

Responses to Recommendations

MOZAMBIQUE

Review in the Working Group: 1 February 2011
 Adoption in the Plenary: 9 June 2011

Mozambique’s responses to recommendations (as of 22.11.2011):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
131 recs. accepted (among which 92 are considered as already implemented or being implemented); 10 rejected; 28 pending	The delegation provided comments on the 28 pending recs. without clear responses	The delegation declared accepting all pending recs. and that 2 recs. which were previously rejected are now accepted. However, the delegation did not specify these two latter ones.	Accepted: 161 Rejected: 8 No clear position: 0 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/17/16:

A - 88.1. Consolidate the legal framework for the promotion and protection of human rights by ratifying the International Covenant on Economic, Social and Cultural Rights (ICESCR) and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (Algeria);

A - 88.2. Consider the possibility of signing or acceding to the remaining international human rights treaties, including ICESCR and ICRMW and domesticate them in its national legislation (Nigeria);

A - 88.3. Sign and ratify ICESCR and the International Covenant on Civil and Political Rights (ICCPR-OP 1) (Spain);

A - 88.4. Study the possibility of becoming a party to the following international instruments: ICESCR and ICRMW (Argentina);

A - 88.5. Accelerate the ratification process of a number of relevant international legal instruments on human rights, namely ICESCR and ICCPR–OP 1 (Portugal);

A - 88.6. Ratify ICESCR (Austria);

- A - 88.7. Ratify ICCPR-OP 1 and ICESCR (Slovakia);
- A - 88.8. Become a party to ICESCR (Australia);
- A - 88.9. Withdraw the reservations to the Convention on the Status of Refugees (Ecuador);
- A - 88.10. Adopt as soon as possible the National Human Rights Action Plan (Ireland);
- A - 88.11. Implement the law on the establishment of a National Human Rights Commission (Russian Federation);
- A - 88.12. Conclude consultations on the composition of the National Commission for Human Rights, and make the Commission operational (United Kingdom);
- A - 88.13. Step up cooperation with the relevant international mechanisms, particularly the Committee on the Elimination of Discrimination against Women and the future Working Group of the Human Rights Council to combat discrimination against women in law and practice (France);
- A - 88.14. Continue its cooperation with treaty bodies and submit its initial report on the implementation of ICCPR as well as the report on the application of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC) (Congo);
- A - 88.15. Intensify efforts to implement the recommendations of the Committee on the Rights of the Child on the persistence in rural areas of traditional practices harmful to children (Portugal);
- A - 88.16. Consider responding to the request of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country (Brazil);
- A - 88.17. Respond positively to the request for an invitation of the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country (Norway);
- A - 88.18. Grant the request of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Mozambique (Germany);
- A - 88.19. Consider the extension of an invitation to the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions in accordance with his request (Italy);
- A - 88.20. Agree on a date for a possible visit by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions requested in 2008 (Netherlands);
- A - 88.21. Respond positively to the request for a visit made by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the situation of human rights defenders (Spain);
- A - 88.22. Implement further policies to ensure gender equality throughout society and strengthen the promotion of the rights of women, especially the rights of rural women (South Africa);
- A - 88.23. Persist in its efforts to ensure equality between the rights of men and women, including through social sensitization actions (Argentina);
- A - 88.24. Take effective measures to ensure the equal treatment of women in law and practice (Sweden);
- A - 88.25. Take effective measures to eradicate the persistent cultural practices that discriminate against women (Azerbaijan);¹
- A - 88.26. Establish a strategy to eliminate cultural practices against women (Luxembourg);²
- A - 88.27. Continue reducing disparities between men and women in order to reach full parity, particularly with regard to access of women to courts and property ownership as well as empowering their role in (economic) production (Sudan);

A - 88.28. Establish more specialized juvenile courts to dispense justice (Turkey);

A - 88.29. Act on the Matrix of Actions it put forward to the G-19 international donor community in March 2010 in response to deep concerns about the 2009 elections (United States);

A - 88.30. Accelerate the implementation of its strategies and national policies aimed at finding effective solutions for the main health problems in the country (Sudan);

