Universal Periodic Review (24th session, January-February 2016) Contribution of UNESCO to Compilation of UN information (to Part I. A. and to Part III - F, J, K, and P)

Mozambique

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: <u>Human rights treaties which fall within the competence</u> of UNESCO and international instruments adopted by UNESCO

I.1. Table:

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education (1960)	Not state party to this Convention	Reservations to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	27/11/1982 Ratification		N/A	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	18/10/2007 Ratification		N/A	Right to take part in cultural life
Convention on the Protection and	18/10/2007 Ratification		N/A	Right to take part in cultural life

Promotion of the		
Diversity of Cultural		
Expressions (2005)		

II. <u>Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P</u>

Right to education

1. NORMATIVE FRAMEWORK

1.1. Constitutional Framework:

1. The Constitution of Mozambique of 2004¹ enshrines the right to education in the following articles².

2. **Article 88** provides that:

- "1. In the Republic of Mozambique, education shall be a right and a duty of all citizens.
- 2. The State shall promote the extension of education to professional and continuing vocational training, as well as equal access to the enjoyment of this right by all citizens."

Article 113 states:

- "1. The Republic of Mozambique shall promote an educational strategy that aims towards national unity, wiping out illiteracy, mastering science and technology, and providing citizens with moral and civic values.
- 2. The State shall organise and develop education through a national system of education.
- 3. Public education shall not pertain to any religion.
- 4. Education provided by collective and other private entities shall be administered in accordance with the law and shall be subject to State control.
- 5. The State shall not plan education and culture in accordance with any specific philosophical, aesthetic, political, ideological or religious guidelines."

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¹ http://www.unesco.org/education/edurights/media/docs/956cafac90b49a8dd9f654ed7a43892f2b7b6b4e.pdf (in Portuguese); for unofficial translation in English: http://www.wipo.int/wipolex/fr/text.jsp?file_id=179636, Last accessed on 11/02/2015

² Unofficial translations

- 3. With regard to higher education, Article 114 specifies that:
- "1. Access to public institutions of higher education shall guarantee equal and equitable opportunities and the democratisation of education, taking into account the requirements in terms of qualified staff and the raising of educational and scientific standards of the country.
- 2. Public institutions of higher education shall be corporate persons governed by public law, and they shall have legal personality and enjoy scientific, teaching, financial and administrative autonomy, without prejudice to the appropriate evaluation of teaching standards, in accordance with the law.
- 3. The State shall recognise and supervise private and co-operative education in accordance with the law."
- 4. **Article 120** states that "[...] 3. The family and the State shall ensure the education of children, bringing them up in the values of national unity, love for the motherland, equality among men and women, respect and social solidarity. [...]"
- 5. **Article 121** adds that "[...] 4. Child labour shall be prohibited, whether the children are of compulsory school going age or any other age."
- 6. With regard to languages, **Article 10** provides that "the official language in the Republic of Mozambique shall be Portuguese" and **Article 9** specifies that "the State shall esteem national languages as cultural and educational heritage, and shall promote their development and increasing use as languages that convey our identity."
- 7. Articles 35, 36 and 39 enshrine the principles of equality among citizens and non-discrimination. Article 35 provides that: "All citizens are equal before the law, and they shall enjoy the same rights and be subject to the same duties, regardless of colour, race, sex, ethnic origin, place of birth, religion, level of education, social position, the marital status of their parents, their profession or their political preference." Article 36 states that "Men and women shall be equal before the law in all spheres of political, economic, social and cultural life." Article 39 adds that "All acts intended to undermine national unity, to disturb social harmony or to create divisions or situations of privilege or discrimination based on colour, race, sex, ethnic origin, place of birth, religion, level of education, social position, physical or mental ability, the marital status of one's parents, profession or political preference, shall be punished in terms of the law."
- 8. With regard to persons with disabilities, **Article 37** states that "Disabled citizens shall enjoy fully the rights enshrined in the Constitution and shall be subject to the same duties, except those which their disability prevents them from exercising or fulfilling."

