



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-eighth session
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Compilation on Mozambique

Report of the Office of the United Nations High Commissioner for Human Rights*

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Mozambique consider ratifying the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (ILO).³

3. The United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Committee on the Elimination of Discrimination against Women recommended that Mozambique ratify the Convention against Discrimination in Education.⁴

4. The United Nations country team noted that Mozambique had issued a standing invitation to the special procedures of the Human Rights Council in 2016 and had since received an average of one such visit per year.⁵ The country team indicated that, since 2018, with United Nations support, the Government had successfully reported to, and those reports had been reviewed by, three treaty bodies.⁶

5. The United Nations country team indicated that the Ministry of Justice had chaired an ad hoc interministerial committee that worked on reporting on human rights and humanitarian law obligations, and it noted that efforts to institutionalize the committee and consolidate mechanisms for consultation were promising.⁷

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



6. The United Nations country team recommended that Mozambique consider adopting a national human rights policy and/or action plan for the dissemination and implementation of recommendations from all human rights mechanisms, that it enable the visit of the Special Rapporteur on extrajudicial executions, as well visits of other the other special procedure mechanisms of the Human Rights Council, including the Working Group on the issue of human rights and transnational corporations and other business enterprises, and that it provide written responses to communications sent by special procedure mandate holders, which it had not done since 2016.⁸

III. National human rights framework⁹

7. The United Nations country team indicated that, in the context of the coronavirus disease (COVID-19) pandemic, a state of emergency had been declared in March 2020, which had been extended until September, when the Government changed the declaration to an indefinite state of calamity.¹⁰ Prevention measures had had significant and multifaceted impacts, including due to limitations placed on human rights.¹¹

8. The United Nations country team took note of the review of the Penal Code and the Penal Procedural Code and the adoption of the Code on the Execution of Sentences, in line with recommendations¹² from the previous review cycle.¹³

9. The United Nations country team noted that, since 2016, there had been improvements made in terms of the operational capacity of the National Human Rights Commission and the Office of the Ombudsman, with both entities handling a higher caseload and engaging in a broader range of issues and with a broader range of partners. That progress notwithstanding, serious challenges persisted. Both institutions continued to rely on external funding to maintain basic operations, while State financial allocations had only modestly increased over the years. Neither entity had been able to build a presence outside of Maputo, and they could only make non-binding recommendations with very low rates of follow-up and response from Government.¹⁴

10. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment noted that the National Human Rights Commission was officially mandated to monitor places of detention in its functions as the national preventive mechanism. However, there was still significant work pending, including the adoption of the measures necessary to ensure that the mechanism could carry out its mandate in an effective manner.¹⁵ The United Nations country team indicated that the powers of the Commission as the national preventive mechanism had not been clearly articulated and that it had not been provided with additional resources to carry out that function.¹⁶

11. The United Nations country team recommended that Mozambique review the law establishing the National Human Rights Commission to fully align it with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), especially in terms of the institution's monitoring and reporting mandate, the appointment procedure for, and the powers of, the commissioners and the functions and immunities of staff, and increase funding for and the financial independence of the Commission and the Office of the Ombudsman to enable the expansion and improvement of their capacities.¹⁷

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

A. Cross-cutting issues

1. Equality and non-discrimination¹⁸

12. The Independent Expert on the enjoyment of all human rights by older persons noted that the Constitution encompassed the right to equality, but she indicated that the lack of

equality and non-discrimination provisions in ordinary legislation resulted in impunity in cases of discrimination in access to public services.¹⁹ The Independent Expert encouraged the Government to review its laws and policies in order to identify and rectify provisions that discriminated against older persons.²⁰

13. The Independent Expert on the enjoyment of human rights by persons with albinism indicated that discrimination against persons with albinism was widespread.²¹ Discrimination affected persons with albinism throughout their lives and in all areas, including education, as well as access to opportunities.²² The Independent Expert recommended that the Government raise awareness on albinism to fight against the rampant myths that resulted in discrimination and exclusion.²³

14. The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity commended Mozambique for having chosen the path of tolerance, but he noted that tolerance was not sufficient to enable people to live openly, given that lesbian, gay, bisexual and trans people were caught up in a spiral of exclusion.²⁴ The Independent Expert recommended that Mozambique adopt anti-discrimination laws and other measures to integrate sexual orientation and gender identity into the national legislation.²⁵ The United Nations country team recommended that the Government facilitate the registration of non-governmental organizations defending rights related to sexual orientation and gender identity, in line with recent court rulings, and expend efforts on campaigns to combat stigma and discriminatory treatment in essential services.²⁶

