



# General Assembly

Distr.: General  
31 May 2011

Original: English

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**Human Rights Council**  
**Seventeenth session**  
Agenda item 6  
**Universal Periodic Review**

## **Report of the Working Group on the Universal Periodic Review\***

### **Mozambique**

#### **Addendum**

#### **Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

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

1. After the presentation of its report to the Universal Periodic Review Working Group, Mozambique willingly accepted most of the recommendations made by member and observer states of the Human Rights Council, during the interactive dialogue, as an encouragement to our Government in continuing effort for full realization of human rights in the country. In demonstrating its commitment to the cause of human rights Mozambique immediately supported 131 recommendations, postponed its response on 28 recommendations to a later stage and only 10 did not enjoy its support.
2. In the current document we intend to present the different positions taken by the Mozambican state regarding the recommendations.
3. With regard to the recommendations that enjoyed our support, it should be reiterated that they are framed in the various sectoral plans and are being implemented within the framework provided by the Government Five-Year Program and Annual Economic and Social Plans.
4. Concerning the postponed recommendations after internal consultations and harmonization with all relevant institutions we intend to report the following:
5. Some countries recommended that Mozambique ratifies some conventions and protocols to which it is not yet a State party. The conventions and protocols concerned are: the International Covenant on Economic Social and Cultural Rights (ICESCR) and its Optional Protocol (OP-ICESCR), the Optional Protocol to the Convention against Torture (OP-CAT), the Rome Statute of the International Criminal Court (ICC), Convention on Enforced Disappearances (CED) and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW).
6. On this point we would like to reiterate the information provided during the presentation, that Mozambique is party to most of the international legal instruments on human rights. At the time we had informed that a number of instruments were in the process of ratification, some of which at a very advanced stage. In this context, we would like to inform that two of the instruments in this field, namely, the ICESCR and ICRMW have been already approved by Cabinet and submitted to parliament for endorsement. Thus, the ratification of these instruments is expected shortly.
7. Regarding the other instruments the procedures for their ratification are underway within the relevant institutions. The procedures herein are related to the harmonization of positions of all relevant institutions.
8. With regard to implementation of the National Plan for Human Rights, be informed that there is already a consolidated draft which is in the final stage of harmonization amongst the different sectors that will be responsible for its implementation, including civil society and development other partners. Thus, the approval of the plan is expected to happen shortly. It is important to state that the national plan is medium-term (2011–2014) planning tool and is compilation of different sectoral plans and as such many of the activities contained in the document will be implemented as soon as is approved. However, there are activities already being implemented by the respective departments.
9. With regard to the standing invitation, we want to reiterate what has already been mentioned during the presentation of the report, that the country has been and remains open to accommodate visits by all special procedures and mandate holders of the United Nations and African Union, including the special Rapporteurs for the exchange of experience and ideas and the evaluation of the degree of implementation of human rights in the country. Those visits, however, have to be scheduled in advance to avoid constraints on coincidence of dates with commitments that the country might have.
10. A reference was made regarding the implementation of the recommendations made by the Special Rapporteur on the Independence of Judges and Lawyers. Several actions that

meet most of those recommendations have being realized. Regarding access to justice, we reiterate the information provided during the presentation of the report that the services of the Legal Aid Institute (IPAJ) and of many civil society organizations has being extended to more districts with a tendency of covering all the national territory, thus providing access to justice to a larger number of citizens. There has been given particular attention to women's rights in the Governments programs and also in the work of the civil society organizations. Special contribution on gender issues and promotion of the women's status in Mozambique has been given by the organization Women and Law in Southern Africa (WLSA). The work of WLSA has been in different areas, from training of different stakeholders, to research, and from drafting and advocacy for the approval of laws to their implementation and dissemination. Its work in this area has been fundamental.

11. Executions, be they judicial or extrajudicial, are not institutionalized in Mozambique. The dead penalty is constitutionally forbidden in Mozambique, thus, any action in that sense is punished. The cases of deaths involving the police or prison officers, when they occur, are properly investigated and the perpetrators punished whenever any culpability is proven.