A - 88.31. Consider increasing funding for the National Plan to Combat HIV and AIDS and urge the international community to do more to assist (Zimbabwe);

A - 88.32. Strengthen its programmes and adopt further measures for combating HIV/AIDS, malaria and cholera (Turkey);

A - 88.33. Seek technical assistance from the United Nations Children's Fund (UNICEF), the International Labour Organization and other relevant organizations in order to combat the spread of diseases, such as HIV/AIDS and malaria, and to allocate more financial resources to decrease the high rates of maternal and infant mortality (Azerbaijan);

A - 88.34. Coordinate with all donors and civil society organizations on issues of mutual concern, including improvements in prison conditions and strengthening of the health system for HIV/AIDS sufferers and other patients to promote access to quality health care for all Mozambicans (United States);

A - 88.35. Consider seeking further targeted technical assistance from United Nations agencies towards achieving its human rights obligations (Botswana);

A - 88.36. Continue seeking development as well as technical assistance and capacity-building needs from development partners and United Nations specialized agencies with a view to finding solutions to the challenges identified as hindering the enjoyment of human rights (Nigeria);

A - 88.37. Seek from the international community continued meaningful support for the efforts made by Mozambique to enhancing discharge of its human rights obligations (Lesotho);

A - 88.38. Define the technical and financial needs which are required to help the country to live up to its international obligations under the main human rights instruments (Morocco);

A - 88.39. Seek the support of development partners to extend technical assistance and capacity-building to address challenges identified in its national report so as to reinforce its efforts in the protection and promotion of the human rights of its people (Rwanda).³

89. The following recommendations enjoy the support of Mozambique, which considers that they are already implemented or in the process of implementation:

A - 89.1. Consolidate the legal framework for the promotion and protection of human rights by ratifying CRPD (Algeria);

A - 89.2. Consider the possibility of signing or acceding to the remaining international human rights treaties, including CRPD, and domesticate them in its national legislation (Nigeria);

A - 89.3. Sign and ratify the Optional Protocol to CRPD (OP-CRPD). Intensify efforts with a view to the prompt ratification of CRPD (Spain);

A - 89.4. Ratify CRPD (United Kingdom);

A - 89.5. Study the possibility of becoming a party to the following international instrument: CRPD (Argentina);

A - 89.6. Ratify CRPD (Austria);

A - 89.7. Become a party to CRPD (Australia);

- A - 89.8. Sign or ratify the following international convention: CRPD (Ecuador);
- A - 89.9. Continue to strengthen human rights institutions to ensure the continued promotion and protection of human rights throughout society (South Africa);
- A - 89.10. Complete the process of establishing a National Human Rights Commission in accordance with the Paris Principles and fill the Ombudsman post established by law (France);
- A - 89.11. Adopt the necessary measures to accelerate the functioning of a national human rights institution that is in accordance with the international standards established in the Paris Principles (Argentina);
- A - 89.12. Finalize the establishment of the National Human Rights Institution, which will be in compliance with the Paris Principles (Zambia);
- A - 89.13. Follow up on initiatives for establishing an independent national human rights institution to advance its human rights agenda and proceed with this task in conformity with the Paris Principles (Hungary);
- A - 89.14. Make operational in the nearest future the National Commission on Human Rights and the Ombudsman institution (Denmark);
- A - 89.15. Intensify its efforts to appoint the Ombudsman, and ensure the full functioning of the National Human Rights Commission as soon as possible (Spain);
- A - 89.16. Sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and incorporate its provisions into domestic law (Sweden);
- A - 89.17. Repeal all discriminatory laws with regard to women and promote access to education at all levels (Luxembourg);
- A - 89.18. Strengthen the promotion and protection of women's rights through appropriate legislative and policy measures and by addressing discriminatory social and cultural attitudes and practices (Norway);
- A - 89.19. Undertake a legislative review aimed at eliminating all forms of discrimination against women, particularly in relation to the Penal Code and inheritance laws (Australia);
- A - 89.20. Intensify efforts to accelerate the implementation of governmental measures and actions to ensure compliance with international standards for persons deprived of their liberty as soon as possible (Luxembourg);
- A - 89.21. Develop and implement a plan to reduce overcrowding and improve conditions of detention in the prison system, including by exploring alternatives to preventive detention (Canada);
- A - 89.22. Take further steps to prevent mistreatment of prisoners including through greater compliance with the United Nations Minimum Standards for the Treatment of Prisoners (United Kingdom);
- A - 89.23. Take steps to bring prison conditions into compliance with international legal standards for the treatment of prisoners as a matter of urgency (Norway);
- A - 89.24. Take effective measures to improve conditions of detention, in particular to reduce overcrowding and violent crimes in prisons, as well as to improve prisoners' access to educational and health services (Austria);
- A - 89.25. Ensure that violence against women and girls constitutes a criminal offence, as well as to ensure the prosecution, punishment and rehabilitation of perpetrators, and the protection and access to immediate means of redress for victims of violence (Slovenia);

