Human Rights Council
Working Group on the Universal Periodic Review
Thirty-eighth session
3–14 May 2021

Summary of Stakeholders’ submissions on Mozambique*

Report of the Office of the United Nations High Commissioner for
Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1
and 16/21, taking into consideration the periodicity of the universal periodic review. It is a
summary of 30 stakeholders’ submissions to the universal periodic review, presented in a
summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international
human rights mechanisms and bodies

2. Concerning accepted recommendations to ratify ICESCR and ICCPR-OP1, ABA-
CHR and AI indicated that Mozambique had not yet done so. ABA-CHR, AI, JS15, MAAT
and TCC recommended that Mozambique become a party to those treaties.

3. JS1 recommended that Mozambique ratify the Optional Protocol to the Convention
on the Rights of the Child on a communications procedure.

4. Additionally, ABA-CHR, AI, JS9 and JS15 recommended ratifying the ICPPED.

5. HRW, JS9, PGA and WFM-IGP called on Mozambique to ratify the Rome Statute of
the International Criminal Court.

6. JS16 indicated there was a lack of response to pending requests of some mandate
holders to visit the country, and ABA-CHR noted that the visit of the Special Rapporteur on
extrajudicial, summary or arbitrary executions had been postponed. JS5 recommended that
Mozambique cooperate fully with the Special Procedures, including by providing timely and
substantive responses to all communications.

7. JS16 recommended that Mozambique establish an inter-ministerial committee on
human rights with civil society representation as observers to better implement, coordinate,
monitor and report on the Universal Periodic Review (UPR) recommendations, and on
human rights, in general.

* The present document is being issued without formal editing.
B. National human rights framework

8. JS8 noted that the COVID-19 pandemic had led to the declaration of a state of emergency in April 2020. In August 2020, the state of emergency had been replaced with a state of calamity, leading to the relaxation of some of the measures adopted during the state of emergency.  

9. Concerning accepted recommendations, ABA-CHR indicated that in December 2019, a revised Penal Procedure Code and a further revised Penal Code had been gazetted. Both were to become effective 180 days after their publication, but this was reportedly postponed due to delays caused by the COVID-19 pandemic.  

10. JS15 indicated that the National Human Rights Commission was functioning with very limited competencies, noting that it was financially dependent on the General State Budget, which compromised its independence and had an office only in the capital, which delayed action in the provinces. JS8 stated that Mozambique should strengthen its efforts to ensure that the Commission was afforded the necessary resources to be able to effectively implement its mandate in full compliance with the Paris Principles. JS14 stated that the Commission should be designated as the monitoring body for the implementation of CRPD, with the necessary resources being allocated for the exercise of this mandate.  

11. REFORMAR indicated that visits to places of detention conducted by the National Preventive Mechanism (the National Human Rights Commission) must be announced and approved by the authorities and invited Mozambique to allow visits without prior notice.  

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

   Equality and non-discrimination

12. JS4 noted the lack of a general law addressing discrimination and encouraged Mozambique to produce policy proposals with a view to adopting a law on equal treatment indicating that it must explicitly consider the situation of older persons, LGBTI minorities, persons with disabilities, migrants and other vulnerable groups.  

13. JS4 noted that despite the existence of law 3/14, of 5 February, to promote and protect the rights of older persons, society still considered older persons as obsolete, and they faced many obstacles.  

14. JS12 indicated that although there were no set laws that directly criminalized or discriminated against persons based on their sexual orientation, gender identity and expression, various existing policies and interpretations of laws supported the discrimination of this group.  

Development, the environment, and business and human rights

15. ABA-CHR reported that in 2016, it was revealed that the country had a debt of over one billion dollars acquired in 2013, from state-backed loans taken by three companies and made without parliamentary approval contrary to the requirements of the Constitution. JS11 noted the “hidden” or “illegal” debt scandal had led to a financial and economic crisis.  

16. JS8 stated that Mozambique was prone to climate change and serious natural disasters. In 2019, the country was badly ravaged by two cyclones, Idai and Kenneth, which destroyed basic infrastructure and crops. Almost two years later, scores of people were still displaced. In 2019, AU-ACHPR expressed particular concern about the impact of the flood resulting from cyclone Idai on women and girls.  

17. JS15 noted that companies operating in Mozambique, particularly transnational corporations, were not properly held accountable for human rights violations and environmental degradation resulting from their activities. JS4 indicated that Mozambique
did not ensure that businesses respected human rights as set out in the Guiding Principles on Business and Human Rights, instead relying solely on voluntary self-regulation.\(^{30}\)

18. AI noted the transfer of farmland to mining and gas companies without human rights due diligence to prevent and remedy adverse impact of business operations on human rights in rural communities.\(^{31}\) JS5 recommended that Mozambique guarantee the free, prior and informed consultation of communities affected by economic and development projects.\(^{32}\)

2. \textbf{Civil and political rights}

\textit{Right to life, liberty and security of person}\(^{33}\)

19. JS16 indicated that Mozambique was experiencing two situations of military conflict resulting in, since 2017, attacks carried out by Islamists in the province of Cabo Delgado and the armed attacks in the provinces of the central zone of the country (Manica and Sofala) carried out by the RENAMO Military Junta.\(^{34}\)

