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Mozambique*

The present report is a summary of 7 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.



Information provided by stakeholder

A. Background and framework

1. Scope of international obligations²

1. Amnesty International (AI) welcomed the ratification by Mozambique of OP-CAT in 2014, as committed to during its first UPR.³ It noted that Mozambique had further agreed to ratify the ICESCR and OP-ICESCR, and ICCPR-OP1⁴ but that it had still not signed these treaties, let alone ratified and implemented them⁵ and recommended that Mozambique ratify those instruments, in line with recommendations accepted during the previous review.⁶ The Center for Global Non-killing (CGNK) made related recommendations.⁷

2. JS2 made similar observations.⁸ CGNK recommended that Mozambique ratify the Rome Statute of the International Court.⁹

2. Constitutional and legislative framework

3. AI noted steps taken to strengthen Mozambique's human rights framework, including the enactment of a new Penal Code and of the Access to Information Bill.¹⁰ It recommended that Mozambique: ensure that the provisions of all international human rights treaties to which Mozambique is a party, are incorporated into domestic law; and ensure the laws, regulations and codes of conduct that regulate the functioning of the police are reformed to bring them in line with international human rights standards.¹¹

4. CGNK strongly recommended that the Constitution of Mozambique be changed to highlight the enhancement and the protection of the right to life of every person and not only "citizens".¹²

3. Institutional and human rights infrastructure and policy measures

5. JS2 noted the creation and functioning of the National Human Rights Commission and the figure of the Ombudsman, as recommended during the 2011 UPR.¹³ It stated, however, that their effective operation would require strong institutional, human and financial capacity support.¹⁴ JS2 recommended that: the newly established National Human Rights Commission (CNDH) be more interventionist in matters pertaining to the defense and promotion of human rights; and that the Ombudsman be more active and make itself known to citizens.¹⁵

B. Cooperation with human rights mechanisms

Cooperation with special procedures

6. AI stated that Mozambique had accepted recommendations with regard to issuing a standing invitation to the Special Procedures of the Human Rights Council,¹⁶ however, these recommendations had not yet been implemented.¹⁷ It recommended that Mozambique extend such an invitation as committed to in the previous review.¹⁸

7. Additionally, AI noted that although Mozambique had accepted a number of recommendations to respond positively to the request for a visit made in 2008 by the Special Rapporteur on extrajudicial, summary or arbitrary executions¹⁹, the government had yet to reply to this request.²⁰ It recommended that Mozambique extend an invitation to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions in accordance

with his request of April 2008, and in line with accepted recommendations from the previous review.²¹

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

8. JS2 stated that discrimination against women continued especially in rural areas²² and also noted the existence of discrimination against women in many fields of life, in particular with regard to access to rights related to inheritance and succession²³ CGNK stated that Mozambique needed to mainstream gender equality in all its policies.²⁴

9. Additionally, JS2 was concerned about discrimination against older persons.²⁵ It recommended that Mozambique ensure the dissemination of Law n.3/2014 on the promotion and protection of rights of the elderly and its implementation²⁶; and ensure the dissemination of and compliance with Law n. 52/2012 about social security, with regard to older persons.²⁷

10. JS2 also expressed concern about discrimination against sexual minorities and persons with albinism.²⁸

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

11. JS2 was concerned about the political - military instability that the country had faced since 2013 translated into constant armed clashes. It also noted the lack of information about the armed clashes between government forces and residual forces of Renamo.²⁹

12. CGNK took note of reports that because of armed attacks in 2013/14 on the population, on units of the Defence and Security Forces as well as on infrastructure in the provinces of Sofala, Inhambane, Tete and Zambezia, more than 79 persons had died and 380 persons were seriously injured. Moreover, 6347 families were internally displaced and sought government protection in the capital city of Gorongosa District (Sofala Province) while another 1000 had been displaced in Homoine District (Inhambane Province). In addition, 27 schools had been closed and 16,000 students had abandoned their schools. It strongly recommended to the Government of Mozambique, but also to Renamo and to all persons concerned to restore the peace, to complete the disarmament and demobilization process, and to address all human rights violations.³⁰ JS2 recommended: the respect and effective implementation of the “Lei de Cessão das Hostilidades” (Cease Fire Law) by both signatory parties; and the realization of independent investigations into allegations of abuses and human rights violations against defenseless populations during the 2013 to 2014 military confrontations between the government and Renamo in Sofala and Manica and the Tete province in 2015.³¹

13. AI stated that there had been reports of killings, torture and other ill-treatment by police and that the government had failed to bring the perpetrators to justice in the majority of cases.³² According to AI, incidents of extrajudicial executions by the police continued and in the majority of such killings the government had failed to carry out thorough, prompt, impartial and adequate investigations and to bring suspected perpetrators to justice and failed to send a clear message to all police officers that those found responsible would be held to account. AI noted that, in 2014, police had reportedly used firearms unlawfully in the Maputo, Gaza and Nampula provinces, resulting in at least four deaths and that no investigations appeared to have been carried out to determine the lawfulness of the use of firearms by the police.³³