2. Development, the environment, and business and human rights²⁷

15. In 2016, several special procedure mandate holders sent a communication regarding allegations concerning State-owned entities in Mozambique having received previously undisclosed Government-guaranteed loans amounting to \$1.4 billion, pushing the public debt stock of the country to levels exceeding 85 per cent of gross domestic product (GDP). The mandate holders indicated that the volume of debt gave rise to concern that insufficient public funds would be available for ensuring the use of the maximum available resources for the realization of economic, social and cultural rights.²⁸

16. The United Nations country team noted that the extractive sector was expanding, with exploration and exploitation licences granted in all major provinces of the country. Unrest and local disputes over concessions, security, resettlement agreements, labour rights, land rights and the distribution of resources had been reported. The situation was exacerbated by the lack of access to effective remedies for victims of business-related human rights abuses.²⁹

17. The United Nations country team recommended that Mozambique adopt a comprehensive national strategy and action plan on business and human rights, in line with the Guiding Principles on Business and Human Rights, and look towards strengthening the regulatory framework and enforcement capacities.³⁰

18. The Independent Expert on the enjoyment of all human rights by older persons noted that Mozambique ranked third among the African countries most exposed to multiple weather-related hazards and suffered from periodic cyclones, droughts, floods and related epidemics.³¹ The Committee on the Elimination of Discrimination against Women noted with concern the impact of natural disasters on the availability of services, including education, health, justice, housing, water, sanitation, electricity and other infrastructure.³² The United Nations country team noted that, in 2019, Cyclones Idai and Kenneth had devastated the central and northern regions of country, with significant setbacks for development.³³

19. Noting that the Government had made great efforts to mobilize assistance to respond to the impacts of climate change, the United Nations country team indicated that it would be important for plans for recovery to take a “build back better” approach to resilience, so as to address vulnerabilities, and to include environmental protection and infrastructure considerations.³⁴

B. Civil and political rights

1. Right to life, liberty and security of person³⁵

20. The United Nations country team noted that there had been significant progress in the peace process between the Government and the Mozambique National Resistance (RENAMO) opposition party, with the signing in August 2019 of a comprehensive peace agreement. However, actions of a dissident RENAMO group over the past year had resulted in dozens of civilians being killed and displaced in the central region, showcasing the need for additional measures for the consolidation of peace, including the greater involvement of affected communities.³⁶ In addition, contention around the elections held in 2019, as well as an incipient armed conflict in northern Mozambique, had strained peace and stability. The country team noted, in particular, the attacks by armed groups with reported extremist ties in the northern province of Cabo Delgado, since 2017, which had resulted in hundreds of casualties and the displacement of more than 320,000 persons. There were reports and allegations of serious abuses and human rights violations committed by the armed groups, as well as the national security forces.³⁷

21. In 2020, the United Nations High Commissioner for Human Rights called upon all actors to take urgent measures to protect civilians in the province of Cabo Delgado, amid reports of an increasingly alarming human rights situation. She noted that attacks by armed groups, including the killing of civilians, and heavy clashes with security forces in various parts of the northern province of Cabo Delgado had increased and that conflict and displacement had also exacerbated food insecurity. Public services, including schools and health facilities, had been destroyed or closed in the worst affected districts.³⁸

22. The United Nations country team recommended that Mozambique ensure a comprehensive and inclusive process for peace, justice and reconciliation, build the capacity of State officials, in particular the security forces, on international principles, strengthen complaint mechanisms and referral pathways for victims, conduct prompt and impartial investigations by competent authorities of all allegations of abuses and violations and ensure the security of humanitarian workers, humanitarian access and the inclusion of human rights and the protection and empowerment of vulnerable groups in the response.³⁹

23. The Independent Expert on the enjoyment of human rights by persons with albinism noted that, according to the authorities, there had been a sudden surge in physical attacks against persons with albinism at the end of 2014, which had intensified until mid-2015.⁴⁰ Children seemed to be the majority of the victims of attacks, although adults were also targeted.⁴¹