20. Some 19 submissions raised concerns regarding the situation in the Cabo Delgado Province.\(^{35}\)

21. ABA-CHR noted that in October 2017, reports of extremist violence surfaced from Mozambique’s northern most province, Cabo Delgado, where oil and gas reserves had been earlier discovered in 2011 and 2012.\(^{36}\) SALC stated that the militants reportedly attacked entire villages, government buildings, Catholic churches, and offices of non-governmental organizations.\(^{37}\) Some three submissions raised concerns about attacks on Christians.\(^{38}\)

22. AI indicated that by October 2020, at least 2,000 people had been killed in the conflict.\(^{39}\) WFM-IGP indicated that the violence and armed conflict had resulted in, inter alia, the displacement of hundreds of thousands of civilians, and damages to infrastructure.\(^{40}\) JS12 reported that the Cabo Delgado insurgency had forced over 300,000 people to leave everything behind who were now internally displaced.\(^{41}\)

23. MAAT was concerned that the Government’s response to the Islamic insurgence had been marred by allegations and continued reports of human rights violations and abuses, including extra judicial killings, arbitrary arrests and denial of access to information about what was happening in Cabo Delgado.\(^{42}\) ABA-CHR indicated that civilians had been arrested by military forces and held in detention in military barracks or unregistered places of detention.\(^{43}\) HRW stated that organizations had documented alleged human rights abuses by both sides in Cabo Delgado and that no one had been held to account.\(^{44}\)

24. SALC stated that the Government must ensure that peace and security prevail in Cabo Delgado; and that persons responsible for committing atrocious crimes and gross human rights violations are apprehended and held accountable through transparent and due process of the law.\(^{45}\) JS16 recommended that Mozambique ensure humanitarian access to affected communities and conflict hotspots and involve civil society.\(^{46}\)

25. REFORMAR noted reports of excessive use of force and extrajudicial killings by police and members of the Rapid Intervention Unit; and ill-treatment in prisons.\(^{47}\) HRW indicated that law enforcement continued its practice of not investigating a range of serious crimes.\(^{48}\)

26. MAAT recommended that Mozambique investigate promptly, thoroughly, impartially and independently all cases and all allegations of extrajudicial executions or unlawful killings and enforced disappearances by the security forces and ensure that perpetrators are brought to justice.\(^{49}\) HRW recommended that Mozambique establish a national database of missing persons that includes information to help locate detainees and victims of enforced disappearances and killings.\(^{50}\)

27. JS13 reported that despite the vehement repudiation by the Mozambican state at all levels, there were still cases of abduction and death of persons with albinism, with children with albinism being the most vulnerable.\(^{51}\) JS14 recommended that Mozambique accelerate the implementation of the Multi-sectoral Plan to Fight Violence against Persons with Albinism.\(^{52}\) ECLJ stated that the Government must work to educate the population on albinism and dispel the myths that albino organs or body parts possess supernatural powers.\(^{53}\)
Administration of justice, including impunity, and the rule of law

28. JS16 stated that despite reforms, the justice sector continued to face enormous challenges that made it difficult for citizens to exercise their right of access to justice, including the lack of staff, procedural delays in the execution of sentences and exorbitant legal costs. REFORMAR stated that corruption in the judiciary should not be dealt with only through disciplinary action.

29. REFORMAR urged Mozambique to improve the professionalism and human rights-based education and training for the police force.

30. JS16 indicated that the prison situation continued to be characterized by excessive overcrowding, despite the downward trend between 2016 to 2018; and that conditions of detention remained degrading. REFORMAR stated that Mozambique should monitor the implementation of the Code on the Execution of Penalties and ensure that the situation was in line with the Mandela Rules.

31. JS16 stated that impunity was a major challenge. There were very few records of cases of State agents involved in violations of human rights or corruption that had been investigated, and criminally and/or administratively sanctioned. Corruption was another major problem in the country, whose paradigmatic example was the contraction of hidden and illegal debts. JS15 stated that Mozambique should give more power to the Central Office for Combating Corruption and broaden the scope of its competencies.

32. HRW reported that the authorities had failed to investigate human rights violations allegedly committed by government security forces in 2015 and 2016 in relation to clashes with armed men from RENAMO. Impunity for serious violations and abuses by state security forces and RENAMO persisted, and parliament in July 2019 had approved a broad amnesty law that exempted RENAMO members from prosecution for crimes committed between 2014 and 2016. HRW indicated that Mozambique should adopt legislation to qualify, or completely nullify, past amnesties involving perpetrators of serious human rights abuses.

33. JS4 stated that the Government should take the necessary measures to ensure that, in cases of criminal complaints against the police, all proceedings were systematically conducted by a special and independent inter-judicial prosecutor. REFORMAR urged Mozambique to separate juvenile and adult offenders in all places of detention.

34. REFORMAR indicated that currently there were no specialized services for children in conflict with the law in the criminal justice sector. JS13 recommended that Mozambique reform the legal framework on the arrest and custody of minors, harmonizing it with the country’s obligations under international law. REFORMAR urged Mozambique to separate juvenile and adult offenders in all places of detention.

Fundamental freedoms and the right to participate in public and political life

35. JS7 raised concerns regarding the draft bill on religious registration, indicating, inter alia, that it would stifle the practice of minority religions, in some cases preventing registration altogether, particularly as it would require religious groups to possess a set minimum number of members.

