was endorsed in the Government's Five-Year Plan 2015-2019<sup>31</sup> through Pillar II (Development of human and social capital). In this context, the Government has developed several policies, strategies and programs aimed at substantially improving the quality of life of citizens.

159. Although the poverty index remains high and a great challenge for the State, the authorities have developed a set of instruments that contribute to its combat and embody the principle of decent work<sup>32</sup> expressed in the PQG 2015-2019, in the Employment Policy (2016)<sup>33</sup>, in the National Development Strategy (NDS) 2015-2035<sup>34</sup>, as well as the draft of the new Labor Law. Under this recommendation, although poverty rates remain alarming, several concrete policy and program measures aligned with the 2015-2019 GFAP and other previous instruments<sup>35</sup> were taken, with emphasis on the following:

- Gender Strategy and Action Plan for the Agricultural Sector 2016-2025<sup>36</sup>;
- National Plan on Women, Peace and Security<sup>37</sup> (MGCAS -2018- and MDN-2019);
- The Education Sector Gender Strategy (2016-2020) which aims to promote gender mainstreaming in the Sector;
- The National Strategy for Basic Social Security 2016-2024;
- Master Plan For Disaster Risk Reduction 2017-2030;
- 2018 Action Plan for the implementation of the Strategy for the Reform and Development of Public Administration 2012-2025.

160. However, the adverse impact of illegal debts associated with the cyclical natural disasters have largely conditioned the achievement of the goals set by the government, which **determined that poverty increased by almost 60% between 2015 and 2019**, according to MEF<sup>38</sup>.

**IV. Technical cooperation with UN mechanisms and other international partners**

161. Regarding technical cooperation with UN mechanisms and other international partners, the Government through the MJCR works closely with the UN Team in Mozambique to strengthen the national human rights system as part of the country's continued engagement with UN human rights mechanisms.

162. In this regard, the Government signed an agreement with the United Nations Development Program (UNDP), which establishes an institutional capacity building program aimed at reconciling and harmonizing the national regulatory legal framework with key international and regional human rights instruments, strengthening the technical and functional capacities of the MJCR and institutional partners in this regard, and the capacity of National Human Rights Institutions and civil society organizations to influence and monitor the human rights implementation and protection framework.

163. The Director of the Field Operations and Technical Cooperation Division and the Chief of the Africa Branch of the Office of the United Nations High Commissioner for Human Rights, visited Mozambique on different occasions since 2018 and discussed with national institutions and civil society organizations, the human rights situation in the country, examining with the various stakeholders the progress achieved and the challenges faced towards the full enjoyment of human rights in the country. The Government approved establishment of an OHCHR presence in Mozambique in 2019 to collaborate on a range of issues most notably on engagement with human rights mechanisms, strengthening of protection and accountability institutions, promotion of participation and human rights in development.

## V. Challenges and perspectives

- Creation of the Commission for Coordination on Human Rights and International Humanitarian Law;
- Adoption of the National Human Rights Policy and Strategy for its Implementation;
- Adoption of the National Action Plan for the Recommendations of the III UPR Cycle;
- Fulfillment of the international obligation arising from the fact that Mozambique is a Member State of the United Nations;
- Ratification of the ICESCR and other international legal instruments;
- Improvement of the implementation of the recommendations of the III Cycle and the human rights situation;
- Improved dialogue and partnership with Civil Society Organizations.

### Notes

<sup>1</sup> To highlight that the restrictions brought a new reality, such as: i) the need to observe quarantine; ii) isolation and social distancing; and iii) the limitation of the full enjoyment of Human Rights, such as: Sanitary Right. Freedom of movement (relating to the right to go, come and stay), Right to freedom of association and assembly, with the imposition of social distance and isolation; Freedom of expression; and Right to work and the rights arising from the employment relationship.

<sup>2</sup> Recommendations – 128.15–128.24, 128.41, 128.96.

<sup>3</sup> Recommendations – 128.27, 128.28, 128.31–128.35).

<sup>4</sup> Recommendations – 128.1–128.12.

<sup>5</sup> Recommendations – 128.25, 128.26.

<sup>6</sup> Recommendation – 128.125.

<sup>7</sup> African Peer Review Mechanism - Second Mozambique Review Report. February, 2019.

<sup>8</sup> Recommendations - 128.42, 128.64, 128.124.

<sup>9</sup> These restrictions are aimed at naturalized Mozambican citizens. According to paragraph 1 of Article 30 of the CRM, "**citizens of acquired nationality cannot be elected as members of the Parliament, members of the Government, holders of sovereign bodies, and do not have access to a diplomatic or military career**".

