

Mozambique

Mid-term Implementation Assessment



Promoting and strengthening
the Universal Periodic Review
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate the index is described at the end of this document.

Geneva, 2 April 2014

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/mozambique>

We invite the reader to consult this webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

8 stakeholders' reports were submitted for the UPR. 18 NGOs were contacted. 3 UN agencies were contacted. The Permanent Mission to the UN was contacted. We could not contact the National Human Rights Institution (NHRI).

5 NGOs responded to our enquiry. 3 UN agencies responded. The State under Review provided a [mid-term report](#), and an [annex](#). Only the latter has been utilised to assess the mid-term implementation as it clearly mentions UPR recommendations.

The following stakeholders took part in the report:

1. **State** of Mozambique
2. **UN Agency:** (1) United Nations Children's Fund (UNICEF) (2) United Nations High Commissioner for Refugees (UNHCR) (3) United Nations Development Programme Mozambique (UNDP)
3. **NGOs:** (1) Associação das Mulheres de Carreira Jurídica (AMMCJ) (2) Justa Paz (JP) (3) Liga Moçambicana dos Direitos dos Direitos Humanos (LDH) (4) Movimento Cívico de Solidariedade e Apoio ao Desenvolvimento da Zambézia (MOCIZA) (5) Rede da Criança (RC)

IRI: 45 recommendations are not implemented, 69 recommendations are partially implemented, and 37 recommendations are fully implemented. No answer was received for 18 out of 173 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).

2. Index

Hereby the issues that the MIA covers:

rec. n°	Rec. State	Issue	IRI	page
1	Algeria	ESC rights - general,International instruments,Labour,Migrants	partially impl.	page 20
40	Algeria	Disabilities,International instruments	fully impl.	page 21
120	Algeria	HIV - Aids,Rights of the Child,Women's rights	fully impl.	page 15
126	Angola	Human rights education and training	-	page 17
4	Argentina	ESC rights - general,International instruments,Labour,Migrants	partially impl.	page 20
23	Argentina	Human rights education and training,Women's rights	partially impl.	page 40
44	Argentina	Disabilities,International instruments	fully impl.	page 22
50	Argentina	NHRI	fully impl.	page 67
135	Argentina	Detention conditions,Enforced disappearances,International instruments,Torture and other CID treatment	partially impl.	page 23
8	Australia	ESC rights - general,International instruments	not impl.	page 20
46	Australia	Disabilities,International instruments	fully impl.	page 22
58	Australia	Women's rights	partially impl.	page 44
79	Australia	Corruption	partially impl.	page 29
6	Austria	ESC rights - general,International instruments	not impl.	page 20
45	Austria	General	fully impl.	page 22
63	Austria	Detention conditions	partially impl.	page 28
67	Austria	Rights of the Child,Trafficking,Women's rights	not impl.	page 47
93	Austria	Human rights violations by state agents	partially impl.	page 34
130	Austria	Rights of the Child	partially impl.	page 62
25	Azerbaijan	Women's rights	not impl.	page 41
33	Azerbaijan	HIV - Aids,Right to health,Rights of the Child,Technical assistance,Women's rights	fully impl.	page 11
108	Azerbaijan	Poverty,Right to education,Right to food	fully impl.	page 13
35	Botswana	Technical assistance	fully impl.	page 65
69	Brazil	Women's rights	partially impl.	page 48
78	Brazil	Corruption,Justice	fully impl.	page 28
128	Brazil	Human rights education and training,Right to education,Rights of the Child,Women's rights	partially impl.	page 61
142	Brazil	Special procedures	not impl.	page 25
60	Canada	Detention conditions	partially impl.	page 28
92	Canada	Detention conditions,Extrajudicial executions,Human rights violations by state agents	not impl.	page 32
104	Canada	Detention conditions,Justice,Rights of the Child	partially impl.	page 55
106	Canada	Civil society	not impl.	page 9
124	Chile	Right to housing,Right to water,Treaty bodies	partially impl.	page 59
139	Chile	Enforced disappearances,International instruments,Justice	not impl.	page 24
109	China	Development,Poverty	fully impl.	page 13



rec. n°	Rec. State	Issue	IRI	page
111	Cuba	Development,Poverty	fully impl.	page 13
114	Cuba	Right to education,Right to food,Right to health	fully impl.	page 14
118	Cuba	HIV - Aids	fully impl.	page 15
53	Denmark	NHRI	fully impl.	page 67
148	Denmark	Special procedures	not impl.	page 25
9	Ecuador	Asylum-seekers - refugees,International instruments	not impl.	page 21
47	Ecuador	Disabilities,International instruments	fully impl.	page 22
70	Ecuador	Women's rights	partially impl.	page 49
89	Ecuador	International instruments,Justice	partially impl.	page 31
96	Ecuador	Human rights violations by state agents	not impl.	page 32
138	Ecuador	Detention conditions,Enforced disappearances,International instruments,Torture and other CID treatment	partially impl.	page 24
146	Ecuador	Special procedures	not impl.	page 25
127	Finland	Right to education,Rights of the Child,Women's rights	partially impl.	page 60
153	Finland	Poverty	not impl.	page 18
154	Finland	Poverty	-	page 18
155	Finland	Poverty	not impl.	page 18
156	Finland	Poverty	not impl.	page 18
157	Finland	Right to education	not impl.	page 19
49	France	NHRI	fully impl.	page 66
68	France	Rights of the Child,Women's rights	partially impl.	page 48
88	France	Human rights education and training	fully impl.	page 12
132	France	Detention conditions,Enforced disappearances,International instruments,Justice,Torture and other CID treatment	partially impl.	page 23
163	France	Civil society,Sexual Orientation and Gender Identity	partially impl.	page 38
87	Germany	Human rights education and training	fully impl.	page 11
97	Germany	Extrajudicial executions,Human rights violations by state agents,Technical assistance	not impl.	page 34
74	Holy See	Detention conditions,Right to health,Rights of the Child,Trafficking	partially impl.	page 53
77	Holy See	Corruption	fully impl.	page 28
52	Hungary	NHRI	fully impl.	page 67
98	Hungary	Extrajudicial executions,Torture and other CID treatment	not impl.	page 33
122	Hungary	HIV - Aids,Women's rights	not impl.	page 59
149	Hungary	Special procedures	not impl.	page 25
10	Ireland	National plan of action	not impl.	page 63
158	Ireland	Right to education,Rights of the Child,Women's rights	not impl.	page 19
103	Italy	Detention conditions,Torture and other CID treatment	partially impl.	page 35
143	Latvia	Special procedures	not impl.	page 25
26	Luxembourg	Women's rights	not impl.	page 41
56	Luxembourg	Women's rights	partially impl.	page 43
59	Luxembourg	Detention conditions	partially impl.	page 26
123	Luxembourg	Right to water	fully impl.	page 16



rec. n°	Rec. State	Issue	IRI	page
38	Morocco	General	fully impl.	page 66
82	Morocco	Justice	partially impl.	page 30
112	Morocco	Poverty	fully impl.	page 14
170	Mozambique	International instruments,Treaty bodies	partially impl.	page 25
171	Mozambique	NHRI	partially impl.	page 68
172	Mozambique	Civil society,Elections,Freedom of the press	not impl.	page 10
173	Mozambique	General	-	page 69
94	Netherlands	Extrajudicial executions	not impl.	page 32
159	Netherlands	Right to education	not impl.	page 19
164	Netherlands	Justice,Sexual Orientation and Gender Identity	partially impl.	page 38
167	Netherlands	Civil society,Freedom of association and peaceful assembly,Sexual Orientation and Gender Identity	not impl.	page 39
2	Nigeria	ESC rights - general,International instruments,Labour,Migrants	partially impl.	page 20
36	Nigeria	Technical assistance	fully impl.	page 65
41	Nigeria	Disabilities,International instruments	partially impl.	page 22
57	Norway	Women's rights	partially impl.	page 44
62	Norway	Detention conditions	partially impl.	page 26
75	Norway	Trafficking	partially impl.	page 55
150	Norway	Corruption,Justice,Impunity	partially impl.	page 36
5	Portugal	CP rights - general,ESC rights - general,International instruments	partially impl.	page 20
15	Portugal	Rights of the Child	partially impl.	page 39
136	Portugal	Detention conditions,ESC rights - general,International instruments,Justice,Torture and other CID treatment	partially impl.	page 24
144	Portugal	Special procedures	not impl.	page 25
14	Republic of Congo	CP rights - general,Rights of the Child,Treaty bodies	partially impl.	page 21
11	Russian Federation	NHRI	fully impl.	page 64
110	Russian Federation	Development,HIV - Aids,Poverty,Right to education,Right to health,Right to water	partially impl.	page 14
141	Russian Federation	National plan of action	not impl.	page 68
39	Rwanda	Technical assistance	fully impl.	page 65
121	Singapore	HIV - Aids	fully impl.	page 14
125	Singapore	Right to water	fully impl.	page 16
7	Slovakia	CP rights - general,ESC rights - general,International instruments	partially impl.	page 20
84	Slovakia	Justice	partially impl.	page 30
95	Slovakia	Extrajudicial executions,Human rights violations by state agents	not impl.	page 32
102	Slovakia	Torture and other CID treatment	not impl.	page 33
137	Slovakia	ESC rights - general,International instruments,Justice	not impl.	page 24
64	Slovenia	Rights of the Child,Women's rights	partially impl.	page 45
152	Slovenia	Rights of the Child	partially impl.	page 63
22	South Africa	Women's rights	partially impl.	page 40



rec. n°	Rec. State	Issue	IRI	page
48	South Africa	General	fully impl.	page 66
65	South Africa	Women's rights	partially impl.	page 46
42	Spain	Disabilities,International instruments	partially impl.	page 22
54	Spain	NHRI	fully impl.	page 66
91	Spain	Human rights education and training	partially impl.	page 12
133	Spain	Enforced disappearances,ESC rights - general,International instruments	not impl.	page 23
145	Spain	Special procedures	not impl.	page 25
165	Spain	Sexual Orientation and Gender Identity	partially impl.	page 38
27	Sudan	Women's rights	partially impl.	page 42
30	Sudan	Right to health	partially impl.	page 10
119	Sudan	Poverty,Rights of the Child	partially impl.	page 58
24	Sweden	Women's rights	partially impl.	page 41
55	Sweden	International instruments,Women's rights	partially impl.	page 23
90	Sweden	International instruments,Justice	partially impl.	page 31
99	Sweden	Torture and other CID treatment	not impl.	page 33
100	Sweden	International instruments,Torture and other CID treatment	not impl.	page 34
101	Switzerland	Torture and other CID treatment	not impl.	page 33
115	Switzerland	Right to health,Rights of the Child,Women's rights	partially impl.	page 57
116	Switzerland	Right to health	not impl.	page 15
151	Switzerland	Detention conditions,Extrajudicial executions	not impl.	page 37
71	Thailand	Rights of the Child	partially impl.	page 50
72	Thailand	Rights of the Child	partially impl.	page 51
66	Timor-Leste	Rights of the Child,Women's rights	partially impl.	page 46
113	Timor-Leste	Poverty	fully impl.	page 14
28	Turkey	Justice,Rights of the Child	not impl.	page 43
32	Turkey	HIV - Aids,Right to health	partially impl.	page 11
107	Turkey	Women's rights	not impl.	page 56
12	United Kingdom	NHRI	fully impl.	page 65
43	United Kingdom	Disabilities,International instruments	fully impl.	page 22
61	United Kingdom	Detention conditions	partially impl.	page 28
134	United Kingdom	Detention conditions,International instruments,Torture and other CID treatment	fully impl.	page 23
147	United Kingdom	Special procedures	not impl.	page 25
29	United States	Elections	not impl.	page 9
34	United States	Detention conditions,HIV - Aids,Right to health	partially impl.	page 11
80	United States	Corruption,Development,Elections	partially impl.	page 67
81	United States	Corruption	-	page 29
166	United States	CP rights - general	partially impl.	page 10
73	Uruguay	Rights of the Child	partially impl.	page 51
76	Uruguay	Labour,Rights of the Child	not impl.	page 55
105	Uruguay	Rights of the Child	partially impl.	page 56
117	Uruguay	Right to health,Rights of the Child,Women's rights	partially impl.	page 57



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131	Uruguay	Rights of the Child	partially impl.	page 63
51	Zambia	NHRI	fully impl.	page 67
129	Zambia	Rights of the Child, Women's rights	partially impl.	page 62
31	Zimbabwe	HIV - Aids, Technical assistance	fully impl.	page 10



3. Feedback on recommendations

CP Rights

Recommendation n°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 (Recommended by United States)*

IRI: *not implemented*

Justa Paz (JP) response:

Nothing done concerning this

Recommendation n°106: *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 (Recommended by Canada)*

IRI: *not implemented*

JP response:

Nothing done

State of Mozambique response:

Ensuring the fight against corruption at all levels and promoting a stronger culture of transparency in society: The Attorney General's annual report states that 148 corruption cases were received in 2012 amounting to 991.080,56 MZM. There were 104 cases of theft of State funds or goods in 2012 amounting to 62.930.984.77 MZM.

Audit reports published: The reports of the Administrative Court for 2012 and 2013 have not yet been published.

Adoption of the Code (Law on Public Probity): Law 16/2012 of 14 August approved, the Law on Public Probity.

Witnesses publicly exposed: Law regulating the protection of witnesses, complainants and others involved in cases approved.

More staff: Personnel rose from 1.230 in 2011 to 1.433 in 2012, making it possible to open new State Attorney offices in the districts.

Training and capacity building done: There were 16 training and professional courses for 365 officials in 2012, including in particular studies on Rights and Duties and a collective study of the Law on Public Probity.



Recommendation n^o166: *Draft, enact, and implement legislation that provides greater protection for political rights (Recommended by United States)*

IRI: *partially implemented*

State of Mozambique response:

Law 8/2013 of 27 February on the election of the President of the Republic and AR Deputies approved and Law 7/2006 of 26 February revoked; Law 4/2013 of 22 February on the election of members of the Provincial Assemblies approved and Law 10/2007 of 5 June revoked; Law 6/2013 on the functioning of the CNE approved and Law 8/2007 of 26 February revoked; Law 7/2013 on the election of the President of the Municipal Council and Members of the Municipal Assembly approved and Law 18/2007 of 18 July revoked. Law 5/2013 of 22 February approved, establishing Voter Registration approved and Law 9/2007 of 26 February revoked.

Recommendation n^o172: *Mozambique also renews its commitment and desire to improve the mechanisms for the electoral participation of citizens and political parties, spreading knowledge of human rights in general, which are the basis of its constitution, through the strengthening of state institutions and encouraging the participation of civil society (NGOs, media, etc), as a means of promoting and protecting human rights. (Recommended by Mozambique)*

IRI: *not implemented*

Movimento Cívico de Solidariedade e Apoio ao Desenvolvimento da Zambézia (MOCIZA) response:

[...] Today there is a greater number of electoral fraud and electoral injustices elections, starting with the diversion of votes in favour of the ruling party, violation of election law by the government and lack of fairness in the electoral competition between the ruling party and others

ESC Rights

Recommendation n^o30: *Accelerate the implementation of its strategies and national policies aimed at finding effective solutions for the main health problems in the country (Recommended by Sudan)*

IRI: *partially implemented*

JP response:

In process

Recommendation n^o31: *Consider increasing funding for the National Plan to Combat HIV and AIDS and urge the international community to do more to assist (Recommended by Zimbabwe)*

IRI: *fully implemented*

United Nations Children's Fund (UNICEF) response:

Mozambique is updating the National Strategic HIV and AIDS Response Plan 2010-2014. Almost 3 million USD has been provided for the National AIDS Council (Conselho Nacional de Combate ao HIV/SIDA – CNCS). However, costs of treatment still largely covered by international partners.