24. While noting the commendable measures taken by the Government, the Independent Expert on the enjoyment of human rights by persons with albinism noted that it was important to strengthen efforts, including by providing adequate resources, both human and financial, for the full implementation of the multisectoral action plan on albinism and other ongoing measures in the fields of health services, prosecution, research and policy development.⁴² The Independent Expert recommended that the Government ensure enhanced oversight of traditional medicine practitioners by, for example, regulating their practice with legislation and a licensing regime.⁴³

25. The United Nations country team noted that the revised Penal Code defined and criminalized torture, with prison sentences of between 20 and 24 years. The country team recalled that the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had visited Mozambique in 2016 and had submitted a set of confidential recommendations to the State and the National Human Rights Commission; the country team recommended that Mozambique consider making those recommendations public.⁴⁴

26. The United Nations country team recommended that the Government make available an independent complaint mechanism for the population, through which they could submit complaints and seek remedies, and clearly articulate in law, codes of conduct and the operating procedures of the security forces the relevant standards for use of force and arrest, including the principles of proportionality.⁴⁵

2. Administration of justice, including impunity, and the rule of law⁴⁶

27. The United Nations country team indicated that, although the number of magistrates and prosecutors had increased, per capita ratios had remained low, with wide regional disparities. Efforts to expand legal aid services across the country were welcomed, however, sufficient staffing and resourcing remained a challenge.⁴⁷ It recommended that Mozambique ensure funding for the dissemination of laws and the expanded training of security and justice officials, including on the new Penal Code, and expand availability and funding to justice, law enforcement and legal aid services.⁴⁸

28. The United Nations country team indicated that efforts had been made to reduce prison overcrowding through presidential pardons and itinerant justice campaigns. Measures taken to tackle the pandemic included the reinforcement of sanitary measures and pardons for up to 5,500 detainees. Nevertheless, overcrowding, large numbers of pretrial detainees and poor access to services, including access to food, continued to be of concern. There were sparse data on the conditions and number of persons held in police holding cells.⁴⁹ The country team recommended that Mozambique strengthen the operationalization of the new legal framework, approve the strategic plan for the penitentiary sector, continue efforts to address prolonged pretrial detention and increase the use of alternative sentences, as well as respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).⁵⁰

29. The Committee on the Rights of the Child urged Mozambique to bring its child justice system fully into line with the Convention on the Rights of the Child and other relevant standards. In particular, the Committee urged Mozambique to designate specialized judges for children, record the number of children under 18 years of age in prison and other forms of detention separately from the number of persons under 21 years of age and ensure that detention was used as a last resort and for the shortest period of time possible.⁵¹

3. Fundamental freedoms and the right to participate in public and political life⁵²

30. UNESCO noted that there were a number of laws that restricted the sharing of information in Mozambique and that the State Security Law (No. 19/1991) allowed for punishments of up to two years' imprisonment for the slander or defamation of State officials.⁵³ In addition, defamation was a criminal offence, punishable with fines and prison terms of up to one year and, in the case of high-ranking State officials, of up to two years.⁵⁴ UNESCO encouraged Mozambique to ensure that laws governing freedom of expression and access to information were in compliance with international standards,⁵⁵ and it recommended decriminalizing defamation and placing it within a Civil Code, in accordance with international standards.⁵⁶

31. The United Nations country team took note of the reports of threats, attacks and killings of human rights defenders. Since 2016, at least 75 cases of violations of press freedom had been reported by civil society. Organizations described a climate of fear, underreporting and self-censorship, which was fuelled by a perceived lack of progress in investigations or accountability. A number of legal provisions continued to present challenges for press freedom.⁵⁷

32. In 2019, several special procedure mandate holders issued a press release about the detention of a journalist, calling upon the authorities to immediately free him and investigate allegations that he had been ill-treated. They noted that he had been charged with violations of the country's penal code, raising significant concerns about the criminalization of reporting.⁵⁸

33. The United Nations country team recommended that Mozambique strengthen prevention and accountability for reported cases of violence or intimidation and create measures to safeguard civic space, including investigations of all reported attacks on human rights defenders and the press.⁵⁹