14. AI recommended that Mozambique: carry out prompt, impartial and thorough investigations into all allegations of extrajudicial executions or unlawful killings by the security forces and ensure that the perpetrators were brought to justice, in line with accepted recommendations³⁴ from the previous review³⁵; and ensure full reparations, including fair and adequate compensation in cases of extrajudicial executions or unlawful killings by the police, for the relatives of the victims.³⁶ CGNK recommended that Mozambique fully adheres to all the future Sustainable Development Goals, including goal n°16.1: “[to] significantly reduce all forms of violence and related death rates everywhere.”³⁷

15. AI reported that during visits it had carried out to places of detention in 2012 and 2013, many of the inmates interviewed said they had been beaten or threatened with beatings by the police while held at police stations.³⁸ AI also observed that other forms of ill-treatment by the police were also mentioned by inmates, including being kept in a dark cell without food or sufficient water for several days, sexual assault, and ill-treatment by prison guards in the Ndhavela Women’s Prison in Maputo.³⁹

16. AI recommended that Mozambique: ensure that prompt, impartial and thorough investigations were carried out into all suspected cases of torture and other ill-treatment by the police and ensure that the perpetrators of such violations are brought to justice, in line with accepted recommendations⁴⁰ from the previous review⁴¹; ensure that police officers and prison guards are made fully aware of their responsibilities to protect detainees and understand that acts of torture or other ill-treatment will not be tolerated⁴²; ensure that those subjected to torture or other ill-treatment are able to claim full reparations, including fair and adequate compensation, as accepted⁴³ in the previous review.⁴⁴

17. According to AI, despite safeguards in the law, police frequently arrested individuals without sufficient evidence. AI noted that it had come across cases where police officers did not appear to have sufficient grounds to suggest that a crime had been committed, let alone that it was committed by the person detained.⁴⁵ AI also reported that police often arrested individuals without an arrest warrant in situations where warrants are legally required. It had also documented cases where the police had carried out arrests and detentions without informing those arrested of their rights.⁴⁶

18. In addition, AI noted that in 2012 and 2013, in at least three prisons in Maputo and two in Nampula, hundreds of people were being held without trial, some without charge, for longer than the time legally allowed. It stated that thousands of people remained similarly detained throughout the country.⁴⁷

19. AI recommended that Mozambique: carry out prompt, thorough, impartial and independent investigations into cases of arbitrary arrest and detention and ensure that any police officers found responsible for human rights violations are subjected to disciplinary proceedings and criminal proceedings as appropriate, in line with accepted recommendations from the previous review⁴⁸; ensure full reparations, including fair and adequate compensation, for victims of arbitrary arrest and detention; for those detained pending trial, ensure that they are brought to trial within a reasonable time or released pending trial; and ensure the release of those who have been detained for a period commensurate with the length of the normal sentence for the offence.⁴⁹

20. JS2 was concerned about early marriages, domestic violence against women, poor mechanisms for the protection of older persons and domestic violence against the elderly.⁵⁰ JS2 recommended that Mozambique: criminalize premature marriage as a serious violation of human rights⁵¹; develop a Law against Premature Marriages which takes into account the complexity of the phenomenon and criminalizes not only the parents, the man who marries a child, but also accomplices such as legal witnesses (godparents) and other family members⁵²; harmonize the laws, policies and customary and religious practices in order to

establish the minimum age of marriage as 18-years-old in all circumstances; and introduce mechanisms to reduce the incidence of child/ early marriages.⁵³

21. JS2 also recommended that Mozambique speed up the development of the regulations for the protection of women victims of domestic violence.⁵⁴; and adopt effective measures to punish vigorously all kinds of violence against children, women and the elderly.⁵⁵

22. According to HelpAge International older people, especially women, continued to be subjected to violence and abuse despite the legal protection afforded them by Law n.º 3/2014 on the Promotion and Protection of Older People Rights and Law n.º 10/2004 on the Family.⁵⁶ It referred to information from a study conducted by HelpAge International in 2013 which showed that 71% of the older people surveyed had experienced at least one category of abuse (financial, emotional, physical, sexual and witchcraft accusations).⁵⁷ It recommended that Mozambique take all the necessary measures to ensure that older persons, especially women, were protected from violence and abuse in line with the recommendation by CEDAW in its 2007 concluding recommendations to the country.⁵⁸

23. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that in Mozambique, corporal punishment of children was prohibited in penal institutions and as a sentence of the courts but was lawful in the home, alternative care settings, day care and schools.⁵⁹