Recommendation n°32: *Strengthen its programmes and adopt further measures for combating HIV/AIDS, malaria and cholera* (Recommended by Turkey)

IRI: *partially implemented*

UNICEF response:

The government launches the National Plan for malaria as well as the National Strategic HIV and AIDS Response Plan (2010-2014) which is under revision. At the moment Mozambique is preparing a project proposal to the Global Fund. The object is to have the project submitted by August 2014.

Recommendation n°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* (Recommended by Azerbaijan)

IRI: *fully implemented*

UNICEF response:

Mozambique is seeking assistance from international organizations in order to enhance the efforts to combat the spread of diseases. Regarding the financial resources, while the nation budget allocation to health has grown in absolute value, in the real terms, health budget remains at 7% of overall state budget.

Recommendation n°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* (Recommended by United States)

IRI: *partially implemented*

UNICEF response:

Several attempts have been done to promote access to quality health care for all Mozambicans. However, limited information is available on results.

JP response:

In progress

Recommendation n°87: *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* (Recommended by Germany)

IRI: *fully implemented*

State of Mozambique response:

Performance: Police Strategic Plan evaluated

HR training courses given: HR material included in the ACIPOL curriculum and as modules in all courses and training for PRM officers; Higher education trainers trained in HR subjects

Police trained in HR: It was not possible to obtain the exact number but, as mentioned in the previous point, all training for police officers includes a module on human rights.



Teachers /Trainers specialised in HR: Teacher assigned to ACIPOL in 2012

MINT (Ministry of Interior) installed 5 hotlines but there is no information on the number of users and the cases denounced during the period under analysis (2012-2013).

Neighbourhoods covered by community policing committees: In 2012, 379 Voluntary Community Policing Councils were created, 36 in Cabo Delgado, 25 in Niassa, 36 in Nampula, 37 in Tete, 37 in Zambézia, 42 in Sofala, 36 in Manica, 45 in Inhambane, 24 in Gaza, 36 in Maputo and 25 in Maputo province. All neighbourhoods in Nampula have Community Policing and this has helped to strengthen the defence of citizens' human rights.

Recommendation n°88: 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 (Recommended by France)

IRI: fully implemented

State of Mozambique response:

[See response to recommendation n° 87]

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Ensuring the fight against corruption at all levels and promoting a stronger culture of transparency in society: The Attorney General's annual report states that 148 corruption cases were received in 2012 amounting to 991.080,56 MZM. There were 104 cases of theft of State funds or goods in 2012 amounting to 62.930.984.77 MZM.

Audit reports published: The reports of the Administrative Court for 2012 and 2013 have not yet been published.

Adoption of the Code (Law on Public Probity): Law 16/2012 of 14 August approved, the Law on Public Probity.

Witnesses publicly exposed: Law regulating the protection of witnesses, complainants and others involved in cases approved.

More staff: Personnel rose from 1.230 in 2011 to 1.433 in 2012, making it possible to open new State Attorney offices in the districts.

Training and capacity building done: There were 16 training and professional courses for 365 officials in 2012, including in particular studies on Rights and Duties and a collective study of the Law on Public Probity.

Recommendation n°91: 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 (Recommended by Spain)

IRI: partially implemented

State of Mozambique response:

[See response to recommendation n° 87]

United Nations High Commissioner for Refugees (UNHCR) response:

Given the present increasing tendency of migration towards/through Mozambique, UNHCR urges the Government to strengthen the capacity of local authorities in order to improve reception conditions, screening and referral logistics, ensuring migrants and asylum-seekers protection-sensitive treatment while awaiting due processing of their cases, particularly when in police or border guard custody.

Recommendation n°108: *Strengthen efforts to reduce poverty, malnutrition and illiteracy* (Recommended by Azerbaijan)

IRI: *fully implemented*

UNICEF response:

Strategic planning has been greatly strengthened by sector-wide approaches (SWAPs), of which Mozambique was one of the pioneers, beginning in the late 1990s. There are now second or third generation strategic plans in several of the sectors directly relevant to children, linked to the Government's 5-Year Plan. These include: the Education Strategic Plan 2012-2016; the National Basic Social Protection Strategy 2009-2014, the Multi-Sectoral Action Plan for the Reduction of Chronic Under-nutrition in Mozambique 2011.

JP response:

In progress

State of Mozambique response:

Foundations for sustainable development aimed at citizens' well being strengthened: The social indicators in the PES 2012 report were positive. Vaccination coverage of children under 12 years was 78,8%, more than planned; the net primary enrolment rate at age 6 was around 72%; there were 19.306 operational water sources in rural areas, more than planned; new connections in the energy sector resulted in an execution level higher than planned.

Macro economic indicators in 2012 were positive, although ensuring a multiplier effect for poorer groups, the majority, is still a challenge. GDP real growth was 7,5% and the average inflation rate was 2,1%. The PES I Semester 2013 report indicates the need for additional efforts to achieve the indicators for promoting employment, governance, the macroeconomy and measuring poverty.

Recommendation n°109: *Continue to implement development and poverty reduction policies in order to promote peaceful and stable development* (Recommended by China)

IRI: *fully implemented*

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Recommendation n°111: *Continue applying the country's strategies and socio-economic development plans, in particular those aimed at reducing poverty* (Recommended by Cuba)

IRI: *fully implemented*



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Recommendation n°112: *Continue the implementation of its Strategy to combat poverty to achieve the MDGs* (Recommended by Morocco)

IRI: *fully implemented*

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Recommendation n°113: *Continue its engagement with the international community to combat poverty, including by devising special social schemes for families living in extreme poverty* (Recommended by Timor-Leste)

IRI: *fully implemented*

State of Mozambique response:

[See response to recommendation n° 87]

JP response:

In progress

Recommendation n°110: *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* (Recommended by Russian Federation)

IRI: *partially implemented*

State of Mozambique response:

[See response to recommendation n° 87]

Recommendation n°114: *Continue applying programmes and measures to improve the enjoyment of the right to education, the right to health and the right to food* (Recommended by Cuba)

IRI: *fully implemented*

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Recommendation n°121: *Maintain and further build upon its HIV/AIDS prevention, care and treatment programmes* (Recommended by Singapore)

IRI: *fully implemented*

State of Mozambique response:

Network for access to quality health expanded: 35 new health units opened; 63,8 % coverage of institutional births, 100 % antenatal consultations, 61 % post partum consultations and 24,4 % family planning in 2012; The objective is to increase the overall medicine and nursing ratio to 67 per 100,000; Malaria, 35% prevalence rate; tuberculosis, 491 cases per 100,000; mortality rate 49 deaths per 100.000

Infant mortality rate, malaria, tuberculosis and HIV & AIDS prevalence rates:

Infant mortality rate: 64/1.000 live births (IDS, 2011) and under-five mortality rate 97/1.000 live births, reaching the MDG target; (2012) no information for 2012 and 2013; HIV & AIDS rate 11.5% (IDS, 2011); 11.5 % (2012); 11.5 % (2013): it will be updated through the next survey on AIDS in 2015. MISAU reports a gradual reduction in deaths from malaria in recent years. In 2012 about 34 % of all pregnant women in antenatal consultations received at least two TIP doses, 19% more than in 2011. Some 786.791 mosquito nets were distributed to pregnant women. Household spraying was done in 60 districts.



Percentage of the population covered by primary health care: 60% primary health care coverage (2011).

% of population who know how to prevent HIV: The 2014 PES states that "virtually all Mozambicans (98% of women and 100% of men) have heard about HIV & AIDS, but only 31% of women and 51% of men have comprehensive knowledge about the disease". The same source states that in rural areas 46% of women and 62% of men know about the disease.

% of population attending ATS: 532.758 attending ATS (2012);

% of HIV+ people receiving anti-retroviral therapy: The number of children receiving ARVT (Antiretroviral Therapy) has risen. In the 1st semester 2013 alone there were 32.853 and the target was 44.909. The number of adults infected with advanced HIV in the 1st Semester 2013 was 359.129 and the target was 203,217.

Recommendation n°116: *Apply measures aimed at increasing the number of health professionals and ensure that they receive high-quality training (Recommended by Switzerland)*

IRI: *not implemented*

UNICEF response:

The "Observatório Nacional de Recursos Humanos em Saúde (ORHS)" has been created in 2012, one of the activities in the National Plan for Human Resources in Health. Other aspects of this plan have had slow implementation and [Mozambique] remains a country with significant gap of trained health professionals

State of Mozambique response:

[See response to recommendation n° 114]

Recommendation n°118: *Continue applying programmes and measures to prevent and combat the problem of HIV/AIDS (Recommended by Cuba)*

IRI: *fully implemented*

UNICEF response:

There has been a large expansion in the availability of testing and treatment over the past decade. The Ministry of Health's Accelerated HIV/AIDS Response Plan for 2013-2015 aims to scale up ART coverage to 80% by 2015.

State of Mozambique response:

[See response to recommendation n° 114]

Recommendation n°120: *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 (Recommended by Algeria)*

IRI: *fully implemented*

UNICEF response:

The government launches the National Plan for malaria as well as the National Strategic HIV and AIDS Response Plan (2010-2014) which is under revision. At the



moment Mozambique is preparing a project proposal to the Global Fund. The object is to have the project submitted by August 2014.

State of Mozambique response:

[...]

Network for access to quality health expanded: 35 new health units opened; 63,8 % coverage of institutional births, 100 % antenatal consultations, 61 % post partum consultations and 24,4 % family planning in 2012; The objective is to increase the overall medicine and nursing ratio to 67 per 100,000; Malaria, 35% prevalence rate; tuberculosis, 491 cases per 100,000; mortality rate 49 deaths per 100.000

Infant mortality rate, malaria, tuberculosis and HIV & AIDS prevalence rates: Infant mortality rate: 64/1.000 live births (IDS, 2011) and under-five mortality rate 97/1.000 live births, reaching the MDG target; (2012) no information for 2012 and 2013; HIV & AIDS rate 11.5% (IDS, 2011); 11.5 % (2012); 11.5 % (2013): it will be updated through the next survey on AIDS in 2015. MISAU reports a gradual reduction in deaths from malaria in recent years. In 2012 about 34 % of all pregnant women in antenatal consultations received at least two TIP doses, 19% more than in 2011. Some 786.791 mosquito nets were distributed to pregnant women. Household spraying was done in 60 districts.

Percentage of the population covered by primary health care: 60% primary health care coverage (2011).

% of population who know how to prevent HIV: The 2014 PES states that "virtually all Mozambicans (98% of women and 100% of men) have heard about HIV & AIDS, but only 31% of women and 51% of men have comprehensive knowledge about the disease". The same source states that in rural areas 46% of women and 62% of men know about the disease.

% of population attending ATS: 532.758 attending ATS (2012);

% of HIV+ people receiving anti-retroviral therapy: The number of children receiving ARVT (Antiretroviral Therapy) has risen. In the 1st semester 2013 alone there were 32.853 and the target was 44.909. The number of adults infected with advanced HIV in the 1st Semester 2013 was 359.129 and the target was 203,217.

Recommendation n^o123: *Increase its efforts to enable the people of Mozambique to benefit from clean, high-quality drinking water as well as sanitation infrastructure* (Recommended by Luxembourg)

IRI: *fully implemented*

+

Recommendation n^o125: *Continue the efforts at improving the access to water and sanitation* (Recommended by Singapore)

IRI: *fully implemented*

UNICEF response:

Two separate water and sanitation strategies, the first for rural areas covering the period 2006-2015 and the second for urban areas in 2011-2025, as well as a long-term investment plan for water and sanitation in small towns, currently under preparation

JP response:

In progress

State of Mozambique response:

Access to potable water and basic sanitation services expanded: There were 79.165 home connections in 2012, more than the target of 66.638. In 2012 there were 19.306 operational water sources in rural areas, more than the target of 18.900. The water resources produced outside (116.200 Mm³) and inside (100.300 Mm³) the country totalled 216.500 Mm³ and storage capacity is 45.155 Mm³. This means a national storage capacity of 21% (DNA). The PES 1st Mm³. This means a national storage capacity of 21% (DNA). The PES 1st Semester report states that between January and June 2013 FIPAG produced some 69 million cubic metres compared to 64 million in the same period in 2012.

Families with water sources: The Water Supply and Rural Sanitation Programme (PRONASAR) and the Water Investment and Asset Fund (FIPAG) have been established and guarantee water supplies for towns. The PES 2014 indicates that 52.5% of the population now has access to safe water and the target is 70% in 2015. Access to potable water in urban areas is 84.6% and in rural areas only 37.8%. The PES also states that only 23.8% of the population uses a bathroom/improved latrine: 47.8% in urban areas and only 12.8% in a rural areas.

Recommendation n°126: Strengthen its measures to effectively implement national programmes on human rights, in particular regarding their integration into the educational system (Recommended by Angola)

IRI: -

UNICEF response:

Human Rights are taught in classes 6 and 7 as part of the Civics Education. Further there are teacher guidance manuals available for teaching about human rights in schools for all the three cycles of education at primary level.

State of Mozambique response:

Schools built and operational: The number of general primary (day) schools rose from 14.324 in 2011 to 15.232 in 2012. In 2012 1400 classrooms were planned and 667 built, a percentage rise of 48%. In the 1st Semester 2013 128 classrooms were built, 13% of those planned. In Nampula the number of basic education schools rose from 1960 in 2012 to 2.028 in 2013.

Training centres created: In 2012 11 vocational training centres were created in Niassa, Nampula, Zambézia, Tete. Sofala and Gaza.



Teachers trained and formed: The planned number of teachers and managers to be trained in 2013 is 8.000 (initial training) and 7.000 (in-service training), but the information will only be available at the end of the year.

Curricular innovations: MINED (Ministry of Education) recognises that it has introduced important innovations, in particular a new curriculum to improve education, but the challenge of improving teaching-learning quality persists.

Books produced and distributed free of charge, per year: 12.967.850 primary school books were distributed free of charge in 2012, 81% of the planned figure. 16.006.486 books were produced and distributed free of charge in 2013, 112% of the planned figure.

Education Strategic Plan 2012-2016 approved by the Council of Ministers on 12 June 2012

Recommendation n°153: *Further improve good governance and the rule of law in the context of the next Poverty Reduction Programme (PARP)* (Recommended by Finland)

IRI: *not implemented*

+

Recommendation n°154: *Include concrete measures to effectively reduce social and regional inequalities in the context of the next Poverty Reduction Programme (PARP)* (Recommended by Finland)

IRI: -

+

Recommendation n°155: *Increase employment in the context of the next Poverty Reduction Programme (PARP)* (Recommended by Finland)

IRI: *not implemented*

+

Recommendation n°156: *Pay special attention to agriculture, including subsistence farmers, in the context of the next Poverty Reduction Programme (PARP)* (Recommended by Finland)

IRI: *not implemented*

State of Mozambique response:

Foundations for sustainable development aimed at citizens' well being strengthened: The social indicators in the PES 2012 report were positive. Vaccination coverage of children under 12 years was 78,8%, more than planned; the net primary enrolment rate at age 6 was around 72%; there were 19.306 operational water sources in rural areas, more than planned; new connections in the energy sector resulted in an execution level higher than planned.