- A - 89.26. Fully implement the Law on Domestic Violence against Women and disseminate information about this law as widely as possible (South Africa);
- A - 89.27. Effectively implement the Law on Domestic Violence against Women, and enforce the policy of “zero tolerance” of sexual abuse in schools to provide better protection for women and girls (Timor-Leste);
- A - 89.28. Take effective steps to implement the new legislation enacted in 2009 regarding the family (Lei da Familia), domestic violence (Lei Contra Violência Doméstica) and trafficking (Lei contra Tráfico de Pessoas) to address the issue of sexual abuse, exploitation and trafficking of children in order to hold perpetrators accountable and provide means of redress and protection for victims (Austria);
- A - 89.29. Strengthen the application of the legislation in combating discrimination and violence, above all sexual violence, against women and girls (France);
- A - 89.30. Adopt and implement policies for combating discrimination and violence against women, especially domestic and sexual violence (Brazil);
- A - 89.31. Take all necessary measures to eliminate, combat and sanction all forms of discrimination or violence against women (Ecuador);
- A - 89.32. Strengthen its child protection system with effective mechanisms, including investigation of reports of cases of child abuse (Thailand);
- A - 89.33. Open temporary shelters for child victims of abuse and neglect, and provide them with the necessary psychological and other support for their full recovery and social reintegration (Thailand);
- A - 89.34. Prepare and intensify appropriate legislative measures to address questions relating to sexual abuse and sexual exploitation and child prostitution (Uruguay);
- A - 89.35. Continue its efforts to improve the penitentiary system and health services and offer greater protection to children, in particular those who are the victims of trafficking in persons (Holy See);
- A - 89.36. Strengthen legislation and adopt a plan of action against sexual abuse and trafficking (Norway);
- A - 89.37. Undertake the necessary measures to advance in the eradication of child labour, by applying the 2008 law to protect children, which prohibits child labour (Uruguay);
- A - 89.38. Continue its efforts in the fight against corruption (Holy See);
- A - 89.39. Strengthen efforts in combating corruption and for access to justice (Brazil);
- A - 89.40. Implement, in full, newly introduced anti-corruption legislation (Australia);
- A - 89.41. Meet its deadline and complete actions to which it committed in the three general areas described in the March 2010 Matrix: electoral reform, economic governance, and combating corruption (United States);
- A - 89.42. Increase funding for the Central Office for Combating Corruption (GCCC) to expand its training programmes for prosecutors and to increase accountability for Government officials by allowing the GCCC to investigate and prosecute these crimes (United States);
- A - 89.43. Pursue ongoing judicial reforms (Morocco);
- A - 89.44. Build upon existing justice and security sector reforms (Australia);
- A - 89.45. Pursue efficient justice system reforms, with particular focus on ensuring free legal assistance for its underprivileged citizens (Slovakia);

A - 89.46. Develop efforts to strengthen the programme of reforms of the judicial system (Angola);

A - 89.47. Take the necessary steps to ensure police receive the information, training and equipment needed to deliver their duties in accordance with the country's international human rights obligations (Canada);