24. GIEACPC noted that corporal punishment was lawful in alternative care settings (care institutions, foster care, places of safety, emergency care, etc) as well as for parents, under the concept of “justifiable discipline” under article 17 of the Law for the Promotion and Protection of the Rights of the Child 2008.⁶⁰ Additionally, corporal punishment was lawful in early childhood care and in day care for older children also under the concept of “justifiable discipline” under article 17 of the Law for the Promotion and Protection of the Rights of the Child 2008.⁶¹ Finally, GIEACP noted that government directives advised against corporal punishment in schools, but that there was no explicit prohibition in the law.⁶²

25. GIEACPC reported that a 2009 survey of more than 2,600 children found that one child in three had been hit with a hand at home in the past two weeks and 37% had been beaten with an object.⁶³ The same survey found that about a third of children had been hit with a hand at school in the previous two weeks; 40% had been hit with an object.⁶⁴

26. GIEACPC noted that no recommendations had been made concerning the corporal punishment of children during the first UPR review though the issue had been raised in the compilation and summary.⁶⁵ It expressed the hope that the issue would be raised in the second review and that a specific recommendation would be made that Mozambique clearly prohibit all corporal punishment of children in all settings including the home.⁶⁶

27. JS2 expressed concern about the rising tide of trafficking in organs and body parts, as well as that of persons with albinism and the absence of a specific law that punished such acts.⁶⁷ It recommended that Mozambique approve the Law against Trafficking in Organs and Human Body Parts, as well as Protection of People Living with Albinism.⁶⁸

3. Administration of justice, including impunity, and the rule of law

28. According to JS2, the expansion of the courts, prosecutors and the Legal Aid Institute, as well as the building of courthouses were a step forward. However, not all districts were covered yet and problems persisted with regard to human and material resources. JS2 further noted the setting up of Mediation and Conflict Arbitration Centers in the provinces, which represented an improvement in terms of informal mechanisms of conflict resolution, speed and restorative justice practices.⁶⁹

29. JS2 stated that despite developments in the administration of justice, the system continued to register high rates of procedural delays and, with respect to criminal cases, this sluggishness had implications for the overcrowding of prisons with disastrous consequences for the rehabilitation of prisoners, violation of rights of pre-trial detainees, deterioration of prison conditions and human rights violations.⁷⁰

30. Furthermore, JS2 stated that the new Penal Code, which has been in place since 2015, constituted a breakthrough for the administration of justice. However, the effective implementation of this Code was subject to the amendment and approval of the new Code of Criminal Procedure, which was still under review. JS2 indicated that as long as the approval of the new Code of Criminal Procedure remained pending, the laws applicable to criminal justice would remain badly adjusted to reality, and constitute a cause of injustice and limitation in access to justice.⁷¹

31. JS2 also noted that the overcrowding in prisons remained high. Nonetheless, in general, in the last four years, no records of glaring cases of cruel and inhuman treatment had been reported, and indicated that compliance with the memorandum signed in 2008 between the Ministry of Justice and the League for Human Rights (LDH) had been a contributing factor. However, access to health care and adequate food remained a problem.⁷² It highlighted that in particular overcrowding was expected to be reduced with the adoption of the Code of Criminal Procedure, regulating the new Penal Code under which about 30% of inmates could have access to alternatives to imprisonment.⁷³

32. JS2 recommended that Mozambique: promote continuous and regular training programs for magistrates and prosecutors, allocating sufficient resources and better working conditions; ensure the swift adoption of the Criminal Procedure Code; improve the mechanisms for the selection and recruitment of candidates for the police with regard to ethics; ensure the permanent presence of prosecutors in police stations nationwide; humanize the prison services through the improvement of prison conditions, training of prison personnel, including managers of the prison system, and adopting accountability measures for violations of human rights; comply with the principles applicable to pretrial detainees.⁷⁴

33. JS2 also stated that the Anti-Corruption Law had not been harmonized with international legal instruments ratified by Mozambique. It noted that the Central Office for Combating Corruption was not autonomous as it worked within and reported to the Attorney General's Offices. With regard to the Law on Public Probity Law No. 16/2012, it was indicated that the supervisory bodies were inept, and in the case of the prosecution, reported directly to the political power. Additionally, JS2 noted that there was a lack of transparency in the management of public goods.⁷⁵

34. JS2 recommended: greater transparency in public asset management; the implementation of recommendations on the need for better control of public spending and closer supervision to ensure that funds from debt relief were effectively used to meet the needs of the most vulnerable sectors of the population; the effective implementation of the Public Probity Law.⁷⁶

4. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

35. JS1 stated that constitutional protections were undermined by the 1991 Press Law and the Penal Code, noting that articles 229, 231 and 235 of the recently revised Penal Code criminalised defamation and slander, including with sentences of up to one year imprisonment and that the Press Law allowed for up to two years in prison and a fine for persons who slander or defame the President and other government officials and authorities.⁷⁷

