

Universal periodical review

Mozambique

**Right to life
and related human rights issues**

22th June 2015

“From the politics of taking life to the politics of affirming it”

Introduction

The Center for Global Nonkilling has a unique mission that is both inspirational for individuals and transformative for societies: To promote change toward the measurable goal of a killing-free world by means open to infinite human creativity in reverence for life. To make every person a center for global nonkilling requires innovative research, global education & training, as well as a monitoring program that measures progress and reveals the way forward.

The Center for Global Nonkilling, successor of the center for Global Non-violence (1988-2009), was founded by Glenn Paige, retired political science Professor and author of book “nonkilling political science”. The Center is a worldwide congregation of scholars working to create and helping to create societies that do not kill. It has ECOSOC special consultative status since 2014.

The right to life

Living it happily

Generally speaking, the Constitution of Mozambique is well written and offers the ground to be a solid tool of peace and well-being.

It so expresses the right to life (article 40):

“All citizens have the right to life and to physical and moral integrity, and they shall not be subjected to torture or to cruel or inhuman treatment”.

However, the proper language (including in Portuguese) should have been that “every person” and not “every citizen” has the right to life. The fact that death penalty is prohibited – which we salute! – implies that it is the life and the right to life of every person and not only of citizens that is protected by the constitution from legal deprivation by the State, but by the State only. However, unless using the general provision on the reciprocity of human rights – which we salute as well as the right to life also implies in reciprocity the duty not to kill – the Constitution does not specifically states that it is the right to life of “every person” (not only of citizens) that is protected and in need of protection from every person.

1. We therefore strongly recommend that the Constitution of Mozambique be urgently changed to highlight the enhancement and the protection of the right to life of every person and not only of “citizens”.

The right to life and life itself deserve more than protection. They need to be promoted as a value, as the expression of a life worth living and being fulfilled, as a value needing to be respected by each and all.

Presently, despite its good content, the Constitution of Mozambique is written in a statutory style, while we would prefer it to be more lively, proactive and participatory. Human rights deserve more than being stated and protected; there is in our opinion a duty – vested in States, institutions and in all human beings – to promote human rights, moreover by highlighting their intrinsic nature and the deep satisfaction the use, practice and share of human rights brings to the people and to the fulfillment of their lives and rights.

2. We recommend, *as the Constitution needs to be changed anyhow*, for the future Constitution of Mozambique to highlight in a positive way the value, the worth and the potentials of life and of a good life, as well as the full entitlement of every person to the right to life and equally to all human rights.

3. We also recommend that the promotion of the right to life and of all human rights, as well as education to human rights be made a State duty and a full part of the curricula, through a disposition therefore in the Constitution of Mozambique.

Preventing breaches of the right to life

Providing security to live well.

If life is highlighted as a value and every person is confident in her entitlement of the right to life, breaches will be less frequent and hopefully diminish until they disappear totally.

However, for the right to life to be respected, breaches of the right to life can only be *prevented*. If life is lost, the right to life is lost as well – as are all other human rights.

The homicides rates for Mozambique are highly different if taken from the World Health Organization or from the United Nations Office on Drugs and Crime; this should be clarified². However, these rates are most likely higher than the world average and similar to the African average.

4. We recommend that the State of Mozambique adopts policies to eradicate – or if not feasible to reduce greatly – the number of intentional killings and to substantially reduce the numbers of unintentional killings.

5. We also recommend that the State of Mozambique fully adheres to all the future Sustainable Development Goals, including goal n° 16.1: “[to] significantly reduce all forms of violence and related death rates everywhere”³.

6. As the constitution will be changed anyhow (or as soon as it will be), we also recommend that the design, implementation and evaluation of these peace and human rights policies aimed at the prevention of killings and violence be realized and made mandatory States duties through a comprehensive disposition therefore in the Constitution.

Most intentional killings occur through the use of weapons.

As the “Geneva Declaration on armed violence and development”⁴ highlights, 90% of all deadly armed violence occurs outside armed conflicts.

7. We salute the signing by Mozambique of the Geneva Declaration in 2006 and, as said, encourage Mozambique, among other means, to use these instances to elaborate the policies needed to reduce or eradicate violence and killings.

Mozambique has national action plans for all the types of violence outlined in the World Health Organization’s “Global Status Report on Violence Prevention 2014”⁵. Although these national action plans are in place, CGNK notes that Mozambique is yet to implement violence prevention programs on what WHO would consider a “large scale”.

8. We encourage Mozambique to pursue and improve its efforts to reduce violence.

The prevention of suicides is a full part of the prevention of fatal and non-deadly injuries to life and to infringements of the right to life.

Sadly, Mozambique has one of the highest suicide rates in the world according to the most recent World Health Organization report on suicide prevention⁶ and a large number of these victims fall

in the 70+ age group category. In a report by the United Nations on Mozambique it was noted that many in the elderly community feel like the State was not doing enough to support them⁷.