Macro economic indicators in 2012 were positive, although ensuring a multiplier effect for poorer groups, the majority, is still a challenge. GDP real growth was 7,5% and the average inflation rate was 2,1%. The PES I Semester 2013 report indicates the need for additional efforts to achieve the indicators for promoting employment, governance, the macroeconomy and measuring poverty.



Recommendation n°157: *Include the expansion of bilingual education (education in mother tongue) during the first years of primary schooling in the next education sector strategy programme (Recommended by Finland)*

IRI: *not implemented*

+

Recommendation n°158: *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 (Recommended by Ireland)*

IRI: *not implemented*

+

Recommendation n°159: *Use the three-year grant to further raise the quality of education, thereby ensuring the right to education (Recommended by Netherlands)*

IRI: *not implemented*

State of Mozambique response:

Schools built and operational: The number of general primary (day) schools rose from 14.324 in 2011 to 15.232 in 2012. In 2012 1400 classrooms were planned and 667 built, a percentage rise of 48%. In the 1st Semestre 2013 128 classrooms were built, 13% of those planned. In Nampula the number of basic education schools rose from 1960 in 2012 to 2.028 in 2013.

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Education Strategic Plan 2012-2016 approved by the Council of Ministers on 12 June 2012

International Instruments

Recommendation n°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) (Recommended by Algeria)*

IRI: *partially implemented*

+

Recommendation n°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 (Recommended by Nigeria)*

IRI: *partially implemented*

+

Recommendation n°4: *Study the possibility of becoming a party to the following international instruments: ICESCR and ICRMW (Recommended by Argentina)*

IRI: *partially implemented*

UNDP response:

The ratification of the ICRMW signalled an important progress in the implementation of this recommendation. However the ratification of the ICESCR is still pending.

Recommendation n°5: *Accelerate the ratification process of a number of relevant international legal instruments on human rights, namely ICESCR and ICCPR-OP 1 (Recommended by Portugal)*

IRI: *partially implemented*

+

Recommendation n°7: *Ratify ICCPR-OP 1 and ICESCR (Recommended by Slovakia)*

IRI: *partially implemented*

UNDP response:

The ratification of the ICRMW and of the OPCAT, with related nomination of the [National Preventive Mechanism (NPM)] signalled an important progress in the implementation of this recommendation. However the lack of ratification of the ICESCR is still pending.

Recommendation n°6: *Ratify ICESCR (Recommended by Austria)*

IRI: *not implemented*

+

Recommendation n°8: *Become a party to ICESCR (Recommended by Australia)*

IRI: *not implemented*

UNDP response:

The lack of ratification, to date, of the ICESCR is a missed opportunity especially since the Constitution of Mozambique already contains the corresponding norms of protection of Economic Social and Cultural Rights



Liga Moçambicana dos Direitos dos Direitos Humanos (LDH) response:
Not yet ratified.

Recommendation n°9: *Withdraw the reservations to the Convention on the Status of Refugees (Recommended by Ecuador)*

IRI: *not implemented*

LDH response:

Mozambique maintains the reservation to the Convention on the Status of Refugees

UNHCR response:

Though we lay emphasis on the continuous flexibility of the Government of Mozambique in applying the provisions of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol – notwithstanding its significant reservations, namely to the rights to freedom of movement, education, property, naturalisation and health care –, it would be helpful for the fulfillment of UNHCR's mandate and for the improvement of the situation of its persons of concern if the Government of Mozambique – along with a review of its national legislation, specifically of the Act No. 21/1991 of 31 December 1991 (Refugee Act) – would lift its reservations to the Convention so that a rights-based legal framework may be established and thus reflect the positive and practical arrangements already put in place by the Government in order to facilitate local integration and self-reliance for refugees and asylum-seekers.

Recommendation n°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) (Recommended by Republic of Congo)*

IRI: *partially implemented*

UNDP response:

Mozambique presented its report to the Human Rights Committee in November 2013.

Recommendation n°40: *Consolidate the legal framework for the promotion and protection of human rights by ratifying CRPD (Recommended by Algeria)*

IRI: *fully implemented*

State of Mozambique response:

CRPD is being harmonised

LDH response:

Ratified on 30/01/2012. However, there is poor implementation of these laws and policies, including the Convention for the Protection of Persons with Disabilities ratified by Mozambique, in that it still makes buildings without facilities for the mobility of persons with disabilities, despite the law prohibiting it construction projects that do not consider its easy access and use by disabled citizens are approved.

The biggest challenge lies in the implementation of these instruments, since it is still weak. The state body with specific responsibilities to ensure effective protection and



respect for the rights of people with disabilities has many specific capacity and has demonstrated a lack of capacity and conditions to ensure the implementation of instruments and policies on non-discrimination based disabilities.

Recommendation n°41: *Consider the possibility of signing or acceding to the remaining international human rights treaties, including CRPD, and domesticate them in its national legislation* (Recommended by Nigeria)

IRI: *partially implemented*

+

Recommendation n°43: *Ratify CRPD* (Recommended by United Kingdom)

IRI: *fully implemented*

+

Recommendation n°44: *Study the possibility of becoming a party to the following international instrument: CRPD* (Recommended by Argentina)

IRI: *fully implemented*

+

Recommendation n°45: *Ratify CRPD* (Recommended by Austria)

IRI: *fully implemented*

+

Recommendation n°46: *Become a party to CRPD* (Recommended by Australia)

IRI: *fully implemented*

+

Recommendation n°47: *Sign or ratify the following international convention: CRPD* (Recommended by Ecuador)

IRI: *fully implemented*

UNDP response:

Mozambique is now State Party of the CRPD

State of Mozambique response:

CRPD is being harmonised

LDH response:

Ratified on 30/01/2012. However, there is poor implementation of these laws and policies, including the Convention for the Protection of Persons with Disabilities ratified by Mozambique, in that it still makes buildings without facilities for the mobility of persons with disabilities, despite the law prohibiting it construction projects that do not consider its easy access and use by disabled citizens are approved.

The biggest challenge lies in the implementation of these instruments, since it is still weak. The state body with specific responsibilities to ensure effective protection and respect for the rights of people with disabilities has many specific capacity and has demonstrated a lack of capacity and conditions to ensure the implementation of instruments and policies on non-discrimination based disabilities.

Recommendation n°42: *Sign and ratify the Optional Protocol to CRPD (OP-CRPD). Intensify efforts with a view to the prompt ratification of CRPD* (Recommended by Spain)

IRI: *partially implemented*

UNDP response:

Mozambique is now State Party of the CRPD

State of Mozambique response:

CRPD is being harmonised

Recommendation n°55: *Sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and incorporate its provisions into domestic law (Recommended by Sweden)*

IRI: *partially implemented*

UNDP response:

Mozambique is State Party of the CEDAW since April 1997

Recommendation n°132: *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 (Recommended by France)*

IRI: *partially implemented*

UNDP response:

Mozambique ratified the OPCAT and nominated the National Human Rights Commission as its [National Preventive Mechanism (NPM)]

State of Mozambique response:

OPCAT Ratified

Mozambique has still not ratified the ICC

Recommendation n°133: *Sign and ratify the Optional Protocol to ICESCR (OP-ICESCR). Intensify efforts with a view to the prompt ratification of CED (Recommended by Spain)*

IRI: *not implemented*

State of Mozambique response:

ICESCR not ratified

+

[...]

Recommendation n°134: *Ratify OP-CAT (Recommended by United Kingdom)*

IRI: *fully implemented*

UNDP response:

Mozambique ratified the OPCAT and nominated the National Human Rights Commission as its [National Preventive Mechanism (NPM)]

LDH response:

Ratified.

Recommendation n°135: *Study the possibility of becoming a party to the following international instruments: OP-CAT and CED (Recommended by Argentina)*

IRI: *partially implemented*

UNDP response:

Mozambique ratified the OPCAT and nominated the National Human Rights Commission as its [National Preventive Mechanism (NPM)]

State of Mozambique response:

OPCAT has been ratified

Recommendation n°136: *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 (Recommended by Portugal)*

IRI: *partially implemented*

UNDP response:

Mozambique ratified the OPCAT and nominated the National Human Rights Commission as its [National Preventive Mechanism (NPM)]

Recommendation n°137: *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 (Recommended by Slovakia)*

IRI: *not implemented*

State of Mozambique response:

ICESCR not ratified

UNHCR response:

In recognition of the efforts done by the Government of Mozambique relating to birth and civil registration campaigns, and given that the provisions are generally in line with the 2004 Constitution, UNHCR would find of core help if Mozambique would accede to both the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, in order to continue the progress in tackling the risk of statelessness, and also to promote and protect the human rights of stateless persons.

Recommendation n°138: *Sign or ratify the following international conventions: OP-CAT and CED (Recommended by Ecuador)*

IRI: *partially implemented*

UNDP response:

Mozambique ratified the OPCAT and nominated the National Human Rights Commission as its [National Preventive Mechanism (NPM)]

State of Mozambique response:

OPCAT has been ratified

Recommendation n°139: *Consider the ratification of the main international human rights instruments already signed by Mozambique, such as the Rome Statute and CED (Recommended by Chile)*

IRI: *not implemented*

State of Mozambique response:

Mozambique has still not ratified the ICC



Recommendation n°142: *Consider issuing a standing invitation to all United Nations human rights special procedures* (Recommended by Brazil)

IRI: *not implemented*

+

Recommendation n°143: *Consider extending a standing invitation to all special procedures of the Human Rights Council* (Recommended by Latvia)

IRI: *not implemented*

+

Recommendation n°144: *Consider extending a standing permanent invitation to the special procedures of the Human Rights Council* (Recommended by Portugal)

IRI: *not implemented*

+

Recommendation n°145: *Extend an open and standing invitation to all special procedures mechanisms* (Recommended by Spain)

IRI: *not implemented*

+

Recommendation n°146: *Extend an open and standing invitation to the special procedure mechanisms* (Recommended by Ecuador)

IRI: *not implemented*

+

Recommendation n°147: *Extend a standing invitation to the United Nations human rights special procedures* (Recommended by United Kingdom)

IRI: *not implemented*

+

Recommendation n°148: *Issue a standing invitation to special procedures* (Recommended by Denmark)

IRI: *not implemented*

+

Recommendation n°149: *Extend a standing invitation to all mandate holders of the Human Rights Council* (Recommended by Hungary)

IRI: *not implemented*

State of Mozambique response:

The Special Rapporteur for Absolute Poverty visited the country in the first semester 2013. The Special Rapporteur for the Right to Food should have visited the country in September 2013 but the visit was cancelled due to an overloaded agenda and it was put off for a date to be confirmed.

LDH response:

Mozambique has not yet made a standing invitation to the UN Special Rapporteurs

Recommendation n°170: *In this context, the key priorities are summarized in this report and there is maintained the commitment to lead efforts for accession and ratification of some key instruments that the country has not acceded, and to submit regular reports to the bodies of United Nations Treaty.* (Recommended by Mozambique)

IRI: *partially implemented*

MOCIZA response:

Mozambique has ratified only instruments that benefit the government and not the public in general and civil society. Even ratified mechanisms have not [been implemented] after ratification [...]. For example, in May 2013, the government ratified the convention against torture and inhuman treatment has been accepted by domestic law, until [now] is not yet released to the public knowledge [...].

Justice

Recommendation n°59: *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 (Recommended by Luxembourg)*

IRI: *partially implemented*

+

Recommendation n°62: *Take steps to bring prison conditions into compliance with international legal standards for the treatment of prisoners as a matter of urgency (Recommended by Norway)*

IRI: *partially implemented*

State of Mozambique response:

Laws revised or produced: The Law creating the National Penitentiary Service (Serviço Nacional Penitenciário - SERNAP), the instrument establishing a new form of Prison Organisation, the Career Framework for Prison Guards, codes of conduct, regulations, Rehabilitation and Social Reintegration Services for Inmates and establishing a more humanitarian penitentiary system.

Index of prison overcrowding: At the moment we have 15.430 inmates - 10.356 serving sentences and 5.074 in preventive detention - with a capacity of 7.804 beds, which means an overcrowding rate of 98%.

Code of conduct adopted: This action is part of the package approved by the Assembly of the Republic and already mentioned in this document

Effective separation of adults and children in conventional prison establishments: (i) A Juvenile Rehabilitation Establishment has been built in Boane, Maputo Province, in the South of the country, able to accommodate minors up to 21 of years of age including, obviously, an appropriate section for children aged 16 to 18 years. There has been a similar effort in the country's northern provinces with the creation of a section for minors attached to the Nampula Industrial Penitentiary in order to separate minors/children from adults while conditions are being created for the establishment of one identical to that in the southern region. In the remaining penitentiary units the rule is the separation of minors/children in an appropriate section and, where this is not possible, they must at least be in a separate pavilion or cell. Every effort has been made to comply with this rule, despite the challenges that exist in some penitentiary establishments that have warranted our attention in order



to comply with this legal principle of our penitentiary system. With the ongoing construction and institutionalisation of Penitentiary Complexes in the South, Centre and North regions, minors will have units that are totally separate from adults with special conditions for this age group (ii) In 2013 4 transit rooms for minors in conflict with the law were rehabilitated in two police stations in Maputo (18th Station and Police Post 9). This work was done by the PRM in coordination with MJ and UNICRI.

Casos detected and received exemplary punishment: Over the period 2011 - 2012 there were 11 disciplinary proceedings with punishments involving demotion, resignation and expulsion; between 2012 and 2013 8 disciplinary proceedings were brought and closed, relating to various offences.

CSO with programmes in prison establishments: Various partner entities, including faith-based groups, have been running programs in penitentiary establishments. In particular, a Memorandum of Understanding has been signed by the Ministry of Justice and the Mozambican Human Rights League. The instrument is being applied. CES and LDH have produced reports on the situation in prisons.

Inmates integrated into programmes: Penitentiary establishments have a variety of productive activities involving inmates, both to keep them occupied and also to teach them a profession for their social reintegration

Nº establishments rehabilitated and built from scratch: A Juvenile Rehabilitation Establishment has been built in Boane (Maputo) and a section for minors created as an annex to the Nampula Industrial Penitentiary; Muecate District Jail was built and inaugurated in 2011; the Mabota District Jail was built; the Moma District Jail was rehabilitated

Prisoners' conditions: The Attorney General's annual report and the GoM in its Report to the Committee on Torture recognize the seriousness of the situation and consider overcrowding to be the biggest challenge for the country's prison system.

Rehabilitation and social reintegration programmes adopted: As already mentioned, there are productive activities for inmates in penitentiary establishments, to prepare them for rehabilitation and social reintegration. With the new prison package approved recently these programmes will be strengthened even further.

UNHCR response:

As means of ensuring proper treatment of persons of concern in detention or police custody and also of avoiding further delays in referrals, UNHCR emphasises the need to improve information sharing and coordination mechanisms specifically amongst the different Ministries (Interior, Defence and Foreign Affairs), so as to assemble the efforts of the Government of Mozambique. These mechanisms would also benefit responses to the challenges of managing mixed migration movements, by putting into place due processing and screening of genuine asylum-seekers.