36. AI stated that the right to freedom of expression had been suppressed in recent years noting that the government used criminal defamation laws to restrict the right to freedom of expression.⁷⁸ According to JS1, attacks, intimidation and harassment of journalists had continued to occur with frequency since Mozambique's previous UPR.⁷⁹ AI and JS1 referred to the case of Professor Carlos Nuno Castel-Branco who was charged with defamation against the Head of State in relation to an open letter he had posted on his Facebook page in 2013, questioning the governance of the country by former President Guebuza.⁸⁰

37. AI recommended that Mozambique: respect, protect and promote the right to freedom of expression, in particular with regard to the well-established international human rights principle that public officials should tolerate more, rather than less criticism than private individuals⁸¹; and repeal criminal defamation laws, particularly those providing special punishment for alleged defamation of the head of state or other public officials.⁸²

38. JS1 expressed concern about the harassment, intimidation and attacks against some human rights defenders and civil society activists, especially in the area of environmental justice, corporate social responsibility and community rights.⁸³ It referred to incidents involving the organization "Justiça Ambiental", an organization that advocates for environmental justice.⁸⁴

39. JS1 stated that the current legal framework does not enable the establishment of civil society organisations and contravenes international best practices as set forth by the Special Rapporteur on the rights to freedom of peaceful assembly and of association. JS1 noted that provisions under Law 8/91 obligating associations to have a minimum of 10 founding members were onerous. Additionally, JS1 noted that the documentation required to register an organisation, such as certified copies of identity documents and criminal records of each founding member, placed an additional burden, particularly considering the challenges faced to secure these documents, especially in rural areas. Lastly, JS1 noted that according to Law 8/91, foreign organisations were not permitted to register if their objectives and/or mandate were deemed contrary to national public order.⁸⁵ JS1 urged Mozambique to revisit the legal framework governing the civil society sector, with a view to reducing bureaucratic restrictions. This should be done in close consultation with Mozambican civil society organisations, which have proposed amendments to Law 8/91.⁸⁶

40. JS1 expressed deep concern about limitations on freedom of association for organisations working on LGBTI rights. JS1 noted that, according to article 5 of Law 8/91, registration of an organization should not take more than 45 days. However, Lambda, an organisation working on sexual minority rights, had been denied a certificate of registration from the Ministry of Justice since January 2008.⁸⁷ JS1 urged Mozambique to guarantee the freedom of association to organizations working on sexual minority rights and LGBT rights, noting that organisations should be able to register and operate freely and receive the necessary legal protection to guard against intimidation and violence from members of the public.⁸⁸ JS2 made related recommendations.⁸⁹

41. JS1 noted that, according to the law no prior authorization was necessary to hold an assembly in Mozambique and that a written notification to the civil authorities and police of the area four days prior was sufficient. It noted, however, that at the local level demonstrations were sometimes "de-authorized".⁹⁰ Though most protests had been held without incident, some violations had occurred.⁹¹ JS1 stated that: the use of excessive force by security forces should be condemned and a formal investigation into such incidents launched; and that it should be ensured that freedom of assembly was not arbitrarily restricted by the misapplication of existing legislation.⁹²

42. JS2 was also concerned about the escalation of election violence and the lack of criminal liability of the intellectual authors and perpetrators of political violence and

electoral fraud and the absence of a standard that regulates the funding of political parties (Financing Law on Political Parties).⁹³

43. JS2 recommended that Mozambique: ensure greater transparency in electoral processes; immediately ratify the African Charter on Democracy, Elections and Governance as well as the African Protocol on transparency in elections; and criminalize the use of public property for political purposes and in election campaigns.⁹⁴

5. Right to work and to just and favourable conditions of work

44. JS2 was also concerned that Mozambican miners who were hired to work more than 15 years in a third country in Africa, discontinue the IRPS (individual income tax) so that upon returning to the country they do not benefit from any social benefit. JS2 recommended that Mozambique: repeal the 1964 and 2007 agreements with the third country on the work of miners due to the fact that does not answer the needs of social protection of miners; integrate miners in the National Social Security System of the National Institute of Social Security (INSS).⁹⁵

6. Right to social security and to an adequate standard of living

45. CGNK reported that though Mozambique has the fastest growing non-oil economy in Sub-Saharan Africa there were still a very high number of people living below the poverty line and recommended that the country work to reconcile its Gross Domestic Product (GDP) growth with its poverty issue and permanently improve food security.⁹⁶

46. HelpAge International referred to a study showing that only 25% of the 1.3 million older persons in the country had access to the government targeted food subsidy cash transfer which was transferred monthly to vulnerable older people.⁹⁷ It noted that a further barrier to older people's enjoyment of their right to social security was their lack of identity cards which meant that they could not be registered for the cash transfer programme.⁹⁸ HelpAge International recommended that Mozambique take all necessary measures to expand its cash transfer programme, improve its delivery model by implementing age-sensitive measures which would allow older people to access the cash transfer, and put into practice a consistent monitoring and implementation plan for its social protection programmes in line with ILO Recommendation No.202 (2012) and conclusions and recommendations No. 84a and 84c of the 2014 report of the Special Rapporteur on extreme poverty.⁹⁹