34. The United Nations country team noted that Mozambique had held general elections in 2019, including for the first time for provincial governors. Reports by observers and opposition parties had identified challenges with the process, including regarding voter registration, the participation of independent observers, access by the media, the

independence of electoral bodies, the legal framework and actions of the security forces.⁶⁰ The country team recommended that efforts should be expended to increase transparency, strengthen the legal framework for elections and establish a permanent voter register that enjoys stakeholder and voter confidence.⁶¹

35. The Committee on the Elimination of Discrimination against Women appreciated the increase in the representation of women in political life, but it was concerned that gender parity had not been achieved. The Committee was particularly concerned that women in rural areas faced barriers, such as transportation costs and childcare responsibilities, that prevented them from participating in the district consultative councils.⁶²

4. Prohibition of all forms of slavery⁶³

36. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families took note of the information it had received concerning Mozambicans who had been victims of trafficking and forced labour in mining, agriculture and construction in countries of the region, as well as of sexual exploitation and domestic servitude, particularly in European countries.⁶⁴

37. The United Nations country team noted that a review of the Anti-Trafficking Law and the related regulations had been conducted and that the revised Law was due to come into effect at the end of 2020. Challenges remained in the implementation and resourcing of transit and rehabilitation centres, and there were low levels of victim identification by law enforcement, border officials and social services.⁶⁵ The country team recommended that Mozambique ensure the availability of core protective services for victims of trafficking.⁶⁶ The Committee on the Elimination of Discrimination against Women recommended that Mozambique adopt an action plan for the implementation of the revised law.⁶⁷

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁶⁸

38. The United Nations country team noted that the work regime for civil servants was now governed by Law No. 10/2017, which aligned paid maternity leave benefits with international standards, and that a revision of the labour law to extend the same coverage to the private sector was under consideration.⁶⁹

39. The Committee on the Elimination of Discrimination against Women was concerned about the lack of enforcement of legislation on the principle of equal pay for work of equal value and the fact that women in the informal sector continued to be excluded from social protection, including maternity leave and pension benefits.⁷⁰ It recommended that Mozambique conduct regular labour inspections in all employment sectors, aimed at enforcing compliance with labour laws, reducing the gender pay gap and ensuring decent working conditions in the informal sector.⁷¹ The Committee on the Rights of the Child recommended that Mozambique strengthen its labour inspectorate, including through increased financial resources and capacity-building.⁷²

2. Right to social security⁷³

40. The United Nations country team noted that, over the past decade, the social protection system in Mozambique had been consolidated, with the establishment of a legal and regulatory framework for basic social protection and the adoption of a national strategy for basic social security. A number of challenges remained, including the chronic understaffing and underfunding of social affairs offices at the provincial and district levels.⁷⁴

41. The Independent Expert on the enjoyment of all human rights by older persons urged the Government to ensure the further expansion of social security coverage to those in the informal economy, including agricultural workers, and recommended that it further strengthen the capacity to implement the basic social subsidy programme and ensure that the benefits were adequate to cover the basic needs of older persons.⁷⁵

3. Right to an adequate standard of living⁷⁶

42. The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity noted that Mozambique faced pervasive poverty and inequality, in particular in rural areas, where most of the population lived. More than 70 per cent of Mozambicans were estimated to be poor, with substantial variations based on region and province.⁷⁷ The Independent Expert on the enjoyment of all human rights by older persons noted that, while poverty had been reduced, there was more inequality, as economic progress became increasingly less inclusive.⁷⁸

43. The Committee on the Elimination of Discrimination against Women was concerned about the disproportionate levels of poverty among rural women, who comprised the majority of the female population in the country. The Committee was also concerned about the limited access by rural women to land ownership, formal credit and loans and the resettlement and displacement of women in the northern part of the country by mining companies.⁷⁹ It recommended that Mozambique strengthen efforts towards the economic empowerment of all rural women, including by reinforcing the provision of financial credit and loans and ensuring that rural women had access to justice, education, health, other infrastructure and land ownership.⁸⁰

44. The Independent Expert on the enjoyment of all human rights by older persons indicated that older women were often left to survive in situations of poverty, isolated from the community, and that those who had lost their husbands tended to be excluded and were considered a burden on the community.⁸¹

45. The Committee on the Rights of the Child urged Mozambique to allocate sufficient resources to the council charged with food and nutritional security to ensure its effective operation⁸² and recommended that the country intensify its efforts to address poverty and the lack of access to clean water and sanitation among children in rural areas.⁸³