Recommendation n°60: *Develop and implement a plan to reduce overcrowding and improve conditions of detention in the prison system, including by exploring alternatives to preventive detention* (Recommended by Canada)

IRI: *partially implemented*

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Recommendation n°63: *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* (Recommended by Austria)

IRI: *partially implemented*

UNDP response:

A set of norms related to the introduction of a system of Alternatives to imprisonment, an instrument to alleviate overcrowding, was approved by the Council of Ministries but its adoption is pending approval of the National Assembly

State of Mozambique response:

[See response to recommendation n° 59]

JP response:

In progress

Recommendation n°61: *Take further steps to prevent mistreatment of prisoners including through greater compliance with the United Nations Minimum Standards for the Treatment of Prisoners* (Recommended by United Kingdom)

IRI: *partially implemented*

State of Mozambique response:

[See response to recommendation n° 59]

JP response:

Nothing done

Recommendation n°77: *Continue its efforts in the fight against corruption* (Recommended by Holy See)

IRI: *fully implemented*

+

Recommendation n°78: *Strengthen efforts in combating corruption and for access to justice* (Recommended by Brazil)

IRI: *fully implemented*

UNDP response:

The Adoption of a Law on Witness and Victims Protection of a Law on Ethics of Public Officials and the Establishment of a Central Ethics Commission, in charge of case of investigating conflict of interest marked a number of steps ahead in the direction of implementing this recommendation. The legal framework is not completed yet and the implementation of the new laws is still at an initial stage.

State of Mozambique response:

Ensuring the fight against corruption at all levels and promoting a stronger culture of transparency in society: The Attorney General's annual report states



that 148 corruption cases were received in 2012 amounting to 991.080,56 MZM. There were 104 cases of theft of State funds or goods in 2012 amounting to 62.930.984.77 MZM.

Audit reports published: The reports of the Administrative Court for 2012 and 2013 have not yet been published.

Adoption of the Code (Law on Public Probity): Law16/2012 of 14 August approved, the Law on Public Probity.

Witnesses publicly exposed: Law regulating the protection of witnesses, complainants and others involved in cases approved.

More staff: Personnel rose from 1.230 in 2011 to 1.433 in 2012, making it possible to open new State Attorney offices in the districts.

Training and capacity building done: There were 16 training and professional courses for 365 officials in 2012, including in particular studies on Rights and Duties and a collective study of the Law on Public Probity.

Recommendation n°79: *Implement, in full, newly introduced anti-corruption legislation (Recommended by Australia)*

IRI: *partially implemented*

UNDP response:

The Adoption of a Law on Witness and Victims Protection of a Law on Ethics of Public Officials and the Establishment of a Central Ethics Commission, in charge of case of investigating conflict of interest marked a number of steps ahead in the direction of implementing this recommendation. The legal framework is not completed yet and relevant norms included in amendments to the Criminal Code and Criminal Procedure Code are not adopted yet. The implementation of the laws that were adopted is still at an initial stage.

JP response:

In progress

Recommendation n°81: *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 (Recommended by United States)*

IRI: -

State of Mozambique response:

Ensuring the fight against corruption at all levels and promoting a stronger culture of transparency in society: The Attorney General's annual report states that 148 corruption cases were received in 2012 amounting to 991.080,56 MZM. There were 104 cases of theft of State funds or goods in 2012 amounting to 62.930.984.77 MZM.



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More staff: Personnel rose from 1.230 in 2011 to 1.433 in 2012, making it possible to open new State Attorney offices in the districts.

Training and capacity building done: There were 16 training and professional courses for 365 officials in 2012, including in particular studies on Rights and Duties and a collective study of the Law on Public Probity.

Recommendation n°82: *Pursue ongoing judicial reforms* (Recommended by Morocco)

IRI: *partially implemented*

JP response:

In progress

Recommendation n°84: *Pursue efficient justice system reforms, with particular focus on ensuring free legal assistance for its underprivileged citizens* (Recommended by Slovakia)

IRI: *partially implemented*

LDH response:

The Constitution enshrines legal pluralism of which recognizes the various normative systems of conflict resolutions that coexist in the Mozambique society. The concept of legal pluralism, however, is not yet clear and there is little exploration of the alternative means to legal assistance and to conflict resolutions.

There are various obstacles for gaining access to the courts/justice in Mozambique, in particular, the high judicial costs, the refusal to accept poverty certificates by the courts, illiteracy and the lack of knowledge of the people's rights, the long procedural system, systemic processing delays, etc.

In general, it is not clear the procedures to calculate the cost of court fees in the Code of Court Costs. However the fees regarding Administrative courts are much better and much clear. For the rest of the courts there is a lack of clarity on the criteria for the payment of court fees and of the use of legislation, which is out of step with the current reality, as well as, the acts of the Constitution, which indiscriminately limits citizens who are economically incapacitated from being exempt from legal expenses. The Decree-Law n. 33548, of 23rd February 1944, is still in force despite it being adopted before independence and in a context of discrimination and colonization. For one to get access to the legal aid have to ensure first of all the certificate of poverty which that cost 50Mtn, about 2USD, so it is costly itself, but once the poverty certificate is accepted by the court it covers all the courts fees. This



is the procedure country wide and is the Institute for Legal Representation and Assistance (Instituto de Patrocínio e Assistência Jurídica – IPAJ) that provide legal aid at national level for different cases, not only for criminal ones. The main constitutional laws regarding the protection of the rights and fundamental freedoms, especially the Penal Code, the Code of Criminal Procedures, the Code of Judiciary Costs and the referred laws of the penitentiary system originate from the colonial period and some of its provisions are contrary to the guarantee of rights and liberties provided in the Constitution and international instruments of human rights that Mozambique has ratified.

Despite a significant evolution in terms of human resources, the number of judicial magistrates and of public prosecutors continues to be below the desired number. In Mozambique the ratio of judge/prosecutor is of 1 judge and 1 prosecutor for every 77, 966 citizens- a true obstacle to the access of justice.

The government created the Institute for Legal Assistance Representation (IPAJ) in 1995, through Decree n. 54/95 of 13th December 1995, to provide legal assistance to citizens who are unable to pay. Despite significant advances in this institution, especially, in its territorial coverage, there are various reports of illegal monetary charges from technicians of the IPAJ and the legal assistance provided is of poor quality.

The community courts represent the recognition of the customary system of the formal administrative justice system, in accordance with the prevision of Article 4 of the CRM. Despite this step forward, these courts often are at a disadvantage, violating the precepts of human rights. For instance, the Community courts have been, in certain situations, using corporal punishment, given the burning of the house of the adulterer, in cases of adultery, and the expulsion of community members in witchcraft cases, etc. is not always that these courts follow the law, usually they decide in the light of the specific traditions and culture of the communities which sometimes is have practices against human rights.

JP response:

Something being done trough [Instituto de Patrocínio e Assistência Jurídica (IPAJ)] [Institute for Legal Assistance and Representation]

Recommendation n°89: *Reform laws, rules and codes of conduct that regulate police action to bring them in line with international human rights standards (Recommended by Ecuador)*

IRI: *partially implemented*

+

Recommendation n°90: *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 (Recommended by Sweden)*

IRI: *partially implemented*

State of Mozambique response:

Performance: Police Strategic Plan evaluated



HR training courses given: HR material included in the ACIPOL curriculum and as modules in all courses and training for PRM officers; Higher education trainers trained in HR subjects

Police trained in HR: It was not possible to obtain the exact number but, as mentioned in the previous point, all training for police officers includes a module on human rights.

Teachers /Trainers specialised in HR: Teacher assigned to ACIPOL in 2012

MINT (Ministry of Interior) installed 5 hotlines but there is no information on the number of users and the cases denounced during the period under analysis (2012-2013).

Neighbourhoods covered by community policing committees: In 2012, 379 Voluntary Community Policing Councils were created, 36 in Cabo Delgado, 25 in Niassa, 36 in Nampula, 37 in Tete, 37 in Zambézia, 42 in Sofala, 36 in Manica, 45 in Inhambane, 24 in Gaza, 36 in Maputo and 25 in Maputo province. All neighbourhoods in Nampula have Community Policing and this has helped to strengthen the defence of citizens' human rights.

LDH response:

In Mozambique there exists a draft law on the sentences and alternative measures to prison since 2011, however, it has not been approved and is scheduled to be discussed in the Parliament. There are no known major measures of the enlargement and improvement of prison infrastructure and of the respective health system.

Recommendation n°92: *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* (Recommended by Canada)

IRI: *not implemented*

+

Recommendation n°94: *Ensure prompt, thorough and impartial investigations into all cases of suspected extrajudicial executions and other use of force* (Recommended by Netherlands)

IRI: *not implemented*

+

Recommendation n°95: *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* (Recommended by Slovakia)

IRI: *not implemented*

+

Recommendation n°96: *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 (Recommended by Ecuador)

IRI: *not implemented*

+

Recommendation n°98: *Ensure the independent investigation of all allegations of extrajudicial killings and torture (Recommended by Hungary)*

IRI: *not implemented*

+

Recommendation n°99: *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 (Recommended by Sweden)*

IRI: *not implemented*

+

Recommendation n°101: *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 (Recommended by Switzerland)*

IRI: *not implemented*

+

Recommendation n°102: *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 (Recommended by Slovakia)*

IRI: *not implemented*

State of Mozambique response:

Performance: Police Strategic Plan evaluated

HR training courses given: HR material included in the ACIPOL curriculum and as modules in all courses and training for PRM officers; Higher education trainers trained in HR subjects

Police trained in HR: It was not possible to obtain the exact number but, as mentioned in the previous point, all training for police officers includes a module on humans rights.

Teachers /Trainers specialised in HR: Teacher assigned to ACIPOL in 2012

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Recommendation n°93: *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* (Recommended by Austria)

IRI: *partially implemented*

State of Mozambique response:

[See response to recommendation n°89]

LDH response:

The police forces charged of arbitrary detention are judged in common process. However, when it is not known which police officers carried out these acts, the Public Prosecution Service has many difficulties in identifying them to extend that the structures of the police rarely provide the identity of the police officers and the Public Prosecution Service has been in powerless in imposing the delivery of such information. For example, in the case of the illegal detention, Jossias Matsena, a leader of the Forum of the Demobilisation of the War, Matsena was illegally detained in the city of Maputo, accused of acts against public peace and order and later acquitted by the Third Section of the Criminal Court of the District of Kampfumo in the City of Maputo in November 2011. At present the Prosecutor of the Republic of the City of Maputo has not sought to identify the police officers that ordered and undertook the illegal detention of Matsena.

The Constitution of Mozambique (article 58 n. 2) determine that the State shall be responsible for damages caused by the unlawful acts of its agents, in the performance of their functions, without prejudice to rights of recourse available under the law. However, when the courts condemn police officers who carried out illegal detentions, usually the courts do not blame the State according to this provision of the Constitution, and in cases the courts do blame the State, they make sentences without fixing or determine the exact value that the State has to compensate for damages caused by a violation of fundamental rights, which makes difficult the execution of the sentences.

Recommendation n°97: *Investigate all cases of extrajudicial killings, torture and ill-treatment by the police and bring those responsible to justice* (Recommended by Germany)

IRI: *not implemented*

JP response:

Something being done but there is not public information of the outcomes of the investigation

State of Mozambique response:

[See response to recommendation n° 89]

Recommendation n°100: *Take effective measures without delay to uphold the total prohibition against torture, in accordance with its international obligations under the Convention against Torture (CAT)* (Recommended by Sweden)

IRI: *not implemented*

State of Mozambique response:

Performance: Police Strategic Plan evaluated



HR training courses given: HR material included in the ACIPOL curriculum and as modules in all courses and training for PRM officers; Higher education trainers trained in HR subjects

Police trained in HR: It was not possible to obtain the exact number but, as mentioned in the previous point, all training for police officers includes a module on human rights.

Teachers /Trainers specialised in HR: Teacher assigned to ACIPOL in 2012

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Recommendation n°103: Investigate all reports of torture and other ill-treatment in places of detention (Recommended by Italy)

IRI: partially implemented

State of Mozambique response:

[...]

Cases detected and received exemplary punishment: Over the period 2011 - 2012 there were 11 disciplinary proceedings with punishments involving demotion, resignation and expulsion; between 2012 and 2013 8 disciplinary proceedings were brought and closed, relating to various offences.

[...]

LDH response:

In 2012, the District Attorney of Maputo, section 6, carried out legal procedures on the proceedings relating to Jaime Manuel that resulted from a criminal complaint made by LDH following the public complaints relating to the unexplained deaths in the cells of the Command of PRM. The citizens made their views to the LDH about the violations of human rights and fundamental freedoms, that includes the deaths, torture, lack of decent food, lack of medical assistance and medications, violation of human dignity, non-compliance with decisions of the Courts, and the slowness of the intervention of the Attorney General of the Republic to respond to these illegalities and violations.

The prison system is under the guardianship of the Ministry of Justice but the cells of the Command of PRM in Maputo, although used by the prison system is under the guardianship of the Ministry of Interior, which makes one question its legal nature



and its legality to house detainees and prisoners. During the year 2012 it was notorious for its restrictions or prohibitions of family members, friends and lawyers of visiting detainees and prisoners. Moreover, there always lacks clarity on the number of detainees and prisoners in the cells of the Command of PRM because of excessive secrecy of procedures and all administration, including the treatment of detainees and prisons in these cells. Due to these violations, the Bar Association of Mozambique (OAM) and LDH are very worried, in relation to human rights, about the bad conditions and treatment of prisoners and detainees in the cells of the Command of PRM in the city of Maputo. They have requested the General Command of PRM to authorise visits in the cells of the Command of PRM in the city of Maputo, but they have not received a response.

The Ombudsmen initiated a report on the violations and bad conditions and treatment of the prisoners and detainees in the cells of the Command of PRM in the city of Maputo after completing a visit there. The report requested the transfer of the detainees and prisoners to the Prison of Maximum Security of Machava, B.O., which has not yet occurred.

The Attorney General of the Republic and the Ombudsmen recommended in 2012 the transfer of all the prisoners from cells of Command of PRM in Maputo. However the recommendation was not carried out

Recommendation n°150: 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 (Recommended by Norway)

IRI: partially implemented

LDH response:

Some political and legislative measures, notably the adoption of a Law on Domestic Violence Against Women practiced (Law No. 29/ 2009 of 29 September) were taken, a National Plan to Combat Domestic Violence (2008-2012), a Mechanism for Integrated Multisectoral Assistance to Women Victims of Domestic Violence (2012) and a Law on Preventing and Combating Trafficking in Persons (Law No. 6/2008 of 9 July) .

The National Plan to Combat Domestic (2008-2012) Violence was an advance, in that it involved not only state institutions [but NGOs involved in this area as well].

The Offices of Assisting Women and Children Victims of Domestic Violence expanded to cover all districts of the country.

However, there remain many problems that contribute to that is not to respect women's right to life, physical integrity and security .

To date, no government has established centers for the reception woman victim of domestic violence .

[...]



Recommendation n°151: *Take all necessary measures to clarify allegations of extrajudicial executions and arbitrary detentions* (Recommended by Switzerland)

IRI: *not implemented*

LDH response:

Cases of summary executions have reduced significantly since 2011, but the Mozambique government has been weak in preventing the continued practice and systematic acts of lynch mobs who resort to private justice, on the basis that the State has failed to provide justice.

On the 10th of January 2012, there was a sequence of protests by the Community of Cateme, in Moatize, the Province of Tete, the police brutally suppressed the protests through the excessive use of force and, disproportionate use of batons (chambocos), kicked and arbitrarily detained 14 people, nine of whom were detained for 2 days and the other five were released on the same day and four of these nine people detained for 2 were gravely wounded.