<sup>10</sup> The adult illiteracy rate in Mozambique is very high, at around 41.20%, according to the latest Population and Housing Census (2017).

<sup>11</sup> Recommendations - 128.121, 129.31, 129.30-129.33, 129.122-120.123.

<sup>12</sup> Recommendations - 129.39, 128.65, 66, 67, 129.11, 129.13, 128.74, 128.88, 130.13.

<sup>13</sup> Recommendations - 128.68–128.71.

- <sup>14</sup> Recommendation 128.70.
- <sup>15</sup> Recommendations 129.25–129.29.
- <sup>16</sup> Recommendations 128.67, 129.11, 129.12, 129.13, 128.39, 128.43–44, 129.5.
- <sup>17</sup> National Institute of Statistics, preliminary data from the general census of population and inhabitants, 2017.
- <sup>18</sup> Recommendations – 128.99–128.102, 129.16–19, 128.97–128.106.
- <sup>19</sup> In addition to the international instruments mentioned above, Mozambique has incorporated the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of Freedom.
- <sup>20</sup> Recommendation 128.115.
- <sup>21</sup> Recommendation 129.5.
- <sup>22</sup> According to WHO data, Mozambique has five per cent of its population aged over 60, which corresponds to around 1,854,862 people.
- <sup>23</sup> Recommendations – 128.3, 128.5, 128.6, 128.7, 128.8, 128.11, 128.56, 128.57, 128.59, 128.60, 128.91, 128.92, 128.95, 128.97, 128.157, 130.1, 130.2, 130.7, 128.144–128.154.
- <sup>24</sup> Article 88 n° 1 of the CRM.
- <sup>25</sup> Article 88 n° 2.
- <sup>26</sup> Recommendations – 128.136, 128.137, 128.138, 128.139, 128.140, 128.141, 128.142, 128.143.
- <sup>27</sup> Recommendations 129.10, 128.45.
- <sup>28</sup> Recommendations 129.10, 128.45.
- <sup>29</sup> Annual Information of the Head of State to the Parliament on the General Situation of the Nation, 31 July 2019.
- <sup>30</sup> Recommendation 128.157.
- <sup>31</sup> This instrument presents the economic and social development priorities of the Country in the various areas of Government action. The Program constitutes the Government's commitment to focus its action in the search for solutions to the challenges and obstacles that hinder the Country's economic and social development.
- <sup>32</sup> Formalized by the ILO in 1999, the concept of decent work summarizes its historical mission to promote opportunities for men and women to obtain quality and productive work, in conditions of freedom, equity, security and human dignity, being considered a fundamental condition to overcome poverty, reduce social inequalities, ensure democratic governance and sustainable development. It is a central concept to achieve the Sustainable Development Goals (SDGs) defined by the United Nations, especially SDG 8, which seeks to “promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”.
- <sup>33</sup> Approved by the 30th Ordinary Session of the Council of Ministers, 5 September 2016.
- <sup>34</sup> Approved by the Council of Ministers, July 2014.
- <sup>35</sup> Gender Policy and Strategy for its Implementation (2007); National Action Plan for the Advancement of Women; and the Higher Education Strategic Plan 2012-2020.
- <sup>36</sup> It aims to strengthen and focus mechanisms to promote gender equality and women empowerment in the agricultural sector in light of the premises of the Gender Policy and Implementation Strategy.
- <sup>37</sup> Approved at the 30th session of the Council of Ministers. Aims to reinforce the framework for the promotion of gender equality and the empowerment of women in the political, social, cultural and economic domains of the country with an estimated cost of 20.485.923 meticais. It is aimed at the economic recovery of women living in the areas most affected by armed conflict, as well as encouraging them to participate more actively in the search for and consolidation of peace and security in the country. This initiative is being implemented in the provinces of Cabo Delgado (Mocímboa da Praia and Montepuez districts), Zambézia (Morrumbala), Tete (Moatize), Sofala, Manica (Vandúzi), Gaza (Xigudo and Chibuto) and Inhambane (Funhalouro and Mabote). This follows the United Nations Security Council Resolution 1325/2000, which urges member states to take measures to strengthen the participation of women in mechanisms to promote peace.
- <sup>38</sup> The number of Mozambicans in extreme poverty will have increased between 55 and 60 percent since 2015, meaning that more than half the population is poor, indicates the Ministry of Economy and Finance via the report produced under the Inclusive Growth Program in Mozambique: Strengthening Research and Capacities (IGM), implemented in partnership between the Directorate of Economic and Financial Studies (DEEF) of the Ministry of Economy and Finance and the Centre for Economics and Management Studies (CEEG) of the Faculty of Economics of Eduardo Mondlane University.