47. JS2 stated that only 43% of Mozambicans had access to potable drinking water, of which only 26% live in rural areas and 72% in urban areas. Water resources were under constant pressure by the increasing of population, economic activity and the growing competition between different water users.¹⁰⁰

7. Right to health

48. JS2 noted that though contraceptives were free in the National Health System there were constant disruptions of stock due to their being deviated to be sold on the outside market.¹⁰¹ JS2 was similarly concerned about the rupture of stocks of medicine in the National System of Health¹⁰² and the lack of control mechanisms to fight against bribery and corruption in the health system.¹⁰³

49. JS2 recommended that Mozambique: increase the accountability mechanisms for health personnel against bribery, illegal selling of contraceptives, and medicines¹⁰⁴; strengthen the mechanism of control and distribution of contraceptives¹⁰⁵; fight against bribery and corruption in the Health System; increase the measures for the oversight of drugs and medicine stocks¹⁰⁶; increase the number of hospitals; and pay special attention to the rising cases of death by cancer and diabetes related diseases.¹⁰⁷

50. JS2 was also concerned about the rising number of abortions that occurred outside of hospitals.¹⁰⁸ It recommended that Mozambique, as abortion had been decriminalized, create safe abortion services; and continuously educate health workers in matters of sexual reproductive rights.¹⁰⁹ JS2 also recommended including matters of sexual and reproductive health in the education curriculum and conduct civic education in communities.¹¹⁰

51. Alliance Defending Freedom International (ADF) reported that Mozambique had extremely high maternal mortality ratios at 480 deaths per 100,000 live births.¹¹¹ It noted claims that 11 percent of maternal deaths in Mozambique were due to unsafe abortions.¹¹² It also highlighted that almost 90% of the maternal deaths were due to other causes.¹¹³ ADF International stated that legalizing abortion in a country with such a high maternal mortality rate and poor health care infrastructure could put more women at risk of injury or death.¹¹⁴ It recommended that Mozambique focus on improving maternal health through improving the health care system infrastructure and women's access to health care facilities, skilled birth attendants, and education.¹¹⁵

52. JS2 recommended that Mozambique train health providers to address the needs of sexual minorities: increase the fight against AIDS, as well as, protection action for people living with HIV/AIDS.¹¹⁶

53. CGNK reported that Mozambique had very high suicide rates and that a large number of these victims were in the 70+ age group category.¹¹⁷ CGNK recommended that Mozambique: make an in depth analysis of the connections between lack of social programs for the elderly and suicide rates and improve its health, social retirement and suicide prevention mechanisms; and engage in a constructive dialogue with the Independent Expert on the enjoyment of all human rights by older persons.¹¹⁸

54. According to HelpAge International, while some laws such as Law n.º 3/2014 on the Promotion and Protection of Older Persons' Rights and Law n.º 4/1987 mentioned free access to health services for older people others, like the pharmaceutical law in the country did not include any provisions for the free access to medicines for older people.¹¹⁹ Consequently, older people did not have access to age-appropriate services and were being denied their right to affordable to medicine.¹²⁰ Additionally, HelpAge International noted that older people's access to appropriate and quality healthcare was also severely restricted by the lack of health staff specializing in geriatrics. It indicated that there were only two geriatric doctors in the whole country.¹²¹ It recommended that Mozambique: take all necessary measures to ensure older persons' access to affordable health and appropriate health care, including access to appropriate information about the entitlements available to them by clarifying its health policy towards older people, and by including mainstream ageing issues in its human resources strategic plan.¹²²

8. Right to education

55. Noting high absenteeism and dropouts rates in schools¹²³, JS2 recommended that Mozambique promote effective mechanisms to fight against these problems in primary schools.¹²⁴

56. JS2 stated that the quality of education was still an issue of grave concern in Mozambique and noted that though the number of schools had increased, students were still sitting on the floor. Reform of the education system needed to improve not only the quantity but also the quality.¹²⁵ JS2 recommended that Mozambique: speed up the reforms of the education system; train more teachers continuously; and improve the quality of and access to education in rural areas.¹²⁶

9. Persons with disabilities

57. JS2 was concerned about the non effective implementation of the Disability Act, particularly regarding access to public places in safety.¹²⁷ JS2 indicated that the issue of education was essential with regard to disabilities. It stated that despite a policy determining that the school must be adapted to the need of child with a disability, in reality it was the child who had to adapt to the school. JS2 highlighted other impediments, including, lack of access to buildings and to information technology because of lack of training for teachers.¹²⁸