36. TCC stated that the Government used criminal defamation laws to restrict the right to freedom of expression. ABA-CHR stated that Mozambique’s Penal Code continued to criminalize defamation and slander, including with sentences of up to 1-year imprisonment, or 2 years if against the President. These crimes had also been included in the revised Penal Code of 2019. In addition, defamation and slander against the President, members of the Government, parliamentarians, magistrates and other public authorities were also criminalized in the Press Law.

37. JS11 also indicated that the act of defamation, libel and slander against the Head of State and a number of high-ranking public officials were also considered a crime under the Law on Crimes against the Security of the State.

38. JS11 recommended that Mozambique ensure the freedom of expression and media freedom by bringing national legislation into line with international standards. TCC
recommended that Mozambique consider repealing criminal provisions on libel and defamation and replacing these with civil defamation provisions.\textsuperscript{75}

39. JS10 stated that despite the adoption of the Right to Information Law, implementation was hindered by provisions, which deterred access to classified information.\textsuperscript{76} JS11 indicated that serious implementation gaps of this law existed in practice, noting a study conducted in 2020 by several civil society organizations, which revealed that institutions failed to respond in a timely manner to information requests.\textsuperscript{77} JS10 recommended that Mozambique enhance capacity-building efforts to enforce the Right to Information Law, including encouraging proactive disclosure and compliance with timely responses to information requests.\textsuperscript{78}

40. JS5 stated that the legal context in which non-governmental organizations (NGOs) worked in Mozambique was one of the most restrictive in southern Africa. The Law on Association, which regulated the registration and operation of associations, includes several provisions making it difficult for civil society to work effectively. In order to be legally recognized, an association must have 10 founding members and produce an excessive number of documents. Moreover, the law included a provision specifying that the objectives of the association must not “offend public morals”, which was often used to deny registration to LGBTI associations such as the Mozambican Association for the Defense of Sexual Minorities (LAMBDA).\textsuperscript{79} JS15 noted that LAMBDA had been trying to register since 2008 without success.\textsuperscript{80}

41. JS11 recommended that Mozambique revive the dialogue with civil society to revise Law 8/91 of 18 July 1991 on associations.\textsuperscript{81} JS12 recommended that Mozambique immediately register LAMBDA and ensure the right of association and accreditation for all NGOs working on issues of sexual orientation, gender identity and expression.\textsuperscript{82}

42. JS11 indicated that it was deeply concerned by the deteriorating environment in which journalists and civil society activists operated.\textsuperscript{83} JS16 stated that in the last five years intimidation and attacks against human rights defenders had included murders, abductions, torture, disappearances and other forms of intimidation, which still needed clarification.\textsuperscript{84} JS11 referred to a report which documented 75 cases of press freedom violations between 2016 and 2019, including abductions and physical assaults.\textsuperscript{85}

43. JS11 noted that those who spoke out or provided coverage of sensitive topics, such as the “hidden” debt scandal could face intimidation and harassment.\textsuperscript{86} JS15 noted the persecution of community activists who exposed the activities of large companies.\textsuperscript{87}

44. JS15 stated that many professionals, in particular journalists, social activists and religious leaders had suffered retaliation when trying to conduct their work to protect and report on human rights in Cabo Delgado.\textsuperscript{88} Several submissions provided information regarding cases of arbitrary detentions, suspected enforced disappearances and killings of civil society actors and journalists in the region, highlighting the cases of two human rights defenders, reportedly arrested in March 2020 and later found dead, and of a journalist who disappeared in April 2020;\textsuperscript{89} as well as the arrests of community radio journalists based in the region.\textsuperscript{90} JS7 stated that the Bishop of Pemba, who had been critical over the Government response to the insurgency had been targeted by government officials.\textsuperscript{91}

45. SALC stated that Mozambique must ensure that members of civil society, journalists and human rights defenders can carry out their work freely and without fear of attacks, intimidation or harassment; and that the authorities must refrain from arbitrary arrests and detention.\textsuperscript{92}

46. JS11 indicated that violations of the constitutional rights to freedom of peaceful assembly had occurred, such as intimidation of protest organizers, unequal application of the law and the use of excessive force.\textsuperscript{93}

47. JS11 noted that Mozambique held local elections in October 2018 and general elections in October 2019. Civil society actors monitoring the elections and journalists reporting on them were subjected to threats and arbitrary arrests.\textsuperscript{94} JS16 stated that the electoral process had been undermined by systematic allegations of electoral fraud, which further undermined peace and national reconciliation.\textsuperscript{95}
48. TCC stated that Mozambique was obligated to take measures to prevent corruption, particularly in the context of campaign financing. JS16 recommended that Mozambique adopt a law to regulate transparent and equitable financing of political parties.

49. TCC noted that under the Mozambican electoral system, there was no provision to facilitate the participation of women such as a candidate gender quotas. However, at the political party level, there was a history of voluntary quotas. JS12 recommended that Mozambique adopt legislation to establish the principle of gender parity in the composition and leadership of all decision-making positions, particularly in rural areas.

Prohibition of all forms of slavery

50. ECLJ indicated that Mozambique served as a source country for human traffickers. The majority of people trafficked were women being used for sexual exploitation, although men and boys were also trafficked for use as forced labourers in industries such as mining and agriculture. Albino children were also at risk of being killed and trafficked for their organs.