1.2. <u>Legislative Framework:</u>

- 9. "Law No. 6/92 of 6 May 1992 on the National Education System (NES) was passed in order to readjust the general framework of the education system, and to bring the dispositions of Law No. 4/83 of 23 March 1983 in line with the country's economic and social conditions. The law states that the NES is guided by the principle that education is "a right and duty of all citizens". The same law also guarantees **basic education** for all citizens and ensures all Mozambicans access to vocational training, establishing educational support and complementary measures to promote equality of opportunity in school access and achievement."³
- 10. "Through **Decree No. 11/90** of 1 June 1990, the government authorized private education (free or fee-paying) in all types of schools and at all educational levels, thus decentralizing one of its functions in order to create an additional capacity which would translate into expanded opportunities for access to education.
- 11. Higher education is governed by a specific instrument, the **Law No. 1/93**. In accordance with this Law, public higher education institutions are collective persons of public law, with legal status, and enjoying scientific, pedagogical and administrative autonomy. The **new Higher Education Law No. 5/2003** was approved in January 2003.
- 12. Under **Decree No. 49/94** of 19 October 1994, a number of functions and powers, previously in the hands of the national MoE, have been transferred to the provincial governments.
- 13. The Ministry of Higher Education, Science and Technology was established in January 2000 in accordance with by the **Presidential Decree No. 1/2000**. In accordance with the **Presidential Decree No. 13/2005** of 4 February 2005, the responsibility over higher education has been transferred to the Ministry of Education and Culture (MEC). The same Decree specifies the functions and attributions of the MEC". ⁴

1.3.Policy Framework:

i) General information

³ Operational Definition of Basic Education, Thematic framework, UNESCO, December 2007, p. 51, http://www.unesco.org/education/framework.pdf, Last accessed on 11/02/2015

⁴ World Data on Education, 7th Edition, 2010/11, p. 2, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Mozambique.pdf, Last accessed on 11/02/2015

- 14. "The new 2012-2016 Strategic Plan focuses on the continued expansion of the Education System, within the possible limits to guarantee the quality of the educational services offered, through exploring several delivery modalities, including distance learning and benefitting from the potential of new technologies. In this context, special attention is paid to early childhood development as being crucial for our children's academic and social success and to the development of competencies to guarantee a qualified human resources base capable of innovating the production and delivery of goods and services."
- 15. "This Strategic Plan defines the objectives, priorities and main strategies for the development of the Education sector over the coming five years. It is based on the long-term vision that promotes education as a human right and an effective instrument for the affirmation and integration of an individual in social, economic and political spheres of life; indispensable for the country's development and in reducing poverty."
- 16. "In Mozambique, literate farmers were 26 percentage points more likely than non-literate ones to cultivate cash crops."
- 17. "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."
- 18. "Admissions to general primary education: 5.313.998 (2011); (2012); 5.6 million of whom 2.220.748 (39.7%) were girls (2013) Illiteracy rate: 48.1% total and 62.7% for women (2011). The illiteracy rate in Nampula is 47,5% for women and 52,5% for men.

⁶ Ministry of Education of Mozambique, Strategic Plan for Education 2012-2016, 2012, p. 3, http://www.mec.gov.mz/Legislacao/Documents/PEE_2012-2016_EN.pdf, http://www.unesco.org/education/edurights/media/docs/664dea5c2def8291a222c58b800ec747d9d43274.pdf, Last accessed on 11/02/2015

⁵ Ministry of Education of Mozambique, Strategic Plan for Education 2012-2016, 2012, p. 2, http://www.mec.gov.mz/Legislacao/Documents/PEE_2012-2016_EN.pdf, http://www.unesco.org/education/edurights/media/docs/664dea5c2def8291a222c58b800ec747d9d43274.pdf, Last accessed on 11/02/2015

⁷ EFA GMR 2013-14, p 14 http://unesdoc.unesco.org/images/0022/002256/225660e.pdf, Last accessed on 11/02/2015

⁸ Mozambique's National Mid-term Report 1 (2014), p. 7, http://www.upr-info.org/sites/default/files/document/mozambique/session_10_-_january_2011/mozambique-mid-term_report.pdf, Last accessed on 11/02/2015

Differences in the enrolment of boys and girls [...]. Girls: 47.7%; boys: 53% em 2011. The Education Strategic Plan states that gender disparaties at all levels of education continue to fall."