58. JS2 also noted that the political environment was not favourable and that problems related to transport and accommodation remained a big challenge. Access to water was also difficult for people with disabilities. It was added that the political system also excludes disabled persons, not involving them in the decision-making process and does not consider a quota system that would ensure their inclusion in employment. JS2 recommended that Mozambique supervise and monitor the full compliance with the Disabled Persons Protection Act, including safe access to public places.¹²⁹

10. Right to development, and environmental issues

59. JS2 noted that with the discovery of natural resources there had been very large number of investors coming to the country. According to JS2, a number of companies had acquired exploration permits without assessing the environmental, social and cultural impacts. JS2 also noted the occurrence, in this context, of illegal expropriations, land grabbing, violation of the right to participate within the framework of Community Consultations and of the right of communities to decide in matters of public interest. It noted additionally, the violation of agreements with the community by investors in the context of Social Responsibility Corporate and the resettlement, and degradation of living conditions of communities, including environmental pollution of rivers with negative consequences for health and nutrition. It was concerned about resettlements being carried out without taking into account the living and economic conditions of the communities and also noted cases of people who had lost their land.¹³⁰

60. JS2 also stated that the emergence of several mega projects had revealed that despite the fact that there is a Land Law in force to protect the rights of local communities, lack of local community information and false promises accompanied most of these projects.¹³¹

61. JS2 recommended that Mozambique: urgently consider the adoption of a specific law against environmental crimes; publish the contracts between the government and the mega-projects with regard to the environmental impact; respect the right to information and participation of the communities within the allocation of Duration of the right to profit from the land (DUATS) investors; monitor compliance with compensation plans, resettlement and agreements between communities and investors; establish written agreements of social responsibility to allow it to monitor; ensure that the exercise of land rights is not conditioned only to the possession of a DUAT; ensure the DUATs allocation process is transparent and accessible, especially for women and the elderly.¹³²

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF International

Alliance Defending Freedom International Geneva, Switzerland);

AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
CGNK	Center for Global Nonkilling (Honolulu, Hawai'i, United States of America);
GIEACPC	Global Initiative to End All Corporal Punishment of Children (London, United Kingdom of Great Britain and Northern Ireland);
HelpAge International	HelpAge International (Kathmandu, Nepal).
Joint submissions:	
JS1	Joint submission 1 submitted by: CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa); and JOINT: Liga das ONG em Moçambique;
JS2	Liga dos Direitos Humanos (LDH – Mozambican Human Rights League), Lutheran World Federation (LWF), Liga de ONG's de Moçambique (JOINT – Mozambican NGO's Network), Centro de Estudo e Transformação de Conflitos (JUSTAPAZ – Fair Peace), Rede Criança (RDC – Child's Rights Network), Centro de Integridade Pública (CIP – Center for Public Integrity), Associação Moçambicana dos Mineiros (AMIMO – Mozambican Mining Workers Association), Fórum da Sociedade Civil para os Direitos da Criança (ROSC – Mozambican Civil Society Forum for the Rights of Children), Associação Mulher, Lei e Desenvolvimento (MULEIDE – Woman, Law and Development), Comité Ecumenico para o Desenvolvimento Economico e Social (CEDES – Ecumenical Committee for economic and Social Development), CARE International, Associação de Mulheres de Carreira Jurídica (AMCCJ – Association of Women in Legal Careers), Associação para o Desenvolvimento da Família (AMODEFA – Association for Family Development), Associação para Defesa das Minorias Sexuais (LAMBDA – Association for Sexual Minorities), Fórum da Terceira Idade (FTI – Elderly Forum), Associação da Juventude Moçambicana (COALIZAÇÃO – Association of Mozambican Youth), Mulher e Lei na África Austral (WLSA – Women and Law in Southern Africa), Associação Cultural para o Desenvolvimento Sustentável (ACUDES – Association for Cultural Sustainable Development), Parlamento Juvenil (PJ – Youth Parliament), Solidariedade Moçambique (SoldMoz – Mozambique Solidarity), Fórum das Organizações Não Governamentais de Gaza (FONGA – NGO Forum of Gaza Province), Associação des Pessoas Vivendo com HIV/SIDA (UTOMI – Association of People Living with HIV/AIDS), Associação de Educação de Adultos e desenvolvimento Rural (SÊ-RIXILE – Association of Mature Education and Rural Development), Associação dos Idosos de Gaza (TXHONGOTELO – Association of Elderly of Gaza), Organizações dos Trabalhadores Moçambicanos (OTM-CENTRAL Sindical – Mozambican Central Trade Union), União das Associações de Jangamo (UDAJA – Jangamo Union Association), Associação dos Paralegais de Inhambane (API – Inhambane Paralegal's Association), Associação das Pessoas Vivendo com HIV/SIDA e Simpatizantes (TINPSWALO - Association of People Living with HIV/AIDS and Simpatizers), Associação dos Aposentados de Moçambique (APOSEMO – Mozambican Retired Association), Acção Académica para o Desenvolvimento das Comunidades Rurais (ADECROU – Academic Action for Community Development), Centro Terra Viva (CTV – Center of Living Hearth), Organização Rural da Ajuda Mútua (ORAM – Rural Organization for Mutual Support), Acção de Ajuda Cristã (AAJ – Christ for Action Support),