A - 89.48. Continue measures to train the national police forces in order to enable them to fulfil their tasks in an adequate and proportionate manner, in accordance with the principles of the rule of law (Germany);

A - 89.49. Strengthen the human rights training curriculum provided in the Police Science Academy (ACIPOL) and define an ethics code and appropriate inspection mechanisms for the security forces (France);

A - 89.50. Reform laws, rules and codes of conduct that regulate police action to bring them in line with international human rights standards (Ecuador);

A - 89.51. Reform the laws, regulations and codes of conduct that regulate the functioning of the police to bring them into line with international human rights standards (Sweden);

A - 89.52. Adopt a human rights education and training programme for law enforcement officials, in particular on the use of force, with a view to providing alternative methods to address any potentially violent situation proportionally (Spain);

A - 89.53. Ensure that thorough, prompt, and impartial investigations are carried out in all cases of alleged arbitrary detentions, extrajudicial killings and other excessive use of force by police, and that perpetrators are brought to justice (Canada);

A - 89.54. Ensure that cases of excessive use of force and violence by security forces and prison authorities are immediately stopped and investigated by an independent and impartial authority (Austria);

A - 89.55. Ensure prompt, thorough and impartial investigations into all cases of suspected extrajudicial executions and other use of force (Netherlands);

A - 89.56. Carry out prompt, credible and impartial investigations of all alleged extrajudicial killings and other excessive use of force by law enforcement officials resulting in death and bring all perpetrators to justice in compliance with international standards for fair trials (Slovakia);

A - 89.57. Undertake prompt and impartial investigations into cases of excessive use of force by law enforcement officials; and that those found responsible be brought to justice and convicted and that the victims and their families be adequately compensated (Ecuador);

A - 89.58. Investigate all cases of extrajudicial killings, torture and ill-treatment by the police and bring those responsible to justice (Germany);

A - 89.59. Ensure the independent investigation of all allegations of extrajudicial killings and torture (Hungary);

A - 89.60. Conduct thorough and impartial investigation into all allegations of torture and physical abuse and bring to justice anyone suspected of having committed excessive use of force, torture and other human rights violations (Sweden);

A - 89.61. Take effective measures without delay to uphold the total prohibition against torture, in accordance with its international obligations under the Convention against Torture (CAT) (Sweden);

A - 89.62. Carry out effective and independent investigations into allegations of torture and ill treatment in order to bring the perpetrators to justice and ensure that the victims enjoy full reparation (Switzerland);

A - 89.63. Ensure investigation of all allegations of torture and ill-treatment, bring perpetrators to justice in compliance with international standards for fair trials and provide rehabilitation for victims (Slovakia);

A - 89.64. Investigate all reports of torture and other ill-treatment in places of detention (Italy);

A - 89.65. Establish juvenile courts throughout the country to enable the incarceration of children and adolescents separately from adults (Canada);

A - 89.66. Undertake measures to ensure that all children are registered immediately after birth, as a crucial step for children to benefit formally from the social protection system (Uruguay);

A - 89.67. Ensure applications for accreditation by non-governmental organizations (NGOs) are processed objectively, expeditiously, and in accordance with principles of non-discrimination, and that long-pending applications are promptly reviewed in accordance with these principles (Canada);

A - 89.68. Strengthen the enforcement of equality provisions with respect to women in employment laws (Turkey);

A - 89.69. Strengthen efforts to reduce poverty, malnutrition and illiteracy (Azerbaijan);

A - 89.70. Continue to implement development and poverty reduction policies in order to promote peaceful and stable development (China);

A - 89.71. Continue its efforts to fight poverty and ensure sustainable development; as well as implement fully plans to reduce illiteracy and to provide high-quality medical services (particularly to those affected by HIV/AIDs); ensure the population has access to water (Russian Federation);

A - 89.72. Continue applying the country's strategies and socio-economic development plans, in particular those aimed at reducing poverty (Cuba);

A - 89.73. Continue the implementation of its Strategy to combat poverty to achieve the MDGs (Morocco);

A - 89.74. Continue its engagement with the international community to combat poverty, including by devising special social schemes for families living in extreme poverty (Timor-Leste);