4. Right to health⁸⁴

46. The United Nations country team indicated that Mozambique had taken decisive action at the start of the COVID-19 outbreak to limit the spread of disease and strengthen health systems. The situation was disproportionately affecting the most vulnerable, including older persons, people with disabilities, members of the isolated rural population and persons deprived of their liberty. The country team noted that comprehensive strategies to tackle stigma and rumours would be important to ensuring preventive behaviour and vaccine uptake.⁸⁵

47. The Committee on the Rights of the Child remained concerned about limited access to high-quality health-care services, in particular in rural areas, inadequate health infrastructure and a shortage of qualified health-care personnel, as well as the prevalence of preventable diseases and illnesses, including pneumonia, diarrhoea, malaria, tuberculosis, malnutrition and AIDS.⁸⁶ The Committee recommended that Mozambique prioritize measures to improve access to, and the quality of, primary health-care services, in particular in rural areas, and ensure the availability of qualified health-care personnel.⁸⁷

48. The Committee on the Elimination of Discrimination against Women was concerned about the persistently high rate of maternal mortality and the shortage of trained health-care professionals, including midwives, in rural areas.⁸⁸

49. The United Nations country team indicated that, despite consistent gains in reducing mortality among children under 5 years of age, levels continued to be high and that neonatal mortality rates were of particular concern. It encouraged Mozambique to institutionalize the policy, curriculum and cadre of community health workers and ensure financing by integrating the running costs into national financial planning.⁸⁹

50. The Independent Expert on the enjoyment of all human rights by older persons recommended that the Government take specific measures to overcome the existing barriers that older persons faced in gaining access to basic health-care services and stressed the need to ensure the expansion of free and reliable transport covering rural, urban and peri-urban areas.⁹⁰

51. The Committee on the Elimination of Discrimination against Women noted with concern the high prevalence of HIV among women, the efforts made under the national strategic plan to combat HIV/AIDS notwithstanding.⁹¹ It recommended that Mozambique intensify the implementation of the national strategic plan to combat HIV/AIDS and ensure access to prevention and early detection programmes for women and girls at risk of contracting HIV.⁹²

52. The United Nations country team recommended that Mozambique decentralize the financial and human resources for health to municipalities to improve disease prevention and that it improve the integration of HIV/AIDS and acute malnutrition case management.⁹³

53. Expressing deep concern about the high teenage pregnancy rate and the very low levels of contraceptive use, the Committee on the Rights of the Child recommended that Mozambique provide free, confidential and adolescent-responsive sexual and reproductive health services, information and education.⁹⁴

54. The Committee on the Elimination of Discrimination against Women noted with concern the limited access to safe and legal abortion and the lack of confidentiality in relation to abortion.⁹⁵ The United Nations country team indicated that the adoption by the Ministry of Health of clinical norms and guidelines for safe abortion in 2017 and the alignment of the Penal Code with the Abortion Law of 2014, conducted in in 2019, were commendable.⁹⁶

5. Right to education⁹⁷

55. The United Nations country team noted that the adoption of the National Education System Law (No. 18/2018) was a welcome development, because it clearly enshrined the right to education.⁹⁸ UNESCO indicated that the new law extended the period of compulsory education to nine years and noted that, while the new law was commendable, under the Education 2030 Agenda, at least 12 years of free, publicly funded, inclusive and equitable high-quality primary and secondary education was recommended.⁹⁹

56. The United Nations country team noted that the education sector's share of the national budget in GDP was higher than the sub-Saharan African average. However, there had been no increases in funding to the sector since the financial crisis of 2016 and there had been a reduction in the average number of teachers recruited every year since 2017. The quality of education remained low, and poor student learning outcomes and the high dropout rate continued to influence several reforms in the system. School closures due to the COVID-19 pandemic were expected to aggravate the learning crisis. It recommended that Mozambique increase financial allocations to the sector, accelerate teacher recruitment and training and, in view of the pandemic, make additional efforts to minimize further impacts on education.¹⁰⁰

57. The Committee on the Elimination of Discrimination against Women noted with concern the high school dropout rate among girls owing to child marriage and/or pregnancy, the disproportionately high level of illiteracy among women and girls, the reports of sexual abuse and harassment of girls in schools and impunity for the perpetrators.¹⁰¹ The United Nations country team noted the abolishment in 2018 of a decree of 2003 that banned pregnant girls from attending day schools.¹⁰²