Associação dos Jovens Contra Droga (DESAFIO JOVEM – Association of Youth Against Drugs), Acção para o Desenvolvimento Sustentável (ADS – Action for Sustainable Development), Associação de Jovens livres para servir as Comunidades (OJOLISC – Association of Free Youth to Serve in the Community), Associação Poder de Deus (Association Power of God), Associação Glórias a Deus (Association Glory of God), Firme Alicerce (Firm Foundation), Associação de Apoio às Comunidades (AMACO – Association of Community Support), Associação Juvenil para o Combate as Epidemias (AJUPCE – Association of Juvenil Fighting Epidemics), Associação das Mulheres para a Promoção e o Desenvolvimento Comunitário (AMPC – Association for Promotion of Women in the Community), Fórum Provincial de ONG’s de Sofala (FORPOSA – Forum of NGO’s of Sofala Province), Associação dos Jovens de SOALPO (JOS-SOAL – Soalpo Youth Association), Associação Construindo o Futuro dos Afectados (COFIA – Association Building the Future of Affected), Rede Provincial Criança (SOPROC – Provincial Network of Child’s Rights), Conselho Cristão de Moçambique (CCM – Christian Council of Mozambique), Pressão Nacional de Direitos Humanos (PNDH – National Enforcement for Human Rights), Fórum Provincial da Sociedade Civil de Manica (FOCAMA – Civil Society Forum of Manica), Plataforma da Sociedade Civil de Chimoio (PLASOC – Civil Society Platform of Chimoio), Associação do Grupo de Tratamento Anti-retrovirais (AGT – Association of Anti – Retroviral Treatment), Associação de Apoio e Assistência Jurídica das Comunidades (AAAJC – Association of Legal Assistance of the Communities), Associação Nacional de Extensão Rural (National Association of Rural Extension), Organismo para o Desenvolvimento Socio - económico Integrado (KULIMA – Organism for Integrated sócio-economic Development), Fórum das associações da Sociedade civil de Cuamba (FORASC – Forum of Civil Society Associations of Cuamba), Instituto para a Cidadania e Desenvolvimento Sustentável (FACILIDADE – Institute for Citizenship and Sustainable Development), Plataforma provincial das OSC de Nampula (PPOSE – Provincial Platform of NGOs of Nampula), Amigos da Criança e Boa Esperança (ACABE – Child Friends and Good Hope), Fortalecimento das Comunidades através da Programação Integral (SCIP – Enforcement of Community by Integrated Programming), Associação das Mulheres Domésticas da Zambézia (AMUDZA – Association of Domestic Women in Zambezia), Observatório de Meio Rural (OMR – Observatory of Rural Environment), União Provincial dos Camponeses (UPC – Provincial Union of Peasants), Associação de Apoio ao Desenvolvimento (NANA – Association of Development Support), Conselho Islâmico de Mocambique (Muslin Council of Mozambique), Grupo da Dívida (Debt Coalition), Comissão Arquidiocesana de Justiça e Paz de Nampula (Archdiocesan Commission for Justice and Peace of Nampula), Fórum Terra (FT – Land Forum), Rede das Organizações para Ambiente e Desenvolvimento Sustentável (RODS – Network for Environment and Sustainable Development Organizations), Namati Mozambique, e Associação Visibilidade, Inclusão, Direito e Acesso à Saúde (VIDAS – Association Visibility, Inclusion, Law and Health Rights).

² The following abbreviations are used in UPR documents:

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

³ For the full text of the recommendations see A/HRC/17/16, recommendations 90.1 (France), 90.3 (United Kingdom), 90.4 (Argentina), 90.5 (Portugal) and 90.7 (Ecuador).

⁴ For the full text of the recommendations see A/HRC/17/16, recommendations 88.1 (Algeria), 88.2 (Nigeria), 88.3 (Spain), 88.4 (Argentina), 88.5 (Portugal), 88.6 (Austria), 88.7 (Slovakia) and 88.8 (Australia), 90.2 (Spain), 90.5 (Portugal) and 90.6 (Slovakia).

⁵ AI, p. 1.

⁶ AI, p. 4.

⁷ CGNK, p. 6.

⁸ JS2, p. 3.

⁹ CGNK, p. 4.

¹⁰ AI, p. 1.

¹¹ AI, p. 4.

¹² CGNK, p.2.

¹³ For the full text of the recommendations see A/HRC/17/16 recommendations 89.10 (France), 89.11 (Argentina), 89.12 (Zambia), 89.13, (Hungary), 89.14 (Denmark) and 89.15 (Spain).

¹⁴ JS2.p.3.

¹⁵ JS2.p.4.