The retention rate up to grade 7 continues to be considered high; it was 41% between 2004 and 2014 (Education Strategic Plan 2012-2016). One of the reasons given is that pupils enter public education late.

In 2011, 65% of grade 5 girls graduated and 64% of boys. The percentage in grade 7 was 63% for girls and 63% for boys. The percentages are lower in grades 10 and 12.

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

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.

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."¹⁰

ii) Inclusive Education

19. "Centre-based preschools can give children from disadvantaged homes opportunities to benefit from a range of interventions. The Escolinhas pre-school programme in Mozambique is open to vulnerable children aged 3 to 5, with those living in poverty or with HIV specifically targeted. Community volunteers, including two teachers per classroom, focus on cognitive stimulation, using games, art and music to develop basic numeracy and reading skills to prepare children for elementary school. The programme also includes health and nutrition instruction and support for parents. It provides a high-quality, low-cost service that has the potential to be scaled up and adopted in other countries."

iii) Teachers

20. "In Mozambique, Escolas de Professores do Futuro, community-based teacher training colleges, run teacher education programmes for primary teachers in rural areas. One of these has been training visually impaired primary school teachers for more than ten years. Each year

⁹ Mozambique's National Mid-term Report 1 (2014), p. 7, http://www.upr-info.org/sites/default/files/document/mozambique/session_10_-_january_2011/mozambique-mid-term_report.pdf, Last accessed on 11/02/2015

¹⁰ Mozambique's National Mid-term Report 1 (2014), pp. 7-8, http://www.upr-info.org/sites/default/files/document/mozambique/session 10 - january 2011/mozambique-mid-term report.pdf, Last accessed on 11/02/2015

¹¹ EFA global Monitoring Report 2011, p. 39, http://unesdoc.unesco.org/images/0019/001907/190743e.pdf, Last accessed on 11/02/2015

visually impaired graduates from mainstream schools are identified, with assistance from the local School for the Blind, and encouraged to apply for a scholarship at the college. All teacher educators have been trained in Braille by the school for the blind and the national Union of the Blind, and a number of them read and write Braille fluently. During their training, the visually impaired student teachers teach in practice schools nearby. Communities have become familiar with their children being taught by visually impaired teachers, resulting in a positive change of attitude and helping create a more welcoming environment for teachers and students with disabilities (Lewis and Bagree, 2013)."12

iv) Quality education

21. "Save the Children's Early Childhood Development Programme in Mozambique [...] aims to improve children's cognitive, social and physical development through community-based preschool centres, under the care of volunteer teachers selected by communities, to support children's transition to primary school. Daily literacy circles include sharing news, reading aloud, and engaging in alphabet activities, rhymes and other routines that stimulate language and communication skills, as well as thinking and reasoning. At the end of the two-year programme, 5- to 9-year-olds who had attended pre-schools were 24% more likely to be enrolled in primary school compared with children who had not participated in the programme. (Martinez et al., 2012)." ¹³

v) Curriculum

22. "HR [(Human Rights)] material included in the ACIPOL [(Academy of Police Sciences)] curriculum and as modules in all courses and training for PRM [(Police of the Republic of Mozambique)] officers; Higher education trainers trained in HR subjects."¹⁴

vi) Financing of education

23. Teachers, books and financial resources are available annually in order to create the necessary conditions to achieve a good environment for learning in schools. Additional financial resources are available to schools through the Programme of Direct Support to Schools (ADE).

The first objective of ADE is to improve the conditions of teaching and learning by providing funds to schools for the purchase of materials and various services with a focus on

¹² EFA GMR 2013-14, p 236, http://unesdoc.unesco.org/images/0022/002256/225660e.pdf, Last accessed on 11/02/2015

¹³ EFA GMR 2013-14, p 280 http://unesdoc.unesco.org/images/0022/002256/225660e.pdf, Last accessed on 11/02/2015

¹⁴ Mozambique's National Mid-term Report 1 (2014), p. 3, http://www.upr-info.org/sites/default/files/document/mozambique/session_10_-january_2011/mozambique-mid-term_report.pdf, Last accessed on 11/02/2015

teaching materials for the student and the school. The second objective of ADE is to strengthen school management through greater community involvement and school boards in the implementation of school resources.¹⁵

vii) Gender equality

24. "In Mozambique, the **Stop Violence against Girls in School programme**, working with a network of civil society organizations, has published a detailed analysis of laws and policies relating to girls' education and protection. It informed the government's revision of the penal code, which now makes explicit and strengthens laws against sexual violation of minors (Leach et al., 2012)." ¹⁶