58. The Committee on the Elimination of Discrimination against Women recommended that Mozambique intensify efforts to reduce the school dropout rate among girls, facilitate the re-entry into education of young mothers, strengthen inclusive and accessible adult literacy programmes, establish effective procedures to investigate cases of sexual abuse and harassment of girls in schools and prosecute perpetrators.¹⁰³

59. The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity noted that many interlocutors explained that they had been bullied in school on the basis of their sexual orientation or gender identity. They had felt unsafe, excluded and ostracized, and several reported that they had dropped out of school as a result.¹⁰⁴

D. Rights of specific persons or groups

1. Women¹⁰⁵

60. The Committee on the Elimination of Discrimination against Women reiterated its concern about the persistence of discriminatory gender stereotypes and harmful practices, including polygamy, child marriage, female genital mutilation and accusations of witchcraft, perpetrated against women. It was particularly concerned about the widespread impunity for such harmful practices.¹⁰⁶ The Independent Expert on the enjoyment of all human rights by older persons expressed concern about the use of accusations of witchcraft against older persons, in particular older women, to validate abuse, violence or neglect – or even to excuse killings.¹⁰⁷

61. The Committee on the Elimination of Discrimination against Women was concerned about the rampant gender-based violence against women and girls committed in the public and private spheres throughout the country,¹⁰⁸ the social legitimization of domestic violence and the frequent resort to reconciliation within the extended family.¹⁰⁹ The United Nations country team noted that women and girls were particularly affected by COVID-19, given the increasing reports of gender-based violence, negative coping mechanisms, including premature unions, as well as the higher prevalence among women of working in the health and informal sectors and carrying an uneven domestic burden.¹¹⁰

62. The Committee on the Elimination of Discrimination against Women recommended addressing, through awareness-raising campaigns on the criminal nature of all forms of gender-based violence and its grave impact on women's enjoyment of their rights, the stigma discouraging women and girls who were victims of such violence from reporting it¹¹¹ and ensuring that women and girls who were victims of gender-based violence had access to effective remedies and immediate means of redress and protection.¹¹²

2. Children¹¹³

63. The Committee on the Rights of the Child remained seriously concerned about the insufficient funds being allocated for the enjoyment of children's rights, and the pervasiveness of corruption, which continued to result in the diversion of resources that were necessary for ensuring the rights of the child.¹¹⁴

64. The United Nations country team noted that the Government had made strides to reinforce legal protections against child labour by ratifying, in 2018, inter alia, the Protocol to the Forced Labour Convention, 1930 (No. 29), of ILO. The country had established the legal minimum age for employment in line with international standards and had approved a list of hazardous work with regard to children and young workers.¹¹⁵ It recommended that Mozambique establish a coordination mechanism to oversee the prevention and mitigation of child labour across sectors and define sanctions in the Penal Code against those that promoted or forced children to work.¹¹⁶

65. Expressing deep concern about the extremely high rate of child marriage, including forced marriage, and the practice of initiation rites for girls, the Committee on the Rights of the Child recommended that Mozambique implement legislation explicitly prohibiting all traditional practices harmful to the physical and psychological well-being of children, take all measures necessary to eliminate child marriage and the harmful aspects of initiation rites for girls¹¹⁷ and develop comprehensive awareness-raising campaigns, in cooperation with civil society organizations, on the harmful effects of child marriage and initiation rites.¹¹⁸

66. The United Nations country team took note of the passing of the Law on Preventing and Combating Premature Unions (No. 19/2019) and recommended that Mozambique strengthen the capacity of State institutions to disseminate and implement new laws for the protection of women and girls, train officials thereon and require leaders to register all religious and traditional marriages.¹¹⁹

67. The Committee on the Rights of the Child remained concerned about the significant number of children whose births were not registered and the limited access to birth registration services in rural areas.¹²⁰ The United Nations country team noted that extending coverage of registration at subdistrict levels remained a challenge, with half of children under

1 year of age not being registered. Broader access to identification was also needed, with current identification coverage estimated at 38 per cent of the population.¹²¹

68. The United Nations country team recommended that Mozambique extend the period for free birth registration to one calendar year from the date of birth and increase resourcing and empower health premises and personnel to improve birth and death registration rates.¹²²