12. The arrests of persons suspected of having committed crimes occur in accordance with the law, i.e., within the scope of criminal liability. The criminal case run under its legal procedures and due to the independence of the powers pursued by the state, the executive can not interfere in the course of these processes until there is a ruling condemning the perpetrators.

13. Regarding disciplinary proceedings against officers accused of practicing crimes, it should be noted that some of them resulted in expulsion, which shows that they are bind by law.

14. The issue of crimes of sexual offenses against children is a matter of concern for the Government and involves simultaneously multiple actors which somehow are crucial in the promotion and protection of children's rights.

15. Sexual crimes are envisaged in the Criminal Code, as an example, we have the legal types of crime such as the Rape under Article 392, Article 393 rape, rape of an under twelve years old minor article 394, whose penal frames are, namely, 2/8, 2/8 and 8/12 years of imprisonment respectively.

16. The crimes mentioned above, are compounded when combined with the crime of human trafficking. We can cite as an example Articles 11 (Pornography and sexual exploitation) and Article 12 (Adoption for illicit end), of the Law n° 6/2008 of 9 July, whose penal frames are namely, 12/16 e16/20 respectively.

17. This demonstrates that there is a progressive movement on the adoption of legal instruments safeguarding children's rights and repress hardly when the conducts are related to sexual crimes committed against children.

18. On the other hand, there is under way a process to reform the penal code which will better ensure the prevention and punishment of such crimes, when committed in any circumstance not only related to the crime of human trafficking.

19. On the recommendations made relating to the Plan of Action for Poverty Reduction PARP it is important to state that generally the questions raised are foreseen in that Plan for the period 2011-2014, and are sufficiently reflected in the objectives that underpin the implementation plan, and therefore deserved our positive appraisal.

20. The Government has adopted various strategies for growth and poverty reduction that it proposes to implement. The adopted approach considers that the strategy against poverty must be in the center of policies to combat poverty by creating conditions and

incentives for economic growth. In order to reduce poverty, the Government has defined objectives, including: increase in the production and agricultural productivity and fishery playing an important role as a source of income for most of the Mozambican population; promotion of employment, focusing on the facilitation and development of micro, small and medium enterprises and human and social development.

21. The Government has implemented policies to reduce poverty, achieving some progress particularly in education, health, access to infrastructure and other basic services.

22. In addition to financing the activities of income generation (7 million), another policy designated Strategic Program for Urban Poverty Reduction (PERPU) was adopted as a means of reducing poverty. This strategy aims at promoting the well-being and development of the country. It is in this context that the strategy for Urban Poverty defines this segment as lack of income necessary to meet the basic needs of individuals, families and communities living in urban areas. This strategy aims at tackling unemployment, low income, food, housing inappropriate in urban areas.

23. Since the main objective of this strategy is to combat poverty, there is no doubt that special attention was given to the improvement of the effectiveness of development policies to achieve that goal. This is reflected not only in the objectives underlying the strategy, but also in the actual implementation plan.

24. Under the PARP, several strategies were designed to promote employment, including: a strategy for improving the business environment 2008–2012; the strategy for the development of small and medium enterprises; and employment and professional training.

25. One of the objectives for the PARP is improvement of agricultural production and productivity. Although these components have a high potential yield, increase of production and productivity is still very low. The lack of appropriate technologies, inputs and quality control of pests make these activities to have a very low rate of production. The big challenge is necessary to improve the network infrastructure in post-harvest handling and after capture and the involvement of the banking sector to improve access to financial services to farmers, loans and insurance for rural areas.

26. Therefore, to promote agricultural and fishery production and productivity the priority is the improvement and increase of access to inputs, facility access to markets and improvement of sustainable management of natural resources.

27. And to achieve these objectives, the Government has planned the provision of research services; improvement of agricultural infrastructure; education, communication and environmental disclosure; human resource development at all levels; maintenance of roads and bridges.

28. The bilingual education is since 2003 gradually being introduced and improved in the early grades of primary education. The coverage of schools and students has grown from 23 schools and 1.500 students in 2003 to 198 schools and 47,174 students in 2010.