2. COOPERATION:

- 25. Mozambique is **not party** to the 1960 UNESCO Convention against Discrimination in Education.
- 26. Mozambique did not report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:
 - **Sixth Consultation** of Member States (covering the period 1994-1999)
 - **Seventh Consultation** of Member States (covering the period 2000-2005)
 - **Eighth Consultation** of Member States (covering the period 2006-2011)
- 27. Mozambique did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:
 - **Fourth Consultation** of Member States (covering the period 2005-2008)
 - **Fifth Consultation** of Member States (covering the period 2009-2012)

11/02/2015

¹⁵ Ministry of Education of Mozambique, Manual de Procedimentos do Programa Apoio Directo às Escolas Primárias públicas (ADE) para 2015 – Ensino Primário, 2014, p. 1, http://www.mec.gov.mz/PROGS/ADE2015_Paginas/DocsPDFs/ADE2015-EP-ManualProcedimentos.pdf, Last accessed on 11/02/2015 / Unofficial translation of the following: "Para criar nas escolas as condições necessárias para um ambiente escolar propício para a aprendizagem são disponibilizados, anualmente, professores, livros e recursos financeiros. Através do Programa Apoio Directo às Escolas (ADE) são canalisados recursos financeiros adicionais às escolas. O primeiro objectivo do ADE é melhorar as condições de ensino e aprendizagem através da disponibilização de fundos às escolas para a aquisição de materiais e serviços diversos com enfoque no material didáctico para o aluno e para a escola. O segundo objectivo do ADE é reforçar a gestão escolar através de um maior envolvimento da comunidade e dos Conselhos de Escola na aplicação dos recursos da escola."

¹⁶ EFA GMR 2013-14, p 269, http://unesdoc.unesco.org/images/0022/002256/225660e.pdf, Last accessed on

- 28. Mozambique did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** of Member States (1993). However, it reported within the framework of the **Second Consultation** of Member States (2011).
- 29. Mozambique is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

1. CONSITUTIONAL AND LEGISLATIVE FRAMEWORK

- 30. Article 48 of Constitution of Mozambique guarantees freedom of expression and explicitly protects journalists and their independence, granting them the right to keep their sources secret and the right to access information.¹⁷
- 31. In December 2014 the Parliament passed an Access to Information Bill. 18
- 32. Defamation is regarded as a criminal offense and can lead to fines and prison terms up to two years.¹⁹

2. MEDIA SELF-REGULATION

33. Self-regulatory mechanisms of the media exist through an entity such as the Supreme Mass Media Council (Conselho Superior da Comunicação Social). It is an independent self-regulatory body with the objective to guarantee press freedom and access to information.²⁰

3. SAFETY OF JOURNALISTS

34. UNESCO recorded no killing of journalists since 2008.²¹

¹⁷ See the constitution of Mozambique on the website of WIPO: http://www.wipo.int/wipolex/fr/text.jsp?file_id=179636.

¹⁸ See the report on the website of the Media Institute of Southern Africa: http://misa.org/component/k2/item/2938-mozambique% E2% 80% 99s-parliamentary-assembly-passes-final-ati-bill?Itemid=101.

¹⁹ See the 2014 report from Freedomhouse: https://freedomhouse.org/report/freedompress/2014/mozambique#.VPXUf-ERQgg.

²⁰ See the 2014 report from Freedomhouse: https://freedomhouse.org/report/freedompress/2014/mozambique#.VRLDg-G3HZ0.