A - 89.75. Continue applying programmes and measures to improve the enjoyment of the right to education, the right to health and the right to food (Cuba);

A - 89.76. Disseminate and implement the plan to achieve MDGs 4 and 5, approved by the Ministry of Health, on the basis of the right to health for mother and child (Switzerland);

A - 89.77. Apply measures aimed at increasing the number of health professionals and ensure that they receive high-quality training (Switzerland);

A - 89.78. Taking into account the high level of infant mortality, disseminate and implement promptly the Plan to Achieve the Millennium Development Goals 4 and 5, using a rights-based approach to maternal and child health (Uruguay);

A - 89.79. Continue applying programmes and measures to prevent and combat the problem of HIV/AIDS (Cuba);

A - 89.80. Continue its efforts to achieve full compliance with the rights of the child despite widespread poverty (Sudan);

A - 89.81. Give greater attention to the programmes for the reduction of infant mortality due to Aids and the national prevalence of HIV amongst women, as well as fighting the epidemics of cholera and tuberculosis (Algeria);

A - 89.82. Maintain and further build upon its HIV/AIDS prevention, care and treatment programmes (Singapore);

A - 89.83. Take steps to prevent the feminization of the AIDS pandemic (Hungary);

A - 89.84. Increase its efforts to enable the people of Mozambique to benefit from clean, high-quality drinking water as well as sanitation infrastructure (Luxembourg);

A - 89.85. Intensify programmes to improve the social security system, the housing projects, home sanitation facilities and access to drinking water, as recommended by the Committee on the Rights of the Child (Chile);

A - 89.86. Continue the efforts at improving the access to water and sanitation (Singapore);

A - 89.87. Strengthen its measures to effectively implement national programmes on human rights, in particular regarding their integration into the educational system (Angola);

A - 89.88. Take measures to combat the underlying causes which impede girls from completing their education (Finland);

A - 89.89. Develop programmes and campaigns aiming at combating discrimination against girls in schools (Brazil);

A - 89.90. Put into operation the national law aimed against sexual harassment of women and girls especially at learning institutions (Zambia);

A - 89.91. Take effective steps to counter harassment and abuse of girls in the educational system and ensure that perpetrators are effectively punished (Austria);

A - 89.92. Guarantee that all those responsible for acts of violence, harassment and sexual abuse of girls, in particular in the educational system, are effectively punished and that the girls receive support, including denouncing these situations, and reparation and protection measures (Uruguay).

90. The following recommendations will be examined by Mozambique, which will provide responses in due time, but no later than the 17th session of the Human Rights Council in June 2011. The response of Mozambique to these recommendations will be included in the outcome report adopted by the Human Rights Council at its 17th session in June 2011:

A - 90.1. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED), the Rome Statute of the International Criminal Court (ICC), sign and ratify OP-CAT and establish a national independent mechanism to inspect detention centres (France);

A - 90.2. Sign and ratify the Optional Protocol to ICESCR (OP-ICESCR). Intensify efforts with a view to the prompt ratification of CED (Spain);

A - 90.3. Ratify OP-CAT (United Kingdom);

A - 90.4. Study the possibility of becoming a party to the following international instruments: OP-CAT and CED (Argentina);

A - 90.5. Accelerate the ratification process of a number of relevant international legal instruments on human rights, namely OP-ICESCR, OPCAT and the Rome Statute of the ICC (Portugal);

A - 90.6. Ratify OP-ICESCR, the Rome Statute of the ICC as well as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Slovakia);

A - 90.7. Sign or ratify the following international conventions: OP-CAT and CED (Ecuador);

A - 90.8. Consider the ratification of the main international human rights instruments already signed by Mozambique, such as the Rome Statute and CED (Chile);

A - 90.9. Source more funds for capacity building in order to strengthen various institutions (Zimbabwe);