51. JS3 noted a report indicating that Mozambican children were being trafficked for the purposes of sexual exploitation, indicating that natural disasters, such as cyclones, could increase the likelihood of children falling prey to traffickers. JS3 recommended that Mozambique move forward with the adoption of the national action plan against human trafficking, and make sure that it fully covered the issue of child trafficking for the purpose of sexual exploitation.

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

52. JS4 indicated that women continued to experience economic discrimination and were three times less likely than men to be represented in the public and formal private employment sectors. They often received lower pay than men for the same work and were less likely to have access to credit.

Right to social security

53. JS15 indicated that in 2016, the Cabinet had approved a national strategy for basic social security that aimed to cover 3.3 million Mozambicans by 2024, but that its implementation had been slow and far below its targets.

Right to an adequate standard of living

54. JS8 noted reports that despite economic gains, inequality rates had increased in Mozambique and called for urgent action by the Government to ensure inclusive growth in line with the objectives of the sustainable development goals (SDGs) and its five-year development plan.

55. WFM-IGP indicated that Mozambique’s population faced important challenges of malnutrition. The effects of the cyclones Idai and Kenneth in 2019 and the current COVID-19 pandemic had worsened complex challenges already presented by food insecurity in the country.

56. JS6 stated that the question of land distribution and use was inescapably linked to the right to food of rural communities. With the vast majority of the population dependent on subsistence agriculture, this activity was crucial to Mozambique’s food security. JS15 stated that Mozambique had systematically promoted agribusiness to the detriment of peasant agriculture and facilitated the misappropriation of community land and imposed agricultural programmes that rendered peasants dependent on the market and large agribusiness.

57. AI noted that lockdown measures introduced in response to COVID-19 adversely impacted the right to food of people living in low income neighbourhoods throughout the country. While the state failed to provide social protection for those living in poverty, authorities used punitive measures against people who had stepped out in search of food in low income neighbourhoods.
58. JS14 noted that in Mozambique, disability and poverty remained intrinsically linked.\textsuperscript{115}

Right to health\textsuperscript{116}

59. JS13 indicated that public health service costs remained high for most poor and extremely vulnerable household users, and that the distance between services and household users remained long. Mozambique continued to have high rates of severe and chronic malnutrition, which had a long-term impact on the lives of children, non-institutional births attended by non-professionals, infant mortality caused by preventable diseases such as malaria and diarrhoea, early pregnancy, and poor access to maternal and child health services.\textsuperscript{117}

60. JS2 noted that in 2008, Mozambique had officially declared the elimination of leprosy at the national level. However, this political declaration was not followed by measures that safeguarded surveillance, full treatment of new patients, and prevention of new infections. Instead, the government reduced the allocation of resources to the National Leprosy Control Program, with the result that the number of new leprosy cases was rising.\textsuperscript{118}

61. JS8 noted that Mozambique had high adolescent fertility rate and low levels of usage of contraceptives, which was said to be much lower in rural areas.\textsuperscript{119} JS6 noted that disincentives, such as cultural beliefs and myths around contraception, still undermined the use of modern contraceptive methods.\textsuperscript{120} JS12 indicated that religious and traditional leaders played a big role in spreading non-scientific false, misleading and stigmatizing information about sexual and reproductive health. There was also an absence of comprehensive sexuality education and widespread lack of knowledge about the origin of HIV/AIDS, prevention of sexually transmitted diseases, and family planning.\textsuperscript{121}

62. JS12 stated that the estimated HIV prevalence for women of 15–24 years was over twice that for men.\textsuperscript{122} FMSI referred a high number of children in Mozambique who were living with HIV.\textsuperscript{123} FMSI stated that Mozambique should provide resources to develop prevention campaigns in schools and other key locations.\textsuperscript{124}

63. JS12 recommended that Mozambique ensure that all women have access to free, quality sexual and reproductive health services.\textsuperscript{125} JS6 recommended that Mozambique take measures to fight against popular beliefs and myths that condemn the use of modern contraceptive methods; and to raise awareness among the population, including women and girls in rural areas, on the access to family planning and to contraceptive methods.\textsuperscript{126}

64. JS1 noted the high rates of maternal and infant mortality and stated that early pregnancy continued to be a challenge, given that nearly half of all women in Mozambique had a child before the age of 19.\textsuperscript{127} JS12 indicated that maternal mortality rates were worryingly high. Health systems had insufficient capacity, and there was a lack of quality health care during pregnancy, childbirth and the postpartum period. The government needed to not only address these challenges directly by allocating set budgets and providing better training to health-care professionals, it also needed to address challenges faced by individual women such as lack of finances for medical care and poor proximity to health facilities.\textsuperscript{128}

65. JS6 stated that access to abortion was limited for rural women who, as a result reverted to unsafe abortions.\textsuperscript{129} JS8 indicated that implementation of abortion services was poor in some health facilities where girls were being asked for payments for the services.\textsuperscript{130}

66. JS14 recommended reinforcing the budget allocation for areas of the health system that deal with the prevention and rehabilitation of disability;\textsuperscript{131} and introducing issues related to disability in the basic training of health professionals.\textsuperscript{132}

67. JS9 recommended that Mozambique enhance data collection, analysis and reporting on suicides.\textsuperscript{133}

Right to education\textsuperscript{134}

68. FMSI stated that Mozambique’s economic poverty was reflected in the education system, where inequalities persisted, based on geographical location, gender, and poverty.\textsuperscript{135} JS13 indicated that teacher absenteeism had contributed to the low quality of education. Long
distances to and from school and food insecurity contributed to the low percentages of children who completed primary school.\textsuperscript{136}

