



**Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report
(Excerpts of Treaty Body Concluding Observations and Recommendations)
- Universal Periodic Review:**

MOZAMBIQUE

We would like to bring your attention to the following excerpts from Treaty Body Concluding Observations and Recommendations relating to issues of interest and persons of concern to UNHCR with regards to Mozambique.

CONCLUDING OBSERVATIONS OF THE COMMITTEE ON THE RIGHTS OF THE CHILD - CRC/C/MOZ/CO/2 (2009)

Birth registration

37. The Committee welcomes the efforts undertaken by the State party to increase birth registration, in particular the adoption of the Civil Registration Law No. 12/2004, of 8 December 2004, extending the free birth registration period from 30 to 120 days and introducing decentralization of registration services, as well as the development of the Plan of Action on Birth Registration in 2004. Nevertheless, the Committee remains concerned that the fees imposed after the 120-day period may constitute an obstacle to the registration of children, which still remains low. The Committee is also concerned that registration authorities remain far from communities and that families still do not fully understand the benefits of birth registration.

38. The Committee urges the State party to accelerate the free birth registration system, which should be sustainable and available throughout the State party, including in the most remote areas. The Committee further urges the State party to provide decentralized registration offices and units with the necessary human, material and financial resources and strengthen its awareness-raising activities in all communities on the importance of birth registration for all boys and girls. The Committee recommends, in the interim, that the State party ensure that unregistered children are not deprived of their rights, notably to health and education.

Refugee Children

75. The Committee notes with satisfaction the creation of the National Refugee Support Institute by Decree No. 51/2003 of 24 December 2003 with the aim, notably, of ensuring the enjoyment by refugee children of their rights to education, health care, social security and protection, as well as the establishment within the Marratane refugee centre of a primary school and a health centre. The Committee is, however, concerned at the high level of ethnic tension and violence among children in the camp and in the school, where corporal punishment is inflicted by teachers on children. The Committee also expresses concern at the prevalence of sexual violence against girls in the camp, the vulnerable situation of unaccompanied children and the economic exploitation of refugee children placed in foster families.

76. The Committee recommends that the State party, in cooperation with UNHCR, take all measures to guarantee protection of refugee children in line with international human rights and refugee law, while taking into account the Committee's General Comment No. 6 of 2005 on the treatment of unaccompanied and separated children outside their country of origin. In particular, the Committee recommends that the State party:

- a) Conduct reconciliation, tolerance and peace-building activities in the camp including establishing children groups that meet regularly to discuss discrimination and confidence building;**
- b) Organize school observation visits and teacher training on discrimination;**
- c) Take the necessary measures to prevent sexual violence, including ensuring separate lockable latrines for girls at schools and security for the children's trips to fetch firewood around the camp;**
- d) Initiate peer support groups for children with special protection concerns such as unaccompanied or separated children; and**
- e) Establish a regular system of visits to refugee children placed in foster families.**

CONCLUDING OBSERVATIONS OF THE COMMITTEE ON THE RIGHTS OF THE CHILD - CRC/C/15/Add.172 (2002)

Birth Registration

34. The Committee is concerned that:

- (a) According to estimates, a very large proportion of children are not registered at birth and that the State party has no accurate statistics as to the scale of this phenomenon;
- (b) Access to birth registration facilities among rural populations is extremely limited by distance, the time delay for registration and sometimes by cost;
- (c) There is widespread misunderstanding, for numerous reasons, of the purposes of birth registration.

35. The Committee recommends that the State party:

- (a) Take steps to increase significantly the numbers of children who are registered at birth, and make every effort to conduct late registration of older children who were not registered at birth;**

- (b) Ensure that registration is free, explore the use of mobile registration facilities to facilitate access for rural populations and pursue current efforts relating to extending the period within which registration must be completed;**
- (c) Conduct information campaigns for the general population explaining the importance and purposes of birth registration.**

Refugee and internally displaced children

60. While noting the State party's significant efforts in the past to provide assistance to refugees and internally displaced persons, the Committee remains concerned that:

- (a) Former refugees and displaced persons, seeking to resettle in their communities, do not always have full access to education and health services;**
- (b) Children who seek to cross through, or leave, Mozambique and to enter neighbouring countries are sometimes treated violently by border officials of those countries when caught.**

61. The Committee recommends that the State party:

- (a) Make additional efforts to assist former refugees and internally displaced persons to resettle in their communities, including through assuring full access to education services, and continue and strengthen family reunification efforts;**
- (b) Improve its collaboration, inter alia through bilateral arrangements and agreements, with relevant neighbouring countries to ensure that children who seek to cross through, or leave, Mozambique for those countries are treated in full respect of the Convention's provisions.**

CONCLUDING OBSERVATIONS OF THE COMMITTEE ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION - CERD/C/MOZ/CO/12 (2007)

10. The Committee expresses its satisfaction at the fact that Mozambique resettled over 1.7 million of its returning refugees and several millions of internally displaced persons.