The police force have not been made responsible and remain unpunished for such abuses that consist of grave violations of the fundamental rights of the people

State of Mozambique response:

Performance: Police Strategic Plan evaluated

HR training courses given: HR material included in the ACIPOL curriculum and as modules in all courses and training for PRM officers; Higher education trainers trained in HR subjects

Police trained in HR: It was not possible to obtain the exact number but, as mentioned in the previous point, all training for police officers includes a module on human rights.

Teachers /Trainers specialised in HR: Teacher assigned to ACIPOL in 2012

MINT (Ministry of Interior) installed 5 hotlines but there is no information on the number of users and the cases denounced during the period under analysis (2012-2013).

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SOGI

Recommendation n°163: *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 (Recommended by France)*

IRI: *partially implemented*

+

Recommendation n°164: *Repeal criminal sanctions against sexual activity between consenting adults (Recommended by Netherlands)*

IRI: *partially implemented*

Associação das Mulheres de Carreira Jurídica (AMMCJ) response:

The provisions containing the criminalization of sexual activity between adults of the same sex have been removed from the Penal Code Review Bill that the Government has submitted to the Parliament and which is expected to be approved by the Parliament in March this year (2014). It is important to note that the Penal Code Review Bill contains on its article 247 contains a provision criminalizing various forms of discrimination, including the discrimination based on race, sex, religion, age, disability, social status, ethnical origin and nationality that aims to offend honor and the dignity of a person. However, this provision does not include criminalization based on sexual orientation. Civil society organizations have proposed the Parliament for the discrimination based on sexual orientation be included in this provision.

Recommendation n°165: *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 (Recommended by Spain)*

IRI: *partially implemented*

AMMCJ response:

Please refer to the comments above in relation to the criminalization of sexual relations between consenting adults of same sex. Concerning the right to association of associations working on issues of sexual orientation and gender identity, Although the law does not explicitly prohibits the right of association based on sexual orientation, the request for registration submitted to the Ministry of Justice a LGBTI organization is still pending for almost 5 years.

LDH response:

Penal Code does not specifically criminalise homosexual relationships. However, they are certain provisions that have terminology, through strained interpretations and with bad faith, could lead to these relationships as being a crime. Article 70 of the Penal Code criminalises acts that are against nature. It is not, however, clear the exact meaning of “natural” in this provision, or whether it could lead to the belief that homosexual relations can constitute acts against nature, as well as, interpreting the law to criminalise people based on their sexual orientation. The challenge is to revise



the Penal Code and to clarify consensual sexual activities between people of the same sex so that it cannot be framed as acts against nature.

There are no known or registered cases in any legal form of attacks, including physical violence, due to their sexual orientation. Any cases that do exist are isolated cases of psychological violence.

Since 2008 the executive branch, particularly the Ministry of Justice, has refused to recognise the NGO “LAMBDA”, a civil society organisation, which defends the rights of homosexuals, even though the law guarantees the exercise of the right of association and moreover, the objective and the ends of the means of its association is not contradictory to the law. Defending rights of homosexuals is not contrary to the law and to public order. There is no appeal against this decision of refusal from executive to recognize LAMBDA.

Recommendation n°167: Ensure the right to freedom of association and enable the registration of NGOs working on issues of sexual orientation and gender identity (Recommended by Netherlands)

IRI: not implemented

AMMCJ response:

Please refer to the comments above in relation to the criminalization of sexual relations between consenting adults of same sex. Concerning the right to association of associations working on issues of sexual orientation and gender identity. Although the law does not explicitly prohibits the right of association based on sexual orientation, the request for registration submitted to the Ministry of Justice a LGBTI organization is still pending for almost 5 years.

JP response:

Nothing being done

Women & Children

Recommendation n°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 (Recommended by Portugal)

IRI: partially implemented

UNICEF response:

Traditional institutions and actors continue to exert a strong influence in many rural areas. However, the “agentes polivalentes elementares” (community health workers), which are most deeply embedded in communities, appear to be successful in raising awareness. Improvements in health-related knowledge, attitudes and practices have been patchy at best.



Recommendation n°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* (Recommended by South Africa)

IRI: *partially implemented*

Rede da Criança (RC) response:

The country is still grappling with early marriages. In rural areas, there is still the issue of mothers and children with HIV/AIDS. There are few schools and girls are not privileged in access and retention in schools compared to boys. Girls who suffer these problems are normally isolated in rural areas (70 to 80 percent), without access to information. The country needs a policy of gender mainstreaming, as for now rests on regional policy (SADC) which states that women should occupy 10 to 15 percent of political / managerial positions, which for the Mozambican reality does not work because men have more knowledge due to the stated above. We must continue to invest in adult literacy programs. On the other hand, we must also invest in power relations within the family structures and ensure the participation of women at all levels.

AMMCJ response:

The country has good policies in what refers to gender equality, having a general gender national policy and some sectoral gender policies for areas like education, agriculture and environment. What is lacking is the dissemination and the approval of plan of actions for the full implementation of those policies. In regard to the rural women there is a gender policy for the agriculture sectoral that contemplates several actions aiming the improvement of the status of rural. However, there is not again a clear plan of action in order to implement the strategies contained in that policy.

Recommendation n°23: *Persist in its efforts to ensure equality between the rights of men and women, including through social sensitization actions* (Recommended by Argentina)

IRI: *partially implemented*

RC response:

The country is still grappling with early marriages. In rural areas, there is still the issue of mothers and children with HIV/AIDS. There are few schools and girls are not privileged in access and retention in schools compared to boys. Girls who suffer these problems are normally isolated in rural areas (70 to 80 percent), without access to information. The country needs a policy of gender mainstreaming, as for now rests on regional policy (SADC) which states that women should occupy 10 to 15 percent of political / managerial positions, which for the Mozambican reality does not work because men have more knowledge due to the stated above. We must continue to invest in adult literacy programs. On the other hand, we must also invest in power relations within the family structures and ensure the participation of women at all levels.

AMMCJ response:

Many efforts are being implemented by the Government in order to attain gender equality including law reform and sensitization actions. However, in what concerns the sensitization a lot more needs to be done in order to address cultural values that perpetuate situation of gender discrimination in the society.



Recommendation n°24: *Take effective measures to ensure the equal treatment of women in law and practice* (Recommended by Sweden)

IRI: *partially implemented*

RC response:

The legal framework is clear on gender relations with regard to equality, but, in fact, some discrepancies are still noticeable in the workplace, for example. In processes of conflict resolution, there is interference of Customary Law and the woman always ends up being in prejudice. This also gains a lot of expression in cases of inheritance dispute. The custom also interferes with regard to access to bank credit and to the District Development Fund (also known as the Seven Million Fund). The Family Law does not treat men and women the same way as regards the minimum age for marriage. Emancipation for marriage seems to apply only to girls and encourages for early marriages.

AMMCJ response:

The Government of Mozambique has done much in order to remove discriminatory legislation against women and have approved several policies, strategies and plan of actions in order to improve gender equality in different areas. However, some few laws still need to be revised in order to fully guarantee gender equality under the law. Among those laws are the Penal Code (which a review Bill will soon be discussed by the Parliament) and the Inheritance law. It [is] urgent the approval of a new inheritance law is more gender sensitive .

UNICEF response:

Article 66 of the Constitution of the Republic states the following: “All citizens are equal before the law”; Article 67 of the main law it is also consecrated that: “Men and women shall be equal before the law in all spheres of political, economic, social and cultural affairs.” Act No. 6/92 of 6 May [1992], related to the National System of Education paragraph 2 of Article 5 of the same law it is established that: “Support activities and measures and educational complements are established and developed aimed at contributing to equality of opportunity of school access and success”.

Recommendation n°25: *Take effective measures to eradicate the persistent cultural practices that discriminate against women* (Recommended by Azerbaijan)

IRI: *not implemented*

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Recommendation n°26: *Establish a strategy to eliminate cultural practices against women* (Recommended by Luxembourg)

IRI: *not implemented*

RC response:

The legal framework is clear on gender relations with regard to equality, but, in fact, some discrepancies are still noticeable in the workplace, for example. In processes of conflict resolution, there is interference of Customary Law and the woman always ends up being in prejudice. This also gains a lot of expression in cases of inheritance dispute. The custom also interferes with regard to access to bank credit and to the District Development Fund (also known as the Seven Million Fund). The Family Law does not treat men and women the same way as regards the minimum age for



marriage. Emancipation for marriage seems to apply only to girls and encourages for early marriages.

AMMCJ response:

Although some sensitization actions are being undertaken by the Government in order to address the issue of the traditional practices discriminating women, a lot more still need to be done in order to revert the situation, including more community sensitization and working with traditional leaders. In some cases, like the early and forced marriages, which rate continues to be one of the highest in the continent, some clear policies with concrete actions and timelines need to be approved in order to reduce its incidence in the community.

LDH response:

The data available reveals that forced marriages is a practice that is maintained and that covers half of all women that are currently married: in Mozambique, 18% of women are married before the age of 15 years, while 52% are married before the age of 18 years. Other studies (Justiniano et al., 2005; Jesus & Matsinhe, 2005) confirm these statistics that forced marriages are a barrier to gaining the right to education. There are no much of concrete measures from the State to overcome this situation. The known measures are some activities of awareness and civic education to the people as to avoid such bad practices.

Recommendation n°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 (Recommended by Sudan)

IRI: partially implemented

RC response:

The country is still grappling with early marriages problems. In rural areas, there is still the issue of mothers and children with HIV / AIDS. There are few schools and girls are not privileged in access and retention in formal education compared to boys. Girls who suffer these problems are isolated in rural areas and count for 70 to 80 percent according Human Rights League officials. These girls do not have access to information. The country needs a policy of gender mainstreaming, as for now rests on regional policy (SADC) which states that women should occupy a minimum of 10 to 15 percent of political / managerial positions. Mozambican reality, however, shows that men have more knowledge due to the historical, cultural or customary heritage that provided them with education than their female counterparts. Therefore, there is a need for continued efforts investing in adult literacy programs. On the other hand, we must also invest on power relations within the family structures and ensure the participation of women at all levels.

AMMCJ response:

Although there are some progresses in relation to the legal environment, in practice women continues to face many forms of discrimination, especially in what concerns the access of resources, access to employment and education. Parity regarding political participation in all decision making bodies, both in the executive and in the judiciary is also far to be attained, though some progresses. Another big challenge is



toward the valorisation of the work that is mainly performed by women like the domestic work and the work in the agriculture. These type of work is still underpaid and not given the necessary value if compared to jobs in other economic sectors.

JP response:

Still in process of reducing disparity

Recommendation n^o28: *Establish more specialized juvenile courts to dispense justice* (Recommended by *Turkey*)

IRI: *not implemented*

AMMCJ response:

No juvenile courts have been established up to date

UNICEF response:

The adoption of the Juvenile Justice Law (n8/2008) brings Mozambique into formal compliance with core international norms and standards. However, out of 11 Provinces in Mozambique, only one (Maputo) has a Child Court (Tribunal de Menores) which is fully specialized, mandated and equipped. In addition, other 7 Provinces have what they call “seccao” or “section/department” for children within the Provincial Court. These sections albeit having the same mandate/jurisdiction as Child Court, are still less well equipped.

JP response:

not yet

LDH response:

[...]

Recommendation n^o56: *Repeal all discriminatory laws with regard to women and promote access to education at all levels* (Recommended by *Luxembourg*)

IRI: *partially implemented*

AMMCJ response:

As referred above the Government has taken actions in order to repeal almost all the legislation discriminating women in the country. In regard to access to education although some sensitization actions are being taken by Government in order to sensitize parents to send girls to school, in practice the percentage of children out of school are higher among girls than among boys at all levels of education. More actions to promote the access too school by the girls and to address the issues that prevent girls from attending school need to be undertaken.

State of Mozambique response:

Gender-based indicators: In 2012, the creation of 27 District Councils for the Advancement of Women was planned and 22 Councils achieved. The PES 1st semester report said that there were delays in the start-up and work of the Councils.

Policy instruments, strategies and programmes with a gender-based approach:

The Civil Service Gender Strategy is being implemented and the Gender Strategy for the Women and Social Action Sector is nearing conclusion



Recommendation n^o57: *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* (Recommended by Norway)

IRI: *partially implemented*

AMMCJ response:

The legal framework is clear on gender relations with regard to equality, but, in fact, some discrepancies are still noticeable in the workplace, for example. In processes of conflict resolution, there is interference of Customary Law and the woman always ends up being in prejudice. This also gains a lot of expression in cases of inheritance dispute. The custom also interferes with regard to access to bank credit and to the District Development Fund (also known as the Seven Million Fund). The Family Law does not treat men and women the same way as regards the minimum age for marriage. Emancipation for marriage seems to apply only to girls and encourages for early marriages.

State of Mozambique response:

Gender-based indicators: In 2012, the creation of 27 District Councils for the Advancement of Women was planned and 22 Councils achieved. The PES 1st semester report said that there were delays in the start-up and work of the Councils.

Policy instruments, strategies and programmes with a gender-based approach:

The Civil Service Gender Strategy is being implemented and the Gender Strategy for the Women and Social Action Sector is nearing conclusion

Recommendation n^o58: *Undertake a legislative review aimed at eliminating all forms of discrimination against women, particularly in relation to the Penal Code and inheritance laws* (Recommended by Australia)

IRI: *partially implemented*

RC response:

Civil Society salute the ongoing reforms under the Penal Code and has an initiative of Law over widowed woman. It is expected that this project will address issues related to inheritance, succession and property law.

AMMCJ response:

The legal framework is clear on gender relations with regard to equality, but, in fact, some discrepancies are still noticeable in the workplace, for example. In processes of conflict resolution, there is interference of Customary Law and the woman always ends up being in prejudice. This also gains a lot of expression in cases of inheritance dispute. The custom also interferes with regard to access to bank credit and to the District Development Fund (also known as the Seven Million Fund). The Family Law does not treat men and women the same way as regards the minimum age for marriage. Emancipation for marriage seems to apply only to girls and encourages for early marriages.

State of Mozambique response:

Gender-based indicators: In 2012, the creation of 27 District Councils for the Advancement of Women was planned and 22 Councils achieved. The PES 1st semester report said that there were delays in the start-up and work of the Councils.

**Policy instruments, strategies and programmes with a gender-based approach:**

The Civil Service Gender Strategy is being implemented and the Gender Strategy for the Women and Social Action Sector is nearing conclusion

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CNDH (National Human Rights Commission) functional: The members were appointed and in September 2012, after being sworn in by the President of the Republic, the CNDH started work, albeit with shortcomings. The CNDH internal regulations still have to be approved as well as other relevant instruments needed for it to function properly, including hiring its Executive/Administrative Secretary and other staff.

Recommendation n°64: 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 (Recommended by Slovenia)

IRI: partially implemented

AMMCJ response:

Violence Against Women (VAW) and girls have been criminalized through a law approved by the Parliament in 2009. In order to better implement this law and guarantee that the violence against women and children does not remain [unpunished], the Government has created special offices in all provinces to deal with violence against women and children. Although there are some perpetrators being prosecuted under this law, some challenges persist in terms of its application. Among those are some police and judicial officers perceptions in relation to the VAW (based on their personal beliefs that they tolerate it and justify it under cultural rules) and also the discomfort faced by some women in relation to the application of criminal sanctions to their partners, due to social pressure or financial dependency. Therefore more sensitization actions directed to police and judicial officers are needed to be implemented as well as well actions towards empowerment of women in order to make them less dependent on men.