69. JS15 noted that the massive movement of refugees and the intensification of conflicts in the country caused school closures and delays/loss in the academic year by those affected.\textsuperscript{137}

70. FMSI indicated that practical experience suggested that there were children who never enrolled in schools and many who were out of school. This situation perpetuated the illiteracy rate, which was much higher in the rural areas than it was in the urban areas.\textsuperscript{138} JS1 noted that the illiteracy rate of women was much higher than that of men.\textsuperscript{139} JS4 indicated that older persons, especially women, were unlikely to have benefitted from any education. Consequently, the vast majority were illiterate and did not speak Portuguese. This greatly limited their access to information about their rights and their ability to participate in development and community activities.\textsuperscript{140}

71. JS1 stated that, although the school dropout rate had decreased, it nevertheless continued to be very high and it noted that, whereas school dropout rates had declined in urban areas, it was on the rise in rural areas.\textsuperscript{141} JS12 stated that there were major challenges retaining girls in schooling as half of them dropped out by grade 5.\textsuperscript{142} Forced early marriages and early pregnancies were big factors in girls dropping out of school. There was a severe lack of support and resources to help these girls return back to school.\textsuperscript{143}

72. JS8 stated that sexual violence in schools continued to be a huge problem and noted reports that teachers were among perpetrators.\textsuperscript{144} JS3 noted that in 2019, several local NGOs had called for action to address the “scandalous proportions” of sexual harassment and violence in schools.\textsuperscript{145}

73. JS1 recommended that Mozambique cover the basic needs of school-age children to prevent school dropout.\textsuperscript{146} JS8 stated that Mozambique should be encouraged to continue community sensitization on the importance of education for girls; and eliminate sexual violence in schools, including by investigating and punishing perpetrators.\textsuperscript{147}

4. Rights of specific persons or groups

Women\textsuperscript{148}

74. JS12 indicated that gender inequality continued to be pervasive in every sphere of society, especially in decision-making roles.\textsuperscript{149} Moreover, the feminization of poverty and the greater incidence of diseases, such as HIV/AIDS without proper health care, prevented women from enjoying their rights.\textsuperscript{150}

75. JS4 indicated that in some regions, particularly the northern provinces, women had limited access to the formal judicial system for enforcement of the rights provided under the civil code and instead relied on customary law to settle disputes. Under customary law women typically had no rights to inherit an interest in land.\textsuperscript{151} JS1 noted that campaigns were being organized against the loss of property of widows upon the death of their husbands, but without much effect, since such dispossession continued to be commonplace.\textsuperscript{152}

76. JS12 stated that the number of cases of domestic violence continued to be very high, though the number of reported cases was also increasing.\textsuperscript{153} Inefficiency and corruption within the formal system continued to be major issues and there were many “informal” ways around the legal system.\textsuperscript{154} AI indicated that during the state of emergency, there had been a sharp increase in gender-based violence cases in Mozambique.\textsuperscript{155}

77. JS12 recommended that Mozambique adopt targeted legislation and policy to expedite domestic violence cases through formal police and judicial systems; and establish state-funded shelters for victims of violence, particularly in rural and conflict-ridden areas.\textsuperscript{156} AI recommended that Mozambique ensure that prevention of, and protection from, gender-based and domestic violence form an integral part of national responses to pandemics and other emergencies.\textsuperscript{157}
Children

78. JS13 indicated that despite government efforts, Mozambique continued to have high rates of children without birth registration and recommended increasing allocation of resources to district civil registration offices to ensure quality, comprehensive birth registration closer to communities.  

79. JS8 noted that harmful customary practices such as initiation rites had affected adversely the sexual reproductive health and rights of girls in the country. JS13 recommended that district governments interact with community leaders concerning initiation rites and identify best practices and challenges.  

80. JS8 stated that Mozambique was one of the countries with the highest rates of early marriages. JS8 noted that throughout the state of emergency and during the state of calamity many girls had seen their rights violated, including through increased child, early and forced marriage.  

81. JS1 noted the adoption of the Act on Preventing and Combating Child Marriage, which criminalizes the marriage of minors. JS8 expressed concern that the National Strategy for Preventing and Combating Child Marriages (2016–2019) had become outdated as the period of implementation of the policy ended. Moreover, reports showed that there was little knowledge among boys and girls about the existence of the law that protects them against child marriages.  

82. JS1 stated that violence against minors remained culturally entrenched in Mozambique, with a large number of cases of sexual violence and abuse. JS4 noted that the Law for the Protection of the Rights of the Child 2008 included the concept of “justifiable discipline”, which provided a legal defence for the use of physical punishment in childrearing. JS4 recommended repealing or amending the law so that it clearly states that no corporal punishment is acceptable or lawful. JS1 recommended that Mozambique develop initiatives to help and protect children and young people, including social programmes for families and society as a whole that would seek to raise awareness about the issue.  

83. JS1 reported the adoption of the 2017–2022 National Action Plan for Combating the Worst Forms of Child Labour. It nevertheless expressed concern about the fact that child labour continued to be prevalent, especially in poor families. In many cases, children in rural areas were forced to move to cities and abandon their studies in order to help support their families. FMSI observed that the legislation against hazardous child labour and the employment of children below the age of 15 was not effectively implemented. Due to the COVID-19 pandemic and consequent closure of schools, child labour in urban areas had grown to an alarming rate. JS13 stated that the implementation of punitive measures for child labour exploiters was urgent. JS13 recommended the adoption of a Code of Conduct on the Protection and Safeguarding of Children in Business.  