69. Noting with deep concern the extensive use of corporal punishment and the application of legal provisions that were interpreted as justification for such forms of discipline, the Committee on the Rights of the Child urged Mozambique to prioritize the explicit prohibition, through legislative and administrative measures, of corporal punishment in all settings and to repeal all legislative provisions that were interpreted as justifications for the use of corporal punishment.¹²³

3. Persons with disabilities¹²⁴

70. The United Nations country team indicated that persons with disabilities faced multiple challenges in Mozambique. Stigmatization and discrimination remained widespread in communities and within families, in particular in rural areas. Children with disabilities were kept at home at alarming rates, denied education and health care. Adolescents with disabilities were especially vulnerable to sexual violence and abuse.¹²⁵ The country team noted that, since 2017, the Government had been working on a draft law for the protection of persons with disability.¹²⁶

71. The United Nations country team recommended that Mozambique include organizations of persons with disabilities in policy and programme planning, ensure broad and inclusive consultations and the adoption of the draft law on disability and review other legal instruments that may need alignment with the Convention on the Rights of Persons with Disabilities.¹²⁷

4. Migrants, refugees, asylum seekers and internally displaced persons¹²⁸

72. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families expressed concern about the reports that, in February 2017, hundreds of migrant workers mostly engaged in artisanal mining in the province of Cabo Delgado were subjected to arbitrary arrest and detention, extortion, ill-treatment and expulsion.¹²⁹ It recommended that Mozambique amend its legislation governing expulsion and deportation procedures so as to explicitly prohibit collective expulsion.¹³⁰

73. UNHCR indicated that Mozambique generally maintained a generous asylum policy through the adoption of practical arrangements that granted asylum seekers and refugees rights similar to those of its nationals.¹³¹ UNHCR recommended that Mozambique withdraw the reservations made to the Convention relating to the Status of Refugees, in order to strengthen the protection environment and facilitate the local integration of refugees.¹³²

74. UNHCR noted that the refugee status determination process remained lengthy, with the majority of asylum applications still pending for more than 10 years, and that Mozambique had not issued any new refugee status determination decisions since 2011. UNHCR recommended that Mozambique continue to work towards the reduction of the backlog of asylum applications by making the process time-bound and fully accessible to asylum seekers.¹³³

75. UNHCR observed that, as a result of the two cyclones in 2019 and the conflict in Cabo Delgado, many people had been displaced.¹³⁴ UNHCR recommended that Mozambique integrate the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa into its legal and policy framework to support and achieve solutions, ensuring that the situation of populations in internal displacement in Mozambique does not become protracted.¹³⁵

5. Stateless persons

76. UNHCR noted that information related to the risk of statelessness was very limited and that the Government had pledged to conduct a study on statelessness by 2022.¹³⁶

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Mozambique will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/MZindex.aspx.
- ² For relevant recommendations, see A/HRC/32/6, paras. 128.1–128.12, 128.31–128.39, 129.1–129.4 and 130.1–130.10.
- ³ CMW/C/MOZ/CO/1, paras. 13–14. See also CRC/C/MOZ/CO/3-4, para. 49; and A/HRC/42/43/Add.2, para. 82.
- ⁴ Contribution of the United Nations Educational, Scientific and Cultural Organization (UNESCO): Mozambique, para. 10; and CEDAW/C/MOZ/CO/3-5, para. 32 (g).
- ⁵ United Nations country team submission: Mozambique, 2020, para. 5.
- ⁶ *Ibid.*, para. 2.
- ⁷ *Ibid.*, para. 1.
- ⁸ *Ibid.*, p. 1.
- ⁹ For relevant recommendations, see A/HRC/32/6, paras. 128.13–128.26, 128.41 and 130.11.
- ¹⁰ United Nations country team submission, para. 3.
- ¹¹ *Ibid.*, para. 24.
- ¹² For relevant recommendations, see A/HRC/32/6, paras. 128.13 (Portugal) and 128.14 (Norway).
- ¹³ United Nations country team submission, paras. 10–11.
- ¹⁴ *Ibid.*, paras. 6–7.
- ¹⁵ United Nations, “Mozambique: some progress in torture prevention, but significant challenges remain – UN experts”, press release, 14 September 2016. Available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20491&LangID=E.
- ¹⁶ United Nations country team submission, para. 15.
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