III. <u>RECOMMENDATIONS</u>

- 35. Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx)
- 36. In the Report of the Working Group on the Universal Periodic Review of 28 March 2011, various recommendations were made to Mozambique.
- 37. *The following recommendations enjoyed the support of Mozambique:*
 - i. 89.17. [...] **promote access to education at all levels** (Luxembourg);
 - ii. 89.24. Take effective measures to improve conditions of detention, in particular to reduce overcrowding and violent crimes in prisons, as well as to improve prisoners' access to educational and health services (Austria);
- iii. 89.52. Adopt a human rights education and training programme for law enforcement officials, in particular on the use of force, with a view to providing alternative methods to address any potentially violent situation proportionally (Spain);
- iv. 89.75. Continue applying programmes and measures to improve the enjoyment of the right to education ... (Cuba);
- v. 89.87. Strengthen its measures to effectively implement national programmes on human rights, in particular regarding their integration into the educational system (Angola);
- vi. 89.88. Take measures to combat the underlying causes which impede girls from completing their education (Finland);
- vii. 89.89. Develop programmes and campaigns aiming at combating discrimination against girls in schools (Brazil);

²¹ See the condemnation of the killing by the Director-General: http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/mozambique/.

- viii. 89.91. Take effective steps to counter harassment and abuse of girls in the educational system and ensure that perpetrators are effectively punished (Austria);
- ix. 89.92. Guarantee that all those responsible for acts of violence, harassment and sexual abuse of girls, in particular in the educational system, are effectively punished and that the girls receive support, including denouncing these situations, and reparation and protection measures (Uruguay);
- x. 90.26. Include the expansion of bilingual education (education in mother tongue) during the first years of primary schooling in the next education sector strategy programme (Finland);
- xi. 90.27. Repeal the legislation which requires the transfer of pregnant girls to nighttime schools and take action to ensure that pregnant students do not face restrictions in their access to education (Ireland);
- xii. 90.28. Use the three-year grant to further raise the quality of education, thereby ensuring the right to education (Netherlands).

38. Analysis:

Mozambique continues to improve the implementation of the right to education adopting various plans and programmes: the 2012-2016 Education Strategic Plan, the Escolinhas Pre-School Programme, the Save the Children's Early Childhood Development Programme and the Programme of Direct Support to Schools. Mozambique also included Human Rights education and training in the curriculum of the police training. However, no sufficient measures and programmes have been taken to address the discrimination against girls in schools as well as to combat the causes which impede girls from completing their education. In addition, according to available information, no programme has been adopted to improve the enjoyment of the right to education of prisoners.

39. Specific Recommendations:

- 1. Mozambique should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education.
- 2. Mozambique should be strongly encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
- 3. Mozambique should be encouraged to further address the issue of discrimination against girls in schools and the harassment and abuse of girls in the educational system.

- 4. Mozambique could be encouraged to further promote education for all, especially education for girls.
- 5. Mozambique could be encouraged to adopt additional measures to further ensure the education of prisoners.
- 6. Mozambique might be encouraged to further promote human rights education and training for all.

Cultural rights

40. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Mozambique is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Mozambique is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of opinion and expression

42. Mozambique is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.²²

Freedom of scientific research and the right to benefit from scientific progress and its applications

²² See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

41. Mozambique, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. The 1974 Recommendation on the Status of Scientific Researchers sets forth the principles and norms of conducting scientific research and experimental development and applying its results and technological innovations in the best interests of pursuing scientific truth and contributing to the enhancement of their fellow citizens' well-being and the benefit of mankind and peace. The Recommendation also provides the guidelines for formulating and executing adequate science and technology policies, based on these principles and designed to avoid the possible dangers and fully realize and exploit the positive prospects inherent in such scientific discoveries, technological developments and applications. Mozambique did not submit its 2011-2012 report on the implementation of the 1974 Recommendation. In providing its report in 2015-2017 on this matter, Mozambique is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation, such as: i) intellectual freedom to pursue, expound and defend the scientific truth as they see it, and autonomy and freedom of research, and academic freedom to openly communicate on research results, hypotheses and opinions in the best interests of accuracy and objectivity of scientific results; ii) participation of scientific researchers in definition of the aims and objectives of the programmes in which they are engaged and to the determination of the methods to be adopted which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; iii) freedom of expression relating to the human, social or ecological value of certain projects and in the last resort withdraw from those projects if their conscience so dictates; iv) freedom of movement, in particular for participation in international scientific and technological gatherings for furtherance of international peace, cooperation and understanding; v) guarantees of non-discrimination in application of rights to satisfactory and safe working conditions and avoidance of hardship; to access to educational facilities, occupational mobility, career development, participation in public life, and vi) right of association, etc.