84. JS3 noted reports by local activists that disasters in recent years, such as droughts and floods, have increased the economic difficulties of low-income families and driven more women, and potentially girls, into prostitution. JS3 also indicated that there were no specific legal provisions on the exploitation of children in prostitution.  

85. JS13 indicated that military tensions had had a negative impact on children. A large number of children had had their school year interrupted and had not been able to receive vaccinations.  

Persons with disabilities  

86. JS14 stated that there were many situations of violence against persons with disabilities, including children, and recommended that Mozambique review child protection systems, including legislation, and formal and informal institutions to make them inclusive for children with disabilities.  

87. JS14 recommended that Mozambique accelerate the process of finalizing the Draft Law for the Promotion and Protection of the Rights of Persons with Disabilities in line with the CRPD through an inclusive and participatory process, which should include specific elements regarding the establishment of an awareness-raising programme.
Migrants, refugees, asylum seekers and internally displaced persons

88. AI indicated that it had received worrying reports of arbitrary arrests and attempts to deport refugees by the security forces. In 2019, several special mechanisms of the African Commission on Human and Peoples’ Rights sent a joint letter of appeal regarding allegations of the arbitrary detention of 16 refugees and migrants. MAAT recommended that Mozambique respect the principle of non-refoulement and refrain from arbitrary arrest and forcible return of foreign nationals without due process.

89. JS15 indicated that the population displaced by the insurgency in Cabo Delgado and elsewhere lived in inhumane conditions in the accommodation centres, and that many children lived away from their parents in a situation of vulnerability. WCC-CCIA reported that the province of Cabo Delgado was hard hit by the COVID-19 virus. Displaced persons were crammed together in living conditions that increased the risk of transmission, and with minimal health services available.

Notes

1 The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

- ABA-CHR: American Bar Association Center for Human Rights, Washington DC (United States of America);
- AI: Amnesty International, London (United Kingdom);
- ECLJ: European Centre for Law and Justice, Strasbourg (France);
- FMSI: Marist International Solidarity Foundation International, Rome (Italy);
- HRW: Human Rights Watch, Geneva (Switzerland);
- IHR Council: International Human Rights Council, Chicago, (United States of America);
- MAAT: Maat Foundation for Peace, Development and Human Rights Cairo (Egypt);
- PGA: Parliamentarians for Global Action, New York (United States of America);
- REFORMAR: Research for Mozambique, Maputo (Mozambique);
- SALC: Southern Africa Litigation Centre, Johannesburg (South Africa);
- TCC: The Carter Center, Atlanta (United States of America);
- WCC-CCIA: World Council of Churches Commission of the Churches on International Affairs, Geneva (Switzerland);

Joint submissions:

- JS1: Joint submission 1 submitted by: Istituto Internazionale Maria Ausiliatrice, Veyrier (Switzerland), VIDES International – International Volunteerism Organization for Women, Education, Development;
- JS2: Joint submission 2 submitted by: International Federation of Anti-Leprosy Associations, Chatelaine (Switzerland), NLR Mozambique, The Leprosy Mission Mozambique, AIFO Mozambique, ALEM0 Cabo Delgado, and ADEMO Monapo;
- JS3: Joint submission 3 submitted by: ECPAT International, Bangkok (Thailand), and Rede da Criança;
- JS4: Joint submission 4 submitted by: Fórum da Terceira Idade, Maputo (Mozambique), Associação Moçambicana de Assistência ao Idoso, Associação dos Aposentados de Moçambique, e Associação de Apoio ao Idoso;
- JS5: Joint submission 5 submitted by: International Service for Human Rights, Geneva (Switzerland), and Centro para Democracia e Desenvolvimento;
JS6 Joint submission 6 submitted by: Human Dignity, Paris
(France), Association for Education, Health, Environment and
Social Communication, Ipas Mozambique, and Kulima;

JS7 Joint submission 7 submitted by: ADF International, Geneva
(Switzerland), Ethics & Religious Liberty Commission of the
Southern Baptist Convention, and Jubilee Campaign;