UNICEF response:

The Ministry of Education and Culture has two regulations on the prevention and reporting of violence in schools. Mozambique has a national Code of Conduct for Teachers, even if not yet fully operational, and many progresses have been done to raise awareness among school directors, teachers and students. More recently, five ministries (health, education, social action, interior and justice) have come together to endorse a Multi-Sectoral Plan of Action to Accelerate Prevention and Response to Violence against Children, covering the period 2012-2017, and to adopt a protocol on case management and referral for child victims of abuse, which is currently being tested. However, the number of reports is still low and not all the cases reported are appropriately prosecuted.

State of Mozambique response:

Gender-based indicators: In 2012, the creation of 27 District Councils for the Advancement of Women was planned and 22 Councils achieved. The PES 1st semester report said that there were delays in the start-up and work of the Councils.



Policy instruments, strategies and programmes with a gender-based approach:
The Civil Service Gender Strategy is being implemented and the Gender Strategy for the Women and Social Action Sector is nearing conclusion

Recommendation n°65: *Fully implement the Law on Domestic Violence against Women and disseminate information about this law as widely as possible (Recommended by South Africa)*

IRI: *partially implemented*

RC response:

Civil society is making the dissemination of [the Law on Domestic Violence against Women] and other laws, having already reached about 55 thousand people in 2013 alone, according to the Human Rights League, but its effective implementation still lacks a good machine administration of justice by the authorities.

This is the same to say that only few cases arriving at police stations do receive the necessary follow-up. This setting leads the victims to a cyclic life of violence.

AMMCJ response:

Although some big steps have been taken towards the implementation of this law there are still some challenges referred in the previous comment

JP response:

Done

State of Mozambique response:

Gender-based indicators: In 2012, the creation of 27 District Councils for the Advancement of Women was planned and 22 Councils achieved. The PES 1st semester report said that there were delays in the start-up and work of the Councils.

Policy instruments, strategies and programmes with a gender-based approach:
The Civil Service Gender Strategy is being implemented and the Gender Strategy for the Women and Social Action Sector is nearing conclusion

Recommendation n°66: *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 (Recommended by Timor-Leste)*

IRI: *partially implemented*

RC response:

Civil society is making the dissemination of this and other laws, having already reached about 55 thousand people, in 2013 alone, according to the Human Rights League, but its effective implementation still lacks a good machine administration of justice by the authorities. This is the same to say that only few cases arriving at police stations do receive the necessary follow-up. This setting leads the victims to a cyclic life of violence.

AMMCJ response:

Please [see] comments [on recommendations n°] 64 and 65 in relation to the application of the domestic violence law.



Concerning the sexual abuse in schools, a lot still need to be done as there are still many cases of impunity. In some cases girls and their families do not report either based on fear of revenge or because they want to "hide" the shame. In other instances they do report to the wrong entities, like traditional authorities, which will solve the problem by means of negotiation and payment of compensations.

Therefore, a lot more sensitization work is needed in order to inform the community about the seriousness of the sexual abuse against girls which is a crime and also to sensitize traditional leaders to take those cases to the formal justice system instead of dealing with them under customary rules.

JP response:

In progress

State of Mozambique response:

Gender-based indicators: In 2012, the creation of 27 District Councils for the Advancement of Women was planned and 22 Councils achieved. The PES 1st semester report said that there were delays in the start-up and work of the Councils.

Policy instruments, strategies and programmes with a gender-based approach:

The Civil Service Gender Strategy is being implemented and the Gender Strategy for the Women and Social Action Sector is nearing conclusion

Recommendation n°67: *Take effective steps to implement the new legislation enacted in 2009 regarding the family (Lei da Família), 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 (Recommended by Austria)*

IRI: *not implemented*

AMMCJ response:

Please refer to comments [on recommendations n°] 64 and 65.

UNICEF response:

Family Law was enacted in 2004 despite the fact that establishes 18 years of age as minimum age of marriage for both sexes 18 years child marriages and early pregnancy constitutes major problem. Since 2008, important progress has been made in establishing a comprehensive legal and policy framework for children. However, law enforcement is not yet very effective (the child rights law has not yet been regulated; provisions on sexual violence against children still present some gaps; the criminal code is under revision).

State of Mozambique response:

Gender-based indicators: In 2012, the creation of 27 District Councils for the Advancement of Women was planned and 22 Councils achieved. The PES 1st semester report said that there were delays in the start-up and work of the Councils.



Policy instruments, strategies and programmes with a gender-based approach:

The Civil Service Gender Strategy is being implemented and the Gender Strategy for the Women and Social Action Sector is nearing conclusion

Recommendation n°68: *Strengthen the application of the legislation in combating discrimination and violence, above all sexual violence, against women and girls (Recommended by France)*

IRI: *partially implemented*

AMMCJ response:

Please refer to comments [on recommendations n°] 64 and 65.

UNICEF response:

Since 2008, important progress has been made in establishing a comprehensive legal and policy framework for children. However, law enforcement is not yet very effective (the child rights law has not yet been regulated; provisions on sexual violence against children still present some gaps; the criminal code is under revision).

State of Mozambique response:

Gender-based indicators: In 2012, the creation of 27 District Councils for the Advancement of Women was planned and 22 Councils achieved. The PES 1st semester report said that there were delays in the start-up and work of the Councils.

Policy instruments, strategies and programmes with a gender-based approach:

The Civil Service Gender Strategy is being implemented and the Gender Strategy for the Women and Social Action Sector is nearing conclusion

Recommendation n°69: *Adopt and implement policies for combating discrimination and violence against women, especially domestic and sexual violence (Recommended by Brazil)*

IRI: *partially implemented*

AMMCJ response:

Please refer to comments [on recommendations n°] 64 and 65.

UNICEF response:

Efforts have been stepped up to combat violence against women. As of 2012, there were 260 specialized centres, the “gabinetes e secções de atendimento”, to assist women (and children) who are victims of violence. More than 20 ‘model’ offices have been created across the country. The professionalism of the police working in these units, the number of cases they handle and the links to related services (health, social action, the Attorney General’s Office and the judicial system) improved during the last 2 years. However, these specialized units are mainly located in provincial and district capitals thus rural areas remain mainly isolated.

State of Mozambique response:

Gender-based indicators: In 2012, the creation of 27 District Councils for the Advancement of Women was planned and 22 Councils achieved. The PES 1st semester report said that there were delays in the start-up and work of the Councils.

**Policy instruments, strategies and programmes with a gender-based approach:**

The Civil Service Gender Strategy is being implemented and the Gender Strategy for the Women and Social Action Sector is nearing conclusion

LDH response:

From the point of view of legislation and public policies, Mozambique has approved the main international recommendations and has developed a range of instruments with the aim to protect women's rights. The CRM defines gender equality as a guiding principle of social relations. In Mozambique there exists a set of measures that aim to protect the rights of women and girls. There is also the Family Law (Law n. 10/2004), the Law against Trafficking (Law n. 6/2008) and the Law on the Promotion of the Rights of the Child (Law n.7/2008).

Mozambican government has developed a gender policy, which includes gender strategies in each State sector. Nevertheless, there are still problems on the application of legislation and of public policies of which there is insufficient dissemination and implementation of the legal texts, and there is a persistent cultural practice that violates rights. That is to say conflict resolutions concerning gender inequality or in the sanctioning of offences against the law, there is the continual existence of impunity in relation to the crime of domestic violence against women.

The Civil Code regarding hereditary succession is in contradiction with the Family Law that provides for the equality of property. The Family Law imposes important changes to the successor rights. It has created or stated of de facto relationship between man and woman. where it recognizes some effects such as heritage and filiations. However, the provisions of the Civil Code regarding hereditary succession do not recognize successor rights to those in the de facto relationship, which means in the event of death of the one of partners, the other one remains unprotected with regards to hereditary succession, he or she cannot be heir.

Recommendation n°70: Take all necessary measures to eliminate, combat and sanction all forms of discrimination or violence against women (Recommended by Ecuador)

IRI: partially implemented

AMMCJ response:

Please refer to comments [on recommendations n°] 64 and 65.

State of Mozambique response:

Gender-based indicators: In 2012, the creation of 27 District Councils for the Advancement of Women was planned and 22 Councils achieved. The PES 1st semester report said that there were delays in the start-up and work of the Councils.

Policy instruments, strategies and programmes with a gender-based approach:

The Civil Service Gender Strategy is being implemented and the Gender Strategy for the Women and Social Action Sector is nearing conclusion



Recommendation n°71: *Strengthen its child protection system with effective mechanisms, including investigation of reports of cases of child abuse (Recommended by Thailand)*

IRI: *partially implemented*

AMMCJ response:

[...] Concerning the sexual abuse in schools, a lot still need to be done as there are still many cases of impunity. In some cases girls and their families do not report either based on fear of revenge or because they want to "hide" the shame. In other instances they do report to the wrong entities, like traditional authorities, which will solve the problem by means of negotiation and payment of compensations.

Therefore, a lot more sensitization work is needed in order to inform the community about the seriousness of the sexual abuse against girls which is a crime and also to sensitize traditional leaders to take those cases to the formal justice system instead of dealing with them under customary rules.

UNICEF response:

Efforts have been stepped up to combat violence against children and strengthen the child protection system. Regarding investigation of reports of cases of child abuses, the professionalism of the police working in these units, as well as the number of cases they handle and the links to related service (health, social action, the Attorney General's Office and the judicial system), improved. However, perpetrators of sexual and physical violence against children are still rarely prosecuted and convicted. Steps have been made even for the implementation of the "Conselho Nacional dos Direitos da Criança (CNAC)". 11 provincial councils have been established even if they are not fully operational.

State of Mozambique response:

Children assisted: 63.140 children were assisted in 2012, corresponding to 109% of the planned figure. 64.833 preschool children were assisted in 2013 in public children's centres and community preschools, 95% of the planned figure.

N° centres created: In 2013 a Children's Centre was being built in Maputo and another in Chilembene, Gaza, that was started in 2012.

Adoption of law: The proposed Law against Sexual Abuse of Minors has still not been submitted to the AR for discussion and approval.

Dissemination activities: In 2012, some 1.681 children were assisted in public children's centres, 92% of the plan: 206 in Niassa, 160 in Cabo Delgado, 198 in Nampula, 110 in Tete, 181 in Sofala, 57 in Inhambane, 90 in Gaza and 679 in Maputo. Approved children's centres assisted 16.004 children, 85.5% of the plan and community preschools assisted 46.455 children, more than the planned figure. 64.833 children were assisted in the 1st semester 2013, 95% of the planned figure.



Recommendation n°72: *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* (Recommended by Thailand)

IRI: *partially implemented*

AMMCJ response:

This is an area that almost anything have been done and therefore some concrete actions need to be implemented.

JP response:

Nothing done

State of Mozambique response:

Children assisted: 63.140 children were assisted in 2012, corresponding to 109% of the planned figure. 64.833 preschool children were assisted in 2013 in public children's centres and community preschools, 95% of the planned figure.

N° centres created: In 2013 a Children's Centre was being built in Maputo and another in Chilembene, Gaza, that was started in 2012.

Adoption of law: The proposed Law against Sexual Abuse of Minors has still not been submitted to the AR for discussion and approval.

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Recommendation n°73: *Prepare and intensify appropriate legislative measures to address questions relating to sexual abuse and sexual exploitation and child prostitution* (Recommended by Uruguay)

IRI: *partially implemented*

AMMCJ response:

No legislation in that regard has been approved up to date. However it's important to refer that Penal Code Review Bill, that is expected to be approved by the Parliament in March this year (2014), contains provisions that will criminalize sexual abuse perpetrated against girls below 12 years old. Although civil society organizations have considered that to be a big step, they are however concerned because this provision does not cover girls between the age of 12 and 18. Therefore there is a need to consider a special provision for sexual abuse of girls under 18 . The Penal Code Draft Bill also contains special provisions criminalizing child sexual exploitation and prostitution.

UNICEF response:

The Penal Code of 1886 is under review, especially, but not exclusively, pertaining to the following articles: article 48 on age of criminal responsibility (menores imputáveis), articles 256 – 262 on vagrancy & begging (vadios & mendicidade),



article 392 on rape (estupro), article 393 on rape (violação) defined as the act of raping a woman against her will using physical violence, intimidation or deceit, without use of seduction or raping a woman who is unconscious, article 394 on statutory rape (violação de menor de doze anos), article 400 on dowry of victim/survivor and effects of marriage (dote da ofendida e efeitos do casamento).

State of Mozambique response:

[...]

Adoption of law: The proposed Law against Sexual Abuse of Minors has still not been submitted to the AR for discussion and approval.

[...]

LDH response:

The National Council on Childs Rights (CNAC) was formally created in accordance with Decree n.8/2009, 31st March, and it is an inter-sector coordination organ that supervises, monitors, propels and assists the implementation of policies and programs approved by the government.

In addition to the institutions of the government, there are five civil societies and five religious confessions.

Civil society and religious bodies were elected in the forum of civil society and have integrated into the CNAC, however their integration was never formalized due to an administrative act of swearing (take office). The rules of procedure of the CNAC was adopted in October 2010, however its' functioning is deficient. This is due to the fact that there is a lack of financial resources, despite the decree referring to the functioning of the CNAC and the CPAC as being a responsibility endowed upon the State budget and assigned to the Ministry of Women and Social Action (MMAS).

The CNAC is not a mechanism of communication to disseminate its activities and it for this reason that it is not very well known. It does not have the capacity to accompany and monitor its actions carried out in the field. It needs to strengthen the human resources (there is only one person who accounts for the secretariat and who also has other duties in the MMAS).

We understand that the secretariat duties lie in the areas of communication and information, monitoring and evaluation and documentation. The quarterly meetings of CNAC do not occur regularly. Most of the time this depends on the agenda of the members of government. The MMAS also chairs the National Council of Women (CNAM) and the Disabled Persons (CNAD).

The MMAS also responds to the target group of seniors. As of September 2013, there has not been any CNAC meeting and there has never been any official notification to the members for the reason of there being no execution. The National Action Plan for Children-PNAC (2006-2011) and the Plan of Action for Orphaned and Vulnerable Children-PACOV were extended till 2011 and, in December 2012, the Counsel of Ministry adopted a new PNAC11-2013-2019. The PNAC11 reflects a fusion of the two last plans, based on the government's five-year plan-2009-2014,



PARP-2009-2014, the recommendations resulting from the evaluation of PNAC1 and PACOV's, the contribution from civil society, associates and the Children's Parliament. It is worth noting that the State budget did not provide funding for the functioning of the CNAC. The PNAC11 was also implemented in a sectoral way.

Recommendation n°74: 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 (Recommended by Holy See)

IRI: partially implemented

RC response:

To date, there is still one penitentiary dedicated to children (in Boane District), but it still lacks provision of vocational or training skills. We would encourage the authorities to fully address the problems on the existing penitentiary and therefore use it as when expanding the system. Children victims of trafficking in persons still lack the government assistance, which we think should be extended to their parents through social actions programs.

AMMCJ response:

More actions need to be implemented by the Government in order to improve the penitentiary conditions of children.

UNICEF response:

Five ministries (health, education, social action, interior and justice) have come together to endorse a Multi-Sectoral Plan of Action to Accelerate Prevention and Response to Violence against Children, covering the period 2012-2017, and to adopt a protocol on case management and referral for child victims of abuse, which is currently being tested. A Multi Sectoral working group has been created as well and it is led by the Procuradoria-Geral da República.