¹⁶ For the full text of the recommendations see A/HRC/17/16, recommendations 90.11 (Brazil), 90.12 (Latvia), 90.13 (Portugal), 90.14 (Spain), 90.15 (Ecuador), 90.16 (United Kingdom), 90.17 (Denmark) and 90.18 (Hungary).

¹⁷ AI, p. 1.

¹⁸ AI, p. 4.

¹⁹ For the full text of the recommendations see A/HRC/17/16, recommendations 88.16 (Brazil), 88.17 (Norway), 88.18 (Germany), 88.19 (Italy), 88.20 (Netherlands) and 88.21 (Spain).

²⁰ AI, p. 1.

²¹ AI, p. 5

²² JS2, p.4.

²³ JS2, p. 6.

²⁴ CGNK, p.6.

²⁵ JS2, p. 6.

- 26 JS2, p. 6.
27 JS2, p. 6.
28 JS2, p.4.
29 JS2, p. 9.
30 CGNK, p. 4.
31 JS2, p. 9.
32 AI, p. 1.
33 AI, p. 2.
34 For the full text of recommendations see A/HRC/17/16, recommendations 89.53 (Canada), 89.55 (Netherlands), 89.56 (Slovakia), 89.58 (Germany), 89.59 (Hungary) and 90.20 (Switzerland).
35 AI, p. 5.
36 AI, p. 5.
37 CGNK, p.3.
38 AI, p. 3.
39 AI, p. 4.
40 For the full text of recommendations see A/HRC/17/16, recommendations 89.58 (Germany), 89.59 (Hungary), 89.60 (Sweden), 89.62 (Switzerland), 89.63 (Slovakia) and 89.64 (Italy).
41 AI, p. 5.
42 AI, p. 5.
43 For the full text of recommendations see A/HRC/17/16, recommendation 89.62 (Switzerland).
44 AI, p. 5.
45 AI, p. 2.
46 AI, p. 2.
47 AI, p. 3.
48 For the full text of recommendations see A/HRC/17/16, recommendation 89.62 (Switzerland).
49 AI, p. 4.
50 JS2, p. 6.
51 JS2, p. 6.
52 JS2, p. 6.
53 JS2, p. 6.
54 JS2, p. 6.
55 JS2, p. 6.
56 Helpage Internacional, para. 11.
57 Helpage Internacional, para. 12.
58 Helpage Internacional, para.13.
59 GIEACPC, para.2.1.
60 GIEACPC, para.2.5.
61 GIEACPC, para.2.6.
62 GIEACPC, para.2.7.
63 GIEACPC, para.2.4.
64 GIEACPC, para.2.8.
65 GIEACPC, para.1.1.
66 GIEACPC, para.1.4.
67 JS2, p. 4.
68 JS2, p. 5.
69 JS2, p.3.
70 JS2, p.3.
71 JS2, p. 3.
72 JS2, p.3.
73 JS2, p.3.
74 JS2, p.3.
75 JS2, p. 9.
76 JS2, p. 10.
77 JS1, para. 4.2.
78 AI, p. 3.
79 JS1, para. 4.4.

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- 80 AI, p. 3 and JS1, para. 4.3.
81 AI, p. 5.
82 AI, p. 5.
83 JS1, para. 3.1.
84 JS1, paras. 3.2-3.3.
85 JS1, para. 2.2.
86 JS1, para. 6.1.
87 JS1, para. 2.3.
88 JS1, para. 6.1.
89 JS2, p.4.
90 JS1, para. 5.1 and 5.2.
91 JS1, para. 5.3.
92 JS1, para. 6.4.
93 JS2, p. 9.
94 JS2, pp. 9-10.
95 JS2, p.10.
96 CGNK, p.6.
97 Helpage Internacional, para. 3.
98 Helpage Internacional, para. 5.
99 Helpage Internacional, para. 6.
100 JS2, p. 8.
101 JS2, p. 5.
102 JS2, p. 5.
103 JS2, p. 7.
104 JS2, p. 5.
105 JS2, p. 5.
106 JS2, p. 8.
107 JS2, p. 8.
108 JS 2, p. 5.
109 JS2, p. 5.
110 JS2, p. 5.
111 ADF International, para.5.
112 ADF International, para.6.
113 ADF International, para.17.
114 ADF International, para. 27.
115 ADF International, para. 27.
116 JS2, p. 5.
117 CGNK, pp.3-4.
118 CGNK, p.4.
119 Helpage Internacional, para. 7.
120 Helpage Internacional, para. 8.
121 Helpage Internacional, para. 9.
122 Helpage Internacional, para. 10.
123 JS2, p. 6.
124 JS2, p. 6.
125 JS2, p. 7.
126 JS2, p. 8.
127 JS2. p. 4.
128 JS2. p. 4.
129 JS2, p. 5.
130 JS2, pp. 7.
131 JS2, pp. 7-8.
132 JS2, pp. 7-8.
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