29. In 2011, bilingual education has been expanded to 318 schools. It is hoped for an effective coverage of bilingual teaching at the end of the implementation of the new Education Strategic Plan 2012-2016 (in areas where this type of education is applicable).

30. To enable a sustainable expansion of this education modality there previewed the following actions: i) training of teachers, ii) production of books, iii) supervision and monitoring.

31. On the proposed Education Strategic Plan 2012-2016, for Pre-primary and primary education-in priority actions relating to quality, the point relating the free distribution already includes the production and distribution of books on Bilingual Education.

32. On the recommendation relating to pregnant girls transferred to night classes, it is important to state that with a view of creating an environment conducive to the promotion and development of gender relations in Education and Mozambican Society, the Ministry of Education recognizes that the guidance set out in the Diploma n°. 39/2003 of 5 December needs improvements.

33. This review process was preceded by auscultation meetings to the different stakeholders at national, provincial and district levels, in order to understand the obstacles that are behind the unsuccessful participation of girls in the process of teaching and learning.

34. To this end a gender sensitive team at the central level has already produced an instrument that allows the collection of information and consultation of various stakeholders at the school level, school community and society in general about the content of the above mentioned legal instrument.

35. The work that is being carried out, aims at increasing strategies for combating violence, sexual harassment and abuse in schools as well as early pregnancy and early marriages that take place mainly in rural areas. The *draft* document to be produced will be presented in mid-July 2011.

36. To note that in some regions, the pregnant girls are withdrawn from the schools by their own parents, and task of the Ministry of Education is to ensure the return of those students to school after delivery.

37. Mozambique received in 2010, a grant of 161 million U.S. dollars, 90 million from the Catalytic Fund of the Fast Track Initiative - FTI (as a donation) and 71 million from the World Bank (as credit). These funds will serve to compensate the expected reduction of support to the education sector over the next 3-4 years as a result of discontinuance on contributions to the Fund for Support to Education Sector, by some cooperation partners, especially the Netherlands and Denmark. Therefore, these resources will ensure the continuity of the current level of funding the education sector over the next 3-4 years, in programs such as classrooms building, teachers training, funding to schools (Direct Support to Schools); and financing the production and distribution of school books for free distribution.

38. The programs that will benefit from these funds are designed in the context of the Education Sector Strategic Plan for the years 2006–2011. In the coming years, the Government will continue to focus on the seven classes' quality primary education for all children. The Mozambican Government considers primary education as the fundamental basis for the development of human capital of the country, and crucial to the other subsystems.

39. The focus on primary education will improve the quality of education through better *school management* and implementation of *strategies aimed at inclusion* to ensure participation and retention of all children in the system.

40. The recommendation that did not enjoy the support of the Government have been thoroughly debated and argued during the presentation of the report. However we have reviewed the cluster and bring new developments on some of them:

41. Regarding to the health insurance, there has to be noted that Mozambique is considered one of the poorest countries in the world, with over half of its population living below the poverty line. This led the Government to adopt a system of provision of healthcare in which public disease control services and public services provided to priority target groups (children, adolescents, and young women) are free of charge.

42. However, in recent years the country has registered a considerable economic growth that is creating the emergence of a more prosperous stratum of population mainly in urban areas. For this reason, there has been created a good environment in the health sector for the study of different options for the introducing of health insurance. Discussions to this end have already started and they include the consideration of the most viable options including the amendment of existing legislation to protect not only the insured but also insurance companies.

43. Currently the Ministry of Health has a large budget deficit to meet the needs of the population in the area of health including medicines.

44. A recommendation was made on the drafting, adoption and implementation of legislation regarding greater protection of political rights. In this regard it should be noted that different legislation has been adopted to ensure civil and political rights to citizens and where laws are passed they are implemented in its entirety, without restrictions that are not also under the law.

45. Besides implementing the recommendations many other actions were carried out with emphasis on the approval by Parliament during the month of May a Law on Extradition. Another major action which we consider important to mention here is the advanced stage on the appointment of members of the National Commission of Human rights.

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