State of Mozambique response:

Laws revised or produced: The Law creating the National Penitentiary Service (Serviço Nacional Penitenciário - SERNAP), the instrument establishing a new form of Prison Organisation, the Career Framework for Prison Guards, codes of conduct, regulations, Rehabilitation and Social Reintegration Services for Inmates and establishing a more humanitarian penitentiary system.

Index of prison overcrowding: At the moment we have 15.430 inmates - 10.356 serving sentences and 5.074 in preventive detention - with a capacity of 7.804 beds, which means an overcrowding rate of 98%.

Code of conduct adopted: This action is part of the package approved by the Assembly of the Republic and already mentioned in this document

Effective separation of adults and children in conventional prison establishments:

- (i) A Juvenile Rehabilitation Establishment has been built in Boane, Maputo Province, in the South of the country, able to accommodate minors up to 21 of years of age including, obviously, an appropriate section for children aged 16 to



18 years. There has been a similar effort in the country's northern provinces with the creation of a section for minors attached to the Nampula Industrial Penitentiary in order to separate minors/children from adults while conditions are being created for the establishment of one identical to that in the southern region. In the remaining penitentiary units the rule is the separation of minors/children in an appropriate section and, where this is not possible, they must at least be in a separate pavilion or cell. Every effort has been made to comply with this rule, despite the challenges that exist in some penitentiary establishments that have warranted our attention in order to comply with this legal principle of our penitentiary system. With the ongoing construction and institutionalisation of Penitentiary Complexes in the South, Centre and North regions, minors will have units that are totally separate from adults with special conditions for this age group

- (ii) In 2013 4 transit rooms for minors in conflict with the law were rehabilitated in two police stations in Maputo (18th Station and Police Post 9). This work was done by the PRM in coordination with MJ and UNICRI.

Cases detected and received exemplary punishment: Over the period 2011 - 2012 there were 11 disciplinary proceedings with punishments involving demotion, resignation and expulsion; between 2012 and 2013 8 disciplinary proceedings were brought and closed, relating to various offences.

CSO with programmes in prison establishments: Various partner entities, including faith-based groups, have been running programs in penitentiary establishments. In particular, a Memorandum of Understanding has been signed by the Ministry of Justice and the Mozambican Human Rights League. The instrument is being applied. CES and LDH have produced reports on the situation in prisons.

Inmates integrated into programmes: Penitentiary establishments have a variety of productive activities involving inmates, both to keep them occupied and also to teach them a profession for their social reintegration

Nº establishments rehabilitated and built from scratch: A Juvenile Rehabilitation Establishment has been built in Boane (Maputo) and a section for minors created as an annex to the Nampula Industrial Penitentiary; Muecate District Jail was built and inaugurated in 2011; the Mabota District Jail was built; the Moma District Jail was rehabilitated

Prisoners' conditions: The Attorney General's annual report and the GoM in its Report to the Committee on Torture recognize the seriousness of the situation and consider overcrowding to be the biggest challenge for the country's prison system.

Rehabilitation and social reintegration programmes adopted: As already mentioned, there are productive activities for inmates in penitentiary establishments, to prepare them for rehabilitation and social reintegration. With the new prison package approved recently these programmes will be strengthened even further.



Recommendation n°75: *Strengthen legislation and adopt a plan of action against sexual abuse and trafficking* (Recommended by Norway)

IRI: *partially implemented*

AMMCJ response:

The legislation on sexual abuse and trafficking is already in place and additional provisions are soon to be approved in the new Penal Code. The Government still need to approve a Plan of Action covering those matters.

Recommendation n°76: *Undertake the necessary measures to advance in the eradication of child labour, by applying the 2008 law to protect children, which prohibits child labour* (Recommended by Uruguay)

IRI: *not implemented*

UNICEF response:

The Labour Law (2008) allows children aged 15-17 to perform 'non-hazardous' work and even to allow children aged 12-15 to work under certain conditions. However, the types of work considered non-hazardous are yet to be defined. The labour inspectorate as well as the police has few adequate staff, thus that training and funds to inspect work places and intervene to protect children engaged in dangerous work should be provided.

RC response:

In Mozambique, the child labor does not formally exist, but there are some practices that in the European culture can be understood as child labor, such as the child's participation in family farm work. The problem is in the cities, where children from rural areas are being systematically being employed as nannies. There is a problem with the regulation of domestic work and its operationalization. Civil society also notes with concern that in the town of Manhiça, significant part of children lost at least three days of classes per week to participate in the local Friday crafts market.

AMMCJ response:

Although the Governments is implementing some actions to enforce the country labour law that prohibits child labour, in practice there are still many cases of child labour in the country. Stronger mechanisms for supervision and report of cases of child labour need to be put into place.

State of Mozambique response:

[...]

Recommendation n°104: *Establish juvenile courts throughout the country to enable the incarceration of children and adolescents separately from adults* (Recommended by Canada)

IRI: *partially implemented*

AMMCJ response:

[...]

UNICEF response:

Several progress has been made (setting the age of criminal responsibility at age 16 as per the Juvenile Justice Law in 2008; creating pilot programme on community



work as an alternative to custodial sentencing in Maputo City; creating "seccao" or "section/department" for children within the Provincial Court in 7 Provinces). However, deprivation of liberty is still not considered as a measure of last resort as well as pre-trial detention is still frequent for juveniles. In some cases, children are still deprived of liberty in adult detention facilities

Recommendation n°105: 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 (Recommended by Uruguay)

IRI: partially implemented

RC response:

Ensure the implementation of the Code of Civil Registry and Notary to ensure that health facilities do the registration. The law is already clear on this, but there is still lack of the importance of birth registration, so along with the need to disclose the standards for registration, we must continue to educate our communities.

AMMCJ response:

Government and some NGOs undertake from time to time campaigns for registration of children, including free of charge mobile brigades to register children in the community. Government has also removed all fees regarding the registration made until up to 6 months after birth. However more sensitization actions and the establishment of control mechanisms in the community are needed in order to ensure that a greater number of children are registration after the birth.

UNICEF response:

The success in increasing birth registration has been due mainly to the adoption of campaign-style methods by the National Directorate of Registry and Notary in the Ministry of Justice, under the Action Plan for Birth Registration, adopted in 2004. Since 2012, the inclusion of birth registration as an activity during the national child health weeks has extended the scope of the campaign approach. However, attention is now turning to the modernization of the routine civil registration system to make it more accessible, secure and efficient. Likewise, efficient procedures need to be put in place between DNRN and INAS to facilitate the registration of children in highly vulnerable households receiving cash transfers, who are at especially high risk of non-registration

JP response:

Being done but not enough

State of Mozambique response:

[...]

Recommendation n°107: Strengthen the enforcement of equality provisions with respect to women in employment laws (Recommended by Turkey)

IRI: not implemented



AMMCJ response:

Although the number of women accessing formal jobs has increased, there are no clear policies promoting women's access to employment, including some affirmative actions and the removal of gender stereotypes in relation access to employment.

State of Mozambique response:

Gender-based indicators: In 2012, the creation of 27 District Councils for the Advancement of Women was planned and 22 Councils achieved. The PES 1st semester report said that there were delays in the start-up and work of the Councils.

Policy instruments, strategies and programmes with a gender-based approach:

The Civil Service Gender Strategy is being implemented and the Gender Strategy for the Women and Social Action Sector is nearing conclusion

LDH response:

Mozambique, in addition to having ratified the Protocol of the African Charter on Human Rights and People's Rights on the Rights of Women, also ratified the Regional Protocol on Gender and Development in 2009 that includes the Political Participation of Women through Articles 12 and 13.

The parliament, as a determining authority, is a sector that accommodates a major percentage of women, with 39.2%, followed by the Justice sector, which accounts for 24.7%. In the media sector, the private and academic industry, women occupy just 19.1%, 17.8% and 17.5% respectively of leading positions.

However, despite the significant representation of women in parliament as well as their representation in other top positions of that body, they have not yet managed to challenge the power relationship of political power to advance the agenda of women's rights and gender equality.

Recommendation n°115: *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 (Recommended by Switzerland)*

IRI: *partially implemented*

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Recommendation n°117: *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 (Recommended by Uruguay)*

IRI: *partially implemented*

AMMCJ response:

Maternal mortality and maternal health in general is still one of the great challenges that is faced by the Government. Few improvements are being registered in that area and the Government has not manage to decrease the rate of maternal mortality which become stagnated in the last years, making the country to be very far from achieving MDG 5.



UNICEF response:

The decline in mortality has accelerated since the 2008, putting the country on track to achieve MDG 4. Mozambique has made little progress reducing the number of women who die while bringing life. The country is thus not on track to achieve MDG5 on maternal mortality.

State of Mozambique response:

Network for access to quality health expanded: 35 new health units opened; 63,8 % coverage of institutional births, 100 % antenatal consultations, 61 % post partum consultations and 24,4 % family planning in 2012; The objective is to increase the overall medicine and nursing ratio to 67 per 100,000; Malaria, 35% prevalence rate; tuberculosis, 491 cases per 100,000; mortality rate 49 deaths per 100.000

Infant mortality rate, malaria, tuberculosis and HIV & AIDS prevalence rates:

Infant mortality rate: 64/1.000 live births (IDS, 2011) and under-five mortality rate 97/1.000 live births, reaching the MDG target; (2012) no information for 2012 and 2013; HIV & AIDS rate 11.5% (IDS, 2011); 11.5 % (2012); 11.5 % (2013): it will be updated through the next survey on AIDS in 2015. MISAU reports a gradual reduction in deaths from malaria in recent years. In 2012 about 34 % of all pregnant women in antenatal consultations received at least two TIP doses, 19% more than in 2011. Some 786.791 mosquito nets were distributed to pregnant women. Household spraying was done in 60 districts.

[...]

Recommendation n^o119: *Continue its efforts to achieve full compliance with the rights of the child despite widespread poverty* (Recommended by Sudan)

IRI: *partially implemented*

AMMCJ response:

Although the Government has taken some actions towards the protection of the children rights, among others the approval of package of laws in that regard, in practice there are still many cases of violations of child rights, including child sexual and physical abuse, child labour and child exploitation. More sensitization actions in the community for the respect of children's rights as well as the approval of measures for the enforcement of the law on children's rights is needed.

UNICEF response:

The legal and policy framework has been strengthened by a national strategy for 2009-2014 and an operational plan for expansion of the system. This has led sustained increases in government expenditure, complemented by increased donor involvement, and investments in improving the operational systems of the institution responsible for social transfer programmes, the Instituto Nacional de Acção Social

State of Mozambique response:

Schools built and operational: The number of general primary (day) schools rose from 14.324 in 2011 to 15.232 in 2012. In 2012 1400 classrooms were planned and 667 built, a percentage rise of 48%. In the 1st Semester 2013 128 classrooms were built, 13% of those planned. In Nampula the number of basic education schools rose from 1960 in 2012 to 2.028 in 2013.



Training centres created: In 2012 11 vocational training centres were created in Niassa, Nampula, Zambézia, Tete. Sofala and Gaza.

Teachers trained and formed: The planned number of teachers and managers to be trained in 2013 is 8.000 (initial training) and 7.000 (in-service training), but the information will only be available at the end of the year.

Curricular innovations: MINED (Ministry of Education) recognises that it has introduced important innovations, in particular a new curriculum to improve education, but the challenge of improving teaching-learning quality persists.

Books produced and distributed free of charge, per year: 12.967.850 primary school books were distributed free of charge in 2012, 81% of the planned figure. 16.006.486 books were produced and distributed free of charge in 2013, 112% of the planned figure.

Education Strategic Plan 2012-2016 approved by the Council of Ministers on 12 June 2012

Recommendation n^o122: *Take steps to prevent the feminization of the AIDS pandemic* (Recommended by Hungary)

IRI: *not implemented*

UNICEF response:

The pandemic is already feminized in [Mozambique].

JP response:

Nothing being done by the government although many NGO are working on this matter

State of Mozambique response:

[...]

% of population who know how to prevent HIV: 2014 PES states that "virtually all Mozambicans (98% of women and 100% of men) have heard about HIV & AIDS, but only 31% of women and 51% of men have comprehensive knowledge about the disease". The same source states that in rural areas 46% of women and 62% of men know about the disease.

% of population attending ATS: 532.758 attending ATS (2012);

% of HIV+ people receiving anti-retroviral therapy: The number of children receiving ARVT (Antiretroviral Therapy) has risen. In the 1st semester 2013 alone there were 32.853 and the target was 44.909. The number of adults infected with advanced HIV in the 1st Semester 2013 was 359.129 and the target was 203,217.

Recommendation n^o124: *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* (Recommended by Chile)

IRI: *partially implemented*



UNICEF response:

Two separate water and sanitation strategies, the first for rural areas covering the period 2006-2015 and the second for urban areas in 2011-2025, as well as a long-term investment plan for water and sanitation in small towns, currently under preparation

State of Mozambique response:

Access to potable water and basic sanitation services expanded: There were 79.165 home connections in 2012, more than the target of 66.638. In 2012 there were 19.306 operational water sources in rural areas, more than the target of 18.900. The water resources produced outside (116.200 Mm³) and inside (100.300 Mm³) the country totalled 216.500 Mm³ and storage capacity is 45.155 Mm³. This means a national storage capacity of 21% (DNA). The PES 1st Mm³. This means a national storage capacity of 21% (DNA). The PES 1st Semester report states that between January and June 2013 FIPAG produced some 69 million cubic metres compared to 64 million in the same period in 2012.

Families with water sources: The Water Supply and Rural Sanitation Programme (PRONASAR) and the Water Investment and Asset Fund (FIPAG) have been established and guarantee water supplies for towns. The PES 2014 indicates that 52.5% of the population now has access to safe water and the target is 70% in 2015. Access to potable water in urban areas is 84.6% and in rural areas only 37.8%. The PES also states that only 23.8% of the population uses a bathroom/improved latrine: 47.8% in urban areas and only 12.8% in a rural areas.

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Increased capacity to provide proper housing for citizens: The 2013 target for demarcated plots is 60.000. The planned figure for assisted construction and houses built in 2013 was 18.500 households.

Recommendation n^o127: *Take measures to combat the underlying causes which impede girls from completing their education (Recommended by Finland)*

IRI: partially implemented

AMMCJ response:

Sensitization actions in the community to talk about the importance of sending the girls to school are being implemented both by the Government and CSOs. However, there is need to continue that sensitization and consider the approval of a plan of action to address the underlying causes that preventing girls to go to school among others, gender roles, early marriages and early pregnancy/ maternity.

UNICEF response:

School fees were abolished in 2004 and school uniforms are not compulsory. To address some of the issues which affect girls education for e.g violence and abuse, a zero tolerance for violence and sexual abuse was launched

JP response:

Nothing in concrete



State of Mozambique response:

Schools built and operational: The number of general primary (day) schools rose from 14.324 in 2011 to 15.232 in 2012. In 2012 1400 classrooms were planned and 667 built, a percentage rise of 48%. In the 1st Semester 2013 128 classrooms were built, 13% of those planned. In Nampula the number of basic education schools rose from 1960 in 2012 to 2.028 in 2013.

Training centres created: In 2012 11 vocational training centres were created in Niassa, Nampula, Zambézia, Tete. Sofala and Gaza.

Teachers trained and formed: The planned number of teachers and managers to be trained in 2013 is 8.000 (initial training) and 7.000 (in-service training), but the information will only be available at the end of the year.