9. Mozambique must make an in depth analysis of the connections between lack of social programs for the elderly and suicide rates and improve its health, social retirement and suicide prevention mechanisms. Suicide prevention should be carried on for the elderly, but also for the population at large.

10. We therefore recommend for Mozambique to accept and welcome the recommendation 91.10 from the previous UPR (noted) that is to: “ensure access to health insurance and high-quality medication to low income persons”.

11. Mozambique should also look into implementing the suggestions for suicide prevention in “Preventing Suicide: A Global Imperative”⁸.

12. Mozambique should consider adopting a “right to longevity”, that would guarantee care for the elderly and forbid any act that unnecessarily shortens life.

13. Mozambique should engage in a constructive dialogue with the Independent Expert on the enjoyment of all human rights by older persons.

As enforced disappearances may lead to extrajudicial killings, therefore Mozambique ratifying the convention on enforced disappearances does not seem to be an excessive demand:

14. We recommend that the State of Mozambique urgently ratify the Convention on Forced disappearances; more so as it engaged itself to do so during the first UPR cycle.

The Constitution of Mozambique beautifully promotes peace and peaceful settlement of disputes both domestically and internationally.

“Article 11. Fundamental objectives

“The fundamental objectives of the Republic of Mozambique shall be: (...)

- The promotion of a society of pluralism, tolerance and a culture of peace. (...).

Article 22 (in Foreign relations chapter): Policy of peace

“1. The Republic of Mozambique shall pursue a policy of peace and shall only resort to the use of force in the case of legitimate self-defence.

2. The Republic of Mozambique shall support the primacy of negotiated solutions to conflicts.

3. The Republic of Mozambique shall uphold the principle of general and universal disarmament of all States. 4. The Republic of Mozambique shall advocate the transformation of the Indian Ocean into a nuclear free zone of peace”.

Because of the ground given by these dispositions for the promoting of peace, more can be and should be done for the respect of life through peace and disarmament policies.

15. Recalling the declaration of the Human Rights Council on the Impact of arms transfers on human rights in armed conflicts (24/45, 27th of September 2013⁹) or more generally acknowledging the negative impact of armed conflicts on human rights, we encourage Mozambique to make a swift effort to complete as soon as may be the ratification of all peace, settlement of disputes, disarmament and humanitarian treaties to which it is not yet party, including as an example the Statute of Rome on the International Criminal Court or by recognizing the compulsory jurisdiction of the International Court of Justice.

16. Whereas needed, we also recommend to the State of Mozambique that he recognizes and integrate in its legal order the existence of a human right to peace¹⁰, which will enhance peaceful cooperation between people and between and people and authorities; that will provide for peaceful settlement disputes locally as well; that will enhance accountability on use of force and therefore the good reputation of the State and that will eventually provide means to report on how the States progresses towards the achievement of peace.

17. Mozambique should also consider applying its constitutional disposition limiting the use force (as quoted above, article 22.1) internally as well, to recall that force can only be used in case of absolute necessity and should be duly monitored, and that is used it should limited to the outmost to avoid as may the negative consequences any use of force entails.

These peace policies are needed more than ever as there has been fighting again between Renamo and the authorities in 2013-2014 and again in recent weeks. We have information stating that because of armed attacks in 2013/14 on the Mozambican population, on units of the Defence and Security Forces as well as on infrastructure in the provinces of Sofala, Inhambane, Tete and Zambezia, more than 79 persons have died, 380 were seriously injured, 6347 families were internally displaced seeking government protection in the capital city of Gorongosa District (Sofala Province) while another 1000 have been displaced in Homoine District (Inhambane Province). 27 schools have been closed and 16,000 students have abandoned their schools¹¹.

18. We strongly recommend to the Government of Mozambique, but also to Renamo and to all concerned person to restore the peace, to complete the disarmament and demobilization process, to cease immediately and to address all human rights violations, to address the issues needing to be handled for peace to last on the long term and to prepare for a peaceful and fulfilling future for all.

Besides or despite these fighting's, we note that there was no report of extrajudicial executions in Mozambique during the period under review in the 2015 report of the Special Rapporteur and we hope that this fully reflects the reality on the ground and, if so we wish this to continue to be so in the future as well.

Mozambique has a conscription disposition provide for in the constitution, as well alternative service for conscientious objectors (art 267). However, though all are drafted, only a few effectively serve which could probably be done on a voluntary basis. Moreover, conscription measures have caused some turmoil within the population.

19. Therefore, to avoid building further a military and killing spirit within the population, we recommend that the Government of Mozambique renounce imposing a draft.

On a more trivial though sensitive national issue – and therefore we shall not make any recommendation regarding this – symbols of peace are essential to forward the causes of peace and nonkilling. Therefore the next time the constitution is reviewed (as it will be), we would

consider it adequate to remove the gun from the national flag and eventually to have it replaced by a symbol unambiguously celebrating life.