JS8 Joint submission 8 submitted by: Coligação para a
Eliminação de Uniões Prematuras, Maputo (Mozambique),
Fórum da Sociedade Civil para os Direitos da Criança
(ROSC), Associação Amigos da Criança Boa Esperança
(ACABE), Action Aid Moçambique, Associação dos
Defensores dos Direitos da Criança (ADDC), Aliança Inter-
Religiosa para Advocacia e Desenvolvimento Social
(AIRDES), Associação Sócio-Cultural Horizonte Azul
(ASCHA), Associação Mulher Lei e Desenvolvimento
(MULEIDE), Associação Moçambicana de Mulheres da
Carreira Jurídica (AMMJC), Associação Solidariedade
Zambézia (ASZ), Associação Wona Sanana, Centro de
Aprendizagem e Capacitação da Sociedade Civil (CESC),
Centro de Direitos Humanos da Faculdade de Direito da
UEM, Comunidade Moçambicana de Ajuda (CMA), Coalizão
da Juventude Moçambicana, Conselho das Religiões de
Moçambique (COREM), Fanela Ya Mina, Fundação Apoio
Amigo (FAA), Fundação para o Desenvolvimento da
Comunidade (FDC), Fórum Mulher, Fórum Nacional das
Rádios Comunitárias (FORCOM), Girl Move Foundation,
Iniciativa Africana para a Criança em Moçambique (HACI),
Iniciativa Regional de Apoio Psicossocial (REPSSI), Le
Musica, Liga dos Direitos da Criança da Zambézia (LDC),
Associação Linha Fala Criança, Movimento de Educação Para
Todos (MEPT), Mulher e Lei na África Austral (WLSA),
N’weti, Plan International, Pathfinder International, Rede
Comunicadores Amigos da Criança (RECAC), Rede da
Criança, Rede Homens pela Mudança (HOPEM), Save the
Children, Rede Provincial de Proteção da Criança de Sofala
(SOPROC), Terre des Hommes Alemanha, Terre des
Hommes Itália, Terre des Hommes Schweiz, Voluntary
Service Overseas (VSO), World Vision Mozambique, Young
Women Christian Association, Associação Jovem para Jovem
(AJPJ), Associação Moçambicana para o Desenvolvimento da
Família (AMODEFA), Associação Grito das Crianças
Desfavorecidas (AGCD), Associação Progresso, Rede
Provincial de Proteção da Criança de Nampula
(REPROCRINA), Associação para o Fortalecimento
Comunitário UATAF-AFC, Child-fund, Family Health
International 360 (FHI 360), Malhalhe, Nova Vida, Nafeza,
AMPARAR, Right to Play Mozambique, H2n-Melhorando
Vidas, Associação Kanimambo, Associação Crianças na
Sombra, Plataforma SUN, Conselho Islâmico de Moçambique,
Associação Jovens de Sucesso, Associação Kuvumbana, and
UDEBA-LAB: Unidade de Desenvolvimento de Educação
Básica – laboratório);

JS9 Joint submission 9 submitted by: Center for Global
Nonkilling, Grand-Saconnex (Switzerland), and Conscience
and Peace Tax International;

JS10 Joint submission 10 submitted by: Small Media London
(United Kingdom), The Collaboration on International ICT
Policy in East and Southern Africa (CIPESA), Fórum das
Associações Moçambicanas das Pessoas com Deficiência
(FAMOD), and The Association of the Blind and Partially
Sighted of Mozambique (ACAMO);
Joint submission 11 submitted by: CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa), Joint – Liga das ONGs em Moçambique;

Joint submission 12 submitted by: The Sexual Rights Initiative, Ottawa (Canada), the Coalition of African Lesbians, and the Young Feminist Movement of Mozambique;

Joint submission 13 submitted by: Coalition of Child Rights focused NGOs for UPR-Mozambique, Maputo (Mozambique), Rede CAME, Rede da Criança, ROSC; Save the Children, ADRA, Aldeia de Crianças SOS Mozambique, Diakonia, Right To Play, Terre des Hommes Mozambique, ChildFund Mozambique and FDC);


Joint submission 15 submitted by: Justiça Ambiental JA! Maputo (Mozambique), Alternactiva; Associação de Projectos e Pesquisas (APROPE – Association of Projects and Research); Centro de Democracia e Desenvolvimento (CDD – Center for Democracy and Development); Hikone – Associação para o Empoderamento da Mulher (Association for Women’s Empowerment); Justiça Ambiental (JA! – Environmental Justice); Observatório Cidadão para a Saúde (OCS – Citizens Observatory for Health); União Nacional de Camponeses (UNAC – National Peasants Union);

Joint submission 16 submitted by: the Monitoring Forum for the UN Universal Periodic Review (UPR) Mechanism for Human Rights in Mozambique (FMMRPU) a platform of more than 150 Civil Society Organizations (CSOs) and individual activists.

Regional intergovernmental organization(s):

The following abbreviations are used in UPR documents:
ICERD International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR Optional Protocol to ICESCR;
ICCPR International Covenant on Civil and Political Rights;
ICCPR-OP 1 Optional Protocol to ICCPR;
ICCPR-OP 2 Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW Optional Protocol to CEDAW;
CAT Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT Optional Protocol to CAT;
CRC Convention on the Rights of the Child;
OP-CRC-AC Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC  Optional Protocol to CRC on a communications procedure;
ICRMW  International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD  Convention on the Rights of Persons with Disabilities;
OP-CRPD  Optional Protocol to CRPD;
ICPPED  International Convention for the Protection of All Persons from Enforced Disappearance.