Curricular innovations: MINED (Ministry of Education) recognises that it has introduced important innovations, in particular a new curriculum to improve education, but the challenge of improving teaching-learning quality persists.

Books produced and distributed free of charge, per year: 12.967.850 primary school books were distributed free of charge in 2012, 81% of the planned figure. 16.006.486 books were produced and distributed free of charge in 2013, 112% of the planned figure.

Education Strategic Plan 2012-2016 approved by the Council of Ministers on 12 June 2012

Recommendation n°128: *Develop programmes and campaigns aiming at combating discrimination against girls in schools* (Recommended by Brazil)

IRI: *partially implemented*

AMMCJ response:

Although some sensitization actions are being implemented by Government and CSOs there is need to continue with them in order to further reduce the levels of discrimination against girls in schools.

State of Mozambique response:

Schools built and operational: The number of general primary (day) schools rose from 14.324 in 2011 to 15.232 in 2012. In 2012 1400 classrooms were planned and 667 built, a percentage rise of 48%. In the 1st Semester 2013 128 classrooms were built, 13% of those planned. In Nampula the number of basic education schools rose from 1960 in 2012 to 2.028 in 2013.

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Education Strategic Plan 2012-2016 approved by the Council of Ministers on 12 June 2012

Recommendation n^o129: *Put into operation the national law aimed against sexual harassment of women and girls especially at learning institutions (Recommended by Zambia)*

IRI: *partially implemented*

AMMCJ response:

A provision on sexual harassment is contained in the labour law. However, there is a need to approve similar laws to address the harassment that occurs in educational institutions.

State of Mozambique response:

[...]

Recommendation n^o130: *Take effective steps to counter harassment and abuse of girls in the educational system and ensure that perpetrators are effectively punished (Recommended by Austria)*

IRI: *partially implemented*

AMMCJ response:

A provision on sexual harassment is contained in the labour law. However, there is a need to approve similar laws to address the harassment that occurs in educational institutions.

UNICEF response:

The Ministry of Education has established a policy of 'zero tolerance' of sexual violence and harassment in schools, including by teachers, in an attempt to stamp out this widespread problem. Much has been done to raise awareness among school directors, teachers and students. However, it is still rare for sanctions to be taken against offenders. Recently, five ministries (health, education, social action, interior and justice) have come together to endorse a Multi-Sectoral Plan of Action to Accelerate Prevention and Response to Violence against Children, covering the period 2012-2017, and to adopt a protocol on case management and referral for child victims of abuse, which is currently being tested.

State of Mozambique response:

[...]



Recommendation n°131: *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* (Recommended by Uruguay)

IRI: *partially implemented*

AMMCJ response:

No legislation in that regard has been approved up to date. However it is important to refer that Penal Code Review Bill, that is expected to be approved by the Parliament in March this year (2014), contains provisions that will criminalize sexual abuse perpetrated against girls below 12 years old. Although civil society organizations have considered that to be a big step, they are however concerned because this provision does not cover girls between the age of 12 and 18. Therefore there is a need to consider a special provision for sexual abuse of girls under 18 . The Penal Code Draft Bill also contains special provisions criminalizing child sexual exploitation and prostitution.

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State of Mozambique response:

[...]

Recommendation n°152: *Amend existing law by incorporating sexual offences against children, including forced sexual relations and sexual exploitation* (Recommended by Slovenia)

IRI: *partially implemented*

AMMCJ response:

No legislation in that regard has been approved up to date. However it is important to refer that Penal Code Review Bill, that is expected to be approved by the Parliament in March this year (2014), contains provisions that will criminalize sexual abuse perpetrated against girls below 12 years old. Although civil society organizations have considered that to be a big step, they are however concerned because this provision does not cover girls between the age of 12 and 18. Therefore there is a need to consider a special provision for sexual abuse of girls under 18. The Penal Code Draft Bill also contains special provisions criminalizing child sexual exploitation and prostitution.

Other

Recommendation n°10: *Adopt as soon as possible the National Human Rights Action Plan* (Recommended by Ireland)

IRI: *not implemented*

JP response:

Not adopted yet, but in preparation by the government

Recommendation n^o11: *Implement the law on the establishment of a National Human Rights Commission (Recommended by Russian Federation)*

IRI: *fully implemented*

UNDP response:

The establishment of the National Human Rights Commission with the taking of oath of the 11 Commissioners in September 2012 marked a very important step ahead in terms of promotion and protections of Human Rights in Mozambique. The new Institution will be able to effectively implement its mandate only when remaining obstacles related to the approval of internal rules of procedures and other bylaws will be removed.

JP response:

Implemented in 2012

LDH response:

The commission is working for a little over a year with no budget and no salary because the government has not approved the administrative [procedures] for normal functioning of the NHRC .

The commission worked without to own more than six months amenities. The Executive has provided facilities for the operation of the NHRC in December 2012 and in June the Executive withdrew these facilities and the NHRC in the month of September 2013 the Executive has provided new facilities to NHRC, after much pressure and complaints from the President NHRC and civil society. The facilities of the NHRC still require rehabilitation and equipping .

The commission does not have a functional governing body as required by law and operating conditions. As an example, the NHRC does not have a secretary general. In addition, the facilities of the NHRC are not yet equipped with office supplies and other basic to its normal operation.

The commission is headquartered in the country's capital Maputo and has offices elsewhere in the country and there is a lack of knowledge about the NHRC, not only from citizens, but also by some state bodies and civil society .

Many citizens and some organs of the State and civil society still confuse the NHRC with civil society human rights organizations, particularly the Mozambican Human Rights League which is the largest and oldest civil society organization working on issues related to the rights humans.

The fact that four [...] of the NHRC Commissioners , including the Chairman stem from the civil society and civil society , and one of the factors that has led the government to [put an end to] this action paralysis of the NHRC , since the parents the ruling party has [appetite] to exercise control over all state institutions.

The President of the CNDH, although it has been democratically elected by their peers, not from the ruling party, which has been one of the causes for the marginalization of the NHRC. The commission is an agency of the state and



generally holders of state agencies in Mozambique are active members of the ruling party.

There are several signs, acts and omissions that reveal a lack of political will so that the NHRC has normal operation .

Recommendation n°12: *Conclude consultations on the composition of the National Commission for Human Rights, and make the Commission operational (Recommended by United Kingdom)*

IRI: *fully implemented*

UNDP response:

Consultations on the composition of the Commission were concluded successfully. The establishment of the National Human Rights Commission with the taking of oath of the 11 members in September 2012 marked a very important step ahead in terms of promotion and protections of Human Rights in Mozambique. The new Institution will be able to effectively implement its mandate and be fully operational only when remaining obstacles related to the approval of internal rules of procedures and other bylaws will be removed.

JP response:

Concluded and the commission is operational

Recommendation n°35: *Consider seeking further targeted technical assistance from United Nations agencies towards achieving its human rights obligations (Recommended by Botswana)*

IRI: *fully implemented*

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Recommendation n°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 (Recommended by Nigeria)*

IRI: *fully implemented*

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Recommendation n°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 (Recommended by Rwanda)*

IRI: *fully implemented*

UNDP response:

The Directorate for Human Rights and Citizenship of the Ministry of Justice receives technical assistance from UNDP. This support as well as that from other UN Agencies has been instrumental to the implementation of a number of UPR recommendations, including those related to the establishment of National Human Rights Commission.



Recommendation n°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 (Recommended by Morocco)*

IRI: *fully implemented*

UNDP response:

The Action Plan for the implementation of the UPR recommendations adopted by the Ministry of Justice in 2011 contains a costing on the intervention needed for the implementation of each group of recommendations. The decision of the Ministry of Justice to update the Action Plan, including its costing part, is very appropriate since the document was drafted more than 30 months ago.

Recommendation n°48: *Continue to strengthen human rights institutions to ensure the continued promotion and protection of human rights throughout society (Recommended by South Africa)*

IRI: *fully implemented*

UNDP response:

The Establishment of the National Human Rights Commission and the appointment of an Ombudsman in 2012 marked significant steps ahead towards implementation of this recommendation. The new Institutions should receive growing funds allocations to be able to carry out their mandate effectively throughout Mozambique.

State of Mozambique response:

CNDH (National Human Rights Commission) functional: The members were appointed and in September 2012, after being sworn in by the President of the Republic, the CNDH started work, albeit with shortcomings. The CNDH internal regulations still have to be approved as well as other relevant instruments needed for it to function properly, including hiring its Executive/Administrative Secretary and other staff.

Recommendation n°49: *Complete the process of establishing a National Human Rights Commission in accordance with the Paris Principles and fill the Ombudsman post established by law (Recommended by France)*

IRI: *fully implemented*

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Recommendation n°54: *Intensify its efforts to appoint the Ombudsman, and ensure the full functioning of the National Human Rights Commission as soon as possible (Recommended by Spain)*

IRI: *fully implemented*

UNDP response:

The Ombudsman was appointed in May 2012 and the National Human Rights Commission established in September 2012 based on a law which is for the greatest part Paris Principle compliant

State of Mozambique response:

CNDH (National Human Rights Commission) functional: The members were appointed and in September 2012, after being sworn in by the President of the Republic, the CNDH started work, albeit with shortcomings. The CNDH internal regulations still have to be approved as well as other relevant instruments needed for



it to function properly, including hiring its Executive/Administrative Secretary and other staff.

Recommendation n°50: *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* (Recommended by Argentina)

IRI: *fully implemented*

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Recommendation n°51: *Finalize the establishment of the National Human Rights Institution, which will be in compliance with the Paris Principles* (Recommended by Zambia)

IRI: *fully implemented*

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Recommendation n°52: *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* (Recommended by Hungary)

IRI: *fully implemented*

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Recommendation n°53: *Make operational in the nearest future the National Commission on Human Rights and the Ombudsman institution* (Recommended by Denmark)

IRI: *fully implemented*

UNDP response:

The National Human Rights Commission was established in September 2012 based on a law which is for the greatest part Paris Principle compliant. The new Institution will be able to effectively implement its mandate only when remaining obstacles related to the approval of internal rules of procedures and other bylaws will be removed.

State of Mozambique response:

CNDH (National Human Rights Commission) functional: The members were appointed and in September 2012, after being sworn in by the President of the Republic, the CNDH started work, albeit with shortcomings. The CNDH internal regulations still have to be approved as well as other relevant instruments needed for it to function properly, including hiring its Executive/Administrative Secretary and other staff.

Recommendation n°80: *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* (Recommended by United States)

IRI: *partially implemented*

State of Mozambique response:

Ensuring the fight against corruption at all levels and promoting a stronger culture of transparency in society: The Attorney General's annual report states that 148 corruption cases were received in 2012 amounting to 991.080,56 MZM. There were 104 cases of theft of State funds or goods in 2012 amounting to 62.930.984.77 MZM.



Audit reports published: The reports of the Administrative Court for 2012 and 2013 have not yet been published.

Adoption of the Code (Law on Public Probity): Law16/2012 of 14 August approved, the Law on Public Probity.

Witnesses publicly exposed: Law regulating the protection of witnesses, complainants and others involved in cases approved.

More staff: Personnel rose from 1.230 in 2011 to 1.433 in 2012, making it possible to open new State Attorney offices in the districts.

Training and capacity building done: There were 16 training and professional courses for 365 officials in 2012, including in particular studies on Rights and Duties and a collective study of the Law on Public Probity.

Recommendation n^o141: *Implement its National Plan of Action on Human Rights (Recommended by Russian Federation)*

IRI: *not implemented*

UNDP response:

The National Action Plan for Promotion and Protection of Human Rights, a final draft of which has been ready for years, has unfortunately not been finalized and adopted yet.

State of Mozambique response:

[...]

Recommendation n^o171: *It also commits to strengthen the capacities of institutions aimed at promotion and protection of human rights (National Commission on Human Rights and Ombudsman). (Recommended by Mozambique)*

IRI: *partially implemented*

UNDP response:

The Establishment of the National Human Rights Commission and the appointment of an Ombudsman in 2012 marked significant steps ahead towards implementation of this voluntary pledge. However the National Human Rights Commission will be able to effectively implement its mandate only when remaining obstacles related to the approval of internal rules of procedures and other bylaws will be removed. The new Institutions should receive growing funds allocations to be able to carry out their mandate effectively throughout Mozambique.

MOCIZA response:

Mozambique is not interested in the progression of the National Human Rights Commission, because since it was created in 2009, it does not work. For lack of internal budget and appropriations means more work. The National Human Rights Commission has never approved any report for internal or external usage, as is mandatory under national rules, for lack of means for operation. Again there is a lack of government willingness to materialize it.



Recommendation n°173: *Mozambique reaffirms its commitment to ensure a full realization of all human rights and principles enshrined in the light of its Constitutional Charter and other legal devices that do not contradict it. (Recommended by Mozambique)*

IRI: -

MOCIZA response:

Yes, according to the letter of commitment, the Country agrees, and guarantees the implementation accordingly to the Constitution as a state, but in fact its implementation has been deficient. Lack a lot to reach the fullness of reasonable commitment for a country like Mozambique, due to political excesses, and advantages of political parties.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection on all of the States:

1. We contacted the Permanent Mission to the UN either in Geneva (when one exists) or in New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was contacted individually;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI and, also, sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedback from the latter.

B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet that we provide. The Excel sheet includes all of the recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when



comments are defamatory or inappropriate. While we do not mention the recommendations that were not addressed, they can be accessed, unedited, on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

*The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.*

The IRI is meant to take into account the possibility of stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. On the contrary, whenever a stakeholder claims a recommendation has been fully implemented, the IRI score is 1. An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then, the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims to have partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25 and will, thus, be considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
3	Sign and ratify ICESCR and the International Covenant on Civil and Political Rights (ICCPR-OP 1)	Spain	Accepted	5	CP rights - general, ESC rights - general, International instruments
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	Accepted	4	Treaty bodies, Women's rights
16	Consider responding to the request of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country	Brazil	Accepted	3	Extrajudicial executions, Special procedures
17	Respond positively to the request for an invitation of the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country	Norway	Accepted	5	Extrajudicial executions, Special procedures
18	Grant the request of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Mozambique	Germany	Accepted	5	Extrajudicial executions, Special procedures
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	Accepted	3	Extrajudicial executions, Special procedures
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	Accepted	5	Extrajudicial executions, Special procedures
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	Accepted	5	Extrajudicial executions, Human rights defenders, Special procedures
37	Seek from the international community continued meaningful support for the efforts made by Mozambique to enhancing discharge of its human rights obligations	Lesotho	Accepted	1	Technical assistance
83	Build upon existing justice and security sector reforms	Australia	Accepted	4	Justice, Public security
85	Develop efforts to strengthen the programme of reforms of the judicial system	Angola	Accepted	5	Justice



86	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	Accepted	4	Human rights education and training, International instruments
140	Source more funds for capacity building in order to strengthen various institutions	Zimbabwe	Accepted	4	General
160	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	Rejected	5	International instruments
161	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	Rejected	4	Rights of the Child, Women's rights
162	Place greater emphasis on assisting former girl soldiers to reintegrate into society	Ghana	Rejected	4	Rights of the Child, Women's rights
168	Take immediate action to respect, protect and fulfil the right to food	Hungary	Rejected	4	Right to food
169	Ensure access to health insurance and high-quality medication to low income persons	Switzerland	Rejected	4	Right to health

A= Action Category (see on [our website](#))

SMR = State making recommendation

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