Fulfilling the right to life

For life to be lived with some degree of satisfaction and the greatest possible life span, other rights need to be fulfilled. We mention some of them here.

Mozambique has the fastest growing non-oil economy in Sub-Saharan Africa, yet there were more people living below the poverty line in 2009 than there were in 2003¹². In order to celebrate, appreciate and enjoy life, people need fair and equal access to basic resources.

20. Mozambique should work to reconcile the country's GDP growth with its poverty issue.

We have reports attesting that there have been deadly food riots in Mozambique during or just before the period under review¹³. In the previous UPR cycle, Mozambique accepted no less than eleven recommendations asking that it ratifies the covenant on economic, social and cultural rights or its optional protocol. Coherence is also needed and welcome as Mozambique did recommend action on economic, social and cultural rights to at least one other country and on the right to food to another¹⁴.

21. Mozambique should permanently improve food security.

22. Mozambique should ratify (as agreed to in the previous UPR cycle) the International Covenant on Economic, Social and Cultural Rights and its optional protocol.

Gender equality for all is guaranteed in the constitution (article 36 "*Men and Women shall be equal before the law in all spheres of political, economic, and social life*") and gender balance is needed to reduce domestic violence. However, studies have shown that Mozambique could do better on the issue, as the country was ranked 144 out of 149 in the World Bank gender inequality index in 2013¹⁵.

23. As domestic violence cause more deaths against women, in order for all of its citizens to equally enjoy the right to life, Mozambique needs to mainstream gender equality in all its policies.

Withstanding the political debate on the issue, it is with respect that we acknowledge the decision of the government to loosen anti-abortion laws, in order to reduce maternal mortality¹⁶.

Celebrating life

To cherish life is showing that life is the greatest treasure given to humanity. Preserving and perpetuating life, granting good conditions to live life fully and achieving a nonkilling world is the expression of gratitude for receiving life that every person can grant to humanity, to future generations and to itself. Making life worth living it, for all and by all, sharing life in dignity in and on a sustainable world is the best possible use of our human qualities.

It has been a great pleasure and a treasure to participate by this contribution to the second Universal periodic review of Mozambique, thus celebrating the natural gift of life granted to all, by a conscious effort with our humble means towards the improvement, in Mozambique as anywhere, of the respect for life and of the quality of life for each and all, in peace and happiness.

*“We understand the right to life as being the right not to be killed,
but also as everyone’s responsibility not to kill others,
in any circumstances and by any direct or indirect means”*

¹ Portuguese version available here: <http://aceproject.org/ero-en/regions/africa/MZ/mozambique-constitution-portuguese-version/view>. English Version here:

https://www.constituteproject.org/constitution/Mozambique_2007.pdf?lang=en

² <http://apps.who.int/gho/data/view.main.VIOLENCEHOMICIDEv> or http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf

³ <https://sustainabledevelopment.un.org/sdgsproposal>

⁴ www.genevadeclaration.org

⁵ Butchart, Mikton. *Global Status Report on Violence Prevention 2014*. Luxembourg: WHO. Print. Pages 163, 228, 234, 239, 245, 255, 258, 263, 267, 270 and 273. <http://www.undp.org/content/dam/undp/library/corporate/Reports/UNDP-GVA-violence-2014.pdf>

⁶ Saxena, Krug, Chestnov. *Preventing Suicide: a global imperative*. Luxembourg: WHO. Print.

World status report on violence prevention. http://apps.who.int/iris/bitstream/10665/131056/1/9789241564779_eng.pdf

⁷ Francisco, Sales. *Post 2015 Development Agenda. Country Report of Groups and Organizations’ voices and perceptions in Mozambique*. Mozambique: UN. Print.

http://www.mz.undp.org/content/dam/mozambique/docs/Millennium_Development_Goals/UNDP_MOZ_POST2015_CONSULTATION%20REPORT%20-%20MOZAMBIQUE.pdf

⁸ Endnote 6.

⁹ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/24/35

¹⁰ Open ended working group on the right to peace:

<http://www.ohchr.org/EN/HRBodies/HRC/RightPeace/Pages/WGDraftUNDeclarationontheRighttoPeace.aspx>

¹¹ Exchange of e-mails with Albino Forquilha, director of FOMICRES, Maputo, 22 June 2015.

¹² The World Bank. *Mozambique*. www.Data.worldbank.org/country/Mozambique

¹³ United Nations Office for the Coordination of Humanitarian affairs. *Saving lives today and tomorrow*. 2014. Page 20.

¹⁴ <http://www.upr-info.org/database>

¹⁵ *United Nations Development Program: Human Development Reports*. Gender Inequality index (GII) 2013.

¹⁶ <http://www.un.org/esa/population/publications/abortion/profiles.htm>