3 For the relevant recommendations, see A/HRC/32/6, paras. 128.1–128.12, 128.31–128.39
129.1–129.4, 130.1–130.10.
4 ABA-CHR, para. 3 and AI para. 1.
5 ABA-CHR, para. 5, AI p. 6, JS15, para. 1, MAAT, p. 7, and TCC, para. 6.
6 JS1, para. 9 (a).
7 ABA-CHR, para. 5, AI, p. 6, JS9, p. 7, and JS15, para. 1.
8 HRW, para. 11, JS9, p. 10, PGA, p. 3, and WFM-IGP, para. 4.1.1.
9 JS16, para. 4.3 and ABA-CHR, para. 3.
10 JS5, p. 4.
11 JS16, para. 5.
12 For the relevant recommendations, see A/HRC/32/6, paras. 128.13–128.26, 128.41, 128.41, 130.11.
13 JS8, para. 10.1–10.2.
14 For the relevant recommendation, see A/HRC/32/6, para. 128.14 (Norway).
15 ABA-CHR, para. 4.
16 JS15, para. 7. See also AI, para. 5.
17 JS4, para. 14. See also AI, p. 4.
18 JS14, para. 37.
19 REFORMAR, p. 5.
20 For the relevant recommendations, see A/HRC/32/6, paras. 128.42–128.45, 128.66–128.67,
129.5, 129.11–129.13, 130.12–130.13.
21 JS4, para. 28.
22 JS4, para. 30.
23 JS12, para. 34.
24 For the relevant recommendations, see A/HRC/32/6, paras. 128.27–128.28, 128.134,
25 ABA-CHR, para. 6. See also JS12, para. 3.
26 JS11, para. 3.4.
27 JS8, para. 4.1. See also JS12 para. 6.
28 AU-ACHPR, p. 4.
29 JS15, para. 38.
30 JS4, para. 16.
31 AI, para. 3.
32 JS5, p. 4. See also JS15, para. 37 and JS16, para. 5.16.
33 For relevant recommendations see A/HRC/32/6, paras. 128.65–128.66, 128.73–128.74,
34 JS16, para. 4.14. See also JS8, para. 4.3.
35 ABA-CHR, paras. 7–14, AI, paras. 8–11, ECLJ, paras. 3, 12–19, and 26, HRW, paras 8–10, IHR
Council, pp. 2–3, JS4, para. 36, JS5, p. 2, JS7, paras. 4–12, JS8, para. 4.3, JS10, paras. 8 and 12, JS11,
paras. 3.2 and 3.6–3.7, JS12, paras. 4 and 17, JS13, paras. 21–22, JS15, paras. 5, 12, 16, 19, 21, 24,
27, 34, 39 and 44, JS16, para. 4.14, MAAT, pp. 1–2 and 7, SALC, pp. 3–4, WCC-CCIA, pp. 1–2, and
WFM-IGP, para. 2.4.
36 ABA-CHR, para. 7.
37 SALC, p. 4. See also AI, para. 8.
38 ECLJ, para. 3, JS7, para. 6, and WCC-CCIA, p. 1.
39 AI, para. 11.
40 WFM-IGP, para. 2.4. See also JS8, para. 4.3 and SALC, pp. 3–4.
41 JS12, para. 4.
42 MAAT, p. 1. See also ABA-CHR, paras. 8–13, AI, para. 8, JS4, para. 36 and
JS16, para. 4.14.
43 ABA-CHR, para. 9.
44 HRW, para. 9.
45 SALC, p. 4. See also WCC-CCIA, p. 2.
46 JS16, para. 5.13.
47 REFORMAR, p. 4.
48 HRW, para. 2. See also MAAT, p. 4.
49 MAAT, p. 7. See also ABA-CHR, para. 14 and AI, p. 5.

JS16, para. 4.10. See also REFORMAR, p. 6.
REFORMAR, p. 8.
REFORMAR, p. 2.
JS16, para. 4.11. See also MAAT, p. 5.
REFORMAR, p. 6. See also JS16, para. 5.9.
JS16, para. 4.10.
JS15, para. 8.
HRW, paras. 4–5.
HRW, para. 7.
JS4, para. 40.
REFORMAR, p. 4.
REFORMAR, p. 10. See also JS13, para. 6.
JS13, recommendation 25.
REFORMAR, p. 6.
For relevant recommendations see A/HRC/32/6, paras. 128.61, 128.122–128.125, 128.127–128.128, 129.30–129.37, 130.13.
JS7, para. 19.
TCC, para. 13.
ABA-CHR, para. 19.
JS11, para. 4.3. See also JS15, para. 23 and JS16, para. 4.6.
JS11, para. 6.3.
TCC, para. 14. See also ABA-CHR, para. 20.
JS10, para. 15.
JS11, para. 4.6. See also JS15, para. 25.
JS10, para. 29(a).
JS5, pp. 2–3. See also JS11, para. 2.5 and JS16, para. 4.4.
JS15, para. 13. See also JS12, para. 36.
JS11, para. 6.1. See also JS5, p. 4 and JS16, para. 5.3.
JS12, p. 8. See also JS5, p. 4 and JS11, para. 6.1.
JS11, para. 1.5. See also JS15, para. 11.
JS16, para. 4.5. See also ABA-CHR, para. 15, AI, para. 12, JS15, para. 6, and SALC, p. 1.
JS11, para. 3.8.
JS11, para. 3.4.
JS15, para. 41.
JS15, para. 12.
ABA-CHR, paras. 10–11, AI, para. 9, JS10, para. 12, JS11, paras. 3.6–3.7, JS15, para. 39, MAAT, p. 3, and SALC, p. 3.
JS5, p. 2, JS11, para. 3.6, and SALC, p. 2.
JS7, para. 7. See also ABA-CHR, para. 13, AI, para. 15, and JS15 para. 12.
SALC, p. 3. See also ABA-CHR, para. 20, AI, p. 5, JS11, para. 6.1, JS16, paras. 5.5 and 6.3, and MAAT, p. 7.
JS11, para. 5.3. See also JS16, para. 4.7 and MAAT, p. 6.
JS11, para. 3.3. See also JS5, p. 2, JS10, para. 5, MAAT, pp. 5–6, and SALC, p. 3.
JS16