- A - 90.10. Implement its National Plan of Action on Human Rights (Russian Federation);
- A - 90.11. Consider issuing a standing invitation to all United Nations human rights special procedures (Brazil);
- A - 90.12. Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);
- A - 90.13. Consider extending a standing permanent invitation to the special procedures of the Human Rights Council (Portugal);
- A - 90.14. Extend an open and standing invitation to all special procedures mechanisms (Spain);
- A - 90.15. Extend an open and standing invitation to the special procedure mechanisms (Ecuador);
- A - 90.16. Extend a standing invitation to the United Nations human rights special procedures (United Kingdom);
- A - 90.17. Issue a standing invitation to special procedures (Denmark);
- A - 90.18. Extend a standing invitation to all mandate holders of the Human Rights Council (Hungary);
- A - 90.19. Implement the recommendations of the United Nations expert on the independence of judges and lawyers, particularly with a focus on challenges faced by women and other disadvantaged groups in accessing justice, including combating impunity and corruption (Norway);
- A - 90.20. Take all necessary measures to clarify allegations of extrajudicial executions and arbitrary detentions (Switzerland);
- A - 90.21. Amend existing law by incorporating sexual offences against children, including forced sexual relations and sexual exploitation (Slovenia);
- A - 90.22. Further improve good governance and the rule of law in the context of the next Poverty Reduction Programme (PARP) (Finland);
- A - 90.23. Include concrete measures to effectively reduce social and regional inequalities in the context of the next Poverty Reduction Programme (PARP) (Finland);
- A - 90.24. Increase employment in the context of the next Poverty Reduction Programme (PARP) (Finland);
- A - 90.25. Pay special attention to agriculture, including subsistence farmers, in the context of the next Poverty Reduction Programme (PARP) (Finland);
- A - 90.26. Include the expansion of bilingual education (education in mother tongue) during the first years of primary schooling in the next education sector strategy programme (Finland);
- A - 90.27. Repeal the legislation which requires the transfer of pregnant girls to night-time schools and take action to ensure that pregnant students do not face restrictions in their access to education (Ireland);
- A - 90.28. Use the three-year grant to further raise the quality of education, thereby ensuring the right to education (Netherlands);⁴

91. The recommendations below did not enjoy the support of Mozambique:

- R - 91.1. Become a party to regional and international human rights instruments that it has not yet signed up to despite its efforts to fulfil its international obligations (Chad);

R - 91.2. Ensure that all former girl soldiers as well as any girls and young women who were exploited in the armed forces as slaves for labour or sexual exploitation are included in programmes for reintegration of former soldiers (Slovenia);

R - 91.3. Place greater emphasis on assisting former girl soldiers to reintegrate into society (Ghana);

R - 91.4. Repeal the laws criminalizing sexual relations between consenting adults of the same sex and guarantee fully the right of association, including for NGOs working on the question of sexual orientation (France);

R - 91.5. Repeal criminal sanctions against sexual activity between consenting adults (Netherlands);

R - 91.6. Amend articles 70 and 71 of the Penal Code with a view to not criminalizing sexual relations between consenting adults of the same sex; ensure the right to association of lesbian, gay, bisexual and transgender people (LGBTs) and facilitate the registration and activities of NGOs specialized in issues of sexual orientation and gender identity (Spain);

R - 91.7. Draft, enact, and implement legislation that provides greater protection for political rights (United States);

R - 91.8. Ensure the right to freedom of association and enable the registration of NGOs working on issues of sexual orientation and gender identity (Netherlands);

R - 91.9. Take immediate action to respect, protect and fulfil the right to food (Hungary);

R - 91.10. Ensure access to health insurance and high-quality medication to low-income persons and (Switzerland).

Notes

1 The recommendation as read out during the interactive dialogue: "Take effective measures to eradicate the persistent discriminatory stereotypes, cultural practices that discriminate against women"

2 The recommendation as read out during the interactive dialogue: "Establish a strategy to eliminate cultural practices and discriminatory stereotypes against women"

3 The recommendation as read out during the interactive dialogue: "Recommend to development partners to extend technical assistance and capacity building to Mozambique in the areas identified in its national report so as to reinforce its efforts in the protection and promotion of the human rights of its people"

4 The recommendation as read out during the interactive dialogue: "Use all funds available to further raise the quality of education, thereby ensuring the right to education".

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