11. While acknowledging the integration policy of the State party, the Committee notes that the lack of statistical information on the composition of its population prevents a precise assessment of the extent to which all persons on its territory enjoy human rights without discrimination on grounds of race, colour, descent, national or ethnic origin (art. 1).

Noting that a new census of the population is currently taking place, the Committee recommends that the State party endeavour to provide a general evaluation of the ethnic and linguistic composition of its population and in this connection draws the attention of the State party to paragraphs 10 and 11 of the guidelines for the CERD-specific document adopted by the Committee at its seventy-first session (CERD/C/2007/1), as well as to its general recommendation No. 24 (1999) on article 1 of the Convention. Furthermore, the Committee recommends that the State party also provide data on refugees and asylumseekers, including those living in urban areas.

12. While noting that article 35 of the Constitution ensures that all citizens are equal before the law, the Committee is concerned about the lack of legislation on racial discrimination (arts. 1 and 2).

The Committee recommends that the State party adopt specific legislation on racial discrimination implementing the provisions of the Convention, including a legal definition of racial discrimination, in line with article 1 of the Convention.

15. While noting the existence of the Institute for Legal Assistance and Aid, the Committee remains concerned about the obstacles regarding access to justice faced by ethnic groups disadvantaged on account of their location, language or poverty (arts. 5 (a) and 6).

In the light of its general recommendation No. 31 (2006) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party take the necessary measures to expand the provision of legal assistance and aid to the whole population on its territory and to improve the capacity and efficiency of the judicial system in order to ensure access to justice for all members of ethnic groups disadvantaged on account of their location, language or poverty.

16. While noting that the State party has ratified the Convention against Transnational Organized Crime in 2006 and that a bill on human trafficking is being prepared, the Committee notes the absence of any specific policy to prevent and combat human trafficking, bearing in mind that victims are often women and children belonging to the most disadvantaged groups, including non-citizens (art. 5 (b) and (e)).

The Committee recommends that the State party adopt legislation and other effective measures in order to adequately prevent, combat and punish human trafficking, especially with regard to members of disadvantaged ethnic groups, including non-citizens.

17. While noting the State party's efforts to enhance the legal framework and administrative procedures regarding asylum-seekers and refugees, the Committee remains concerned about the equal enjoyment of economic, social and cultural rights by non-citizens as well as by the apparent difficulties encountered by long-term residents wishing to acquire citizenship through naturalization (art. 5 (d) and (e)).

In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee encourages the State party to continue its efforts towards improving procedures to determine refugee status, so as to ensure that non-citizens enjoy economic, social and cultural rights without discrimination and to facilitate the naturalization procedure for long-term residents.

18. While acknowledging the efforts of the State party regarding health care and the improvement of living conditions, the Committee remains concerned at the very high rate of HIV/AIDS amongst persons belonging to the most vulnerable groups, including non-citizens and persons without any identification documents, as well as their access to health care (art. 5(e)).

The Committee recommends that the State party strengthen its programmes aimed at providing universal access to health care, with particular attention to members of vulnerable groups, including non-citizens and persons without any identification documents, and encourages the State party to take further measures to prevent and combat HIV/AIDS, malaria and cholera.

22. While taking note of the anti-discrimination provisions of the Tourism Law of 2004 and the Labour Law of 2007, the Committee is concerned about the cases of hate speech, as well as racist and xenophobic acts and attitudes in the State party, in particular in the field of employment, and about the absence of measures to prevent and combat such phenomena (arts. 5 (e) and 7).

The Committee recommends that the State party strengthen its existing measures to prevent and combat xenophobia and racial prejudice, and provide information on the measures adopted with regard to promoting tolerance, in particular in the field of employment and access to services, through awareness-raising campaigns, including in the media.

26. The Committee also notes that the State party has not withdrawn its reservation to article 22 of the Convention and recommends that it consider doing so.

30. The Committee also wishes to encourage the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

31. The Committee further wishes to encourage the State party to ratify the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness. Furthermore, it also recommends the State party to withdraw its reservations to the 1951 Convention relating to the Status of Refugees.

The Committee wishes to encourage the State party to ratify the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

32. The Committee requests that the periodic report of the State party and the present concluding observations be widely disseminated in the State party, in the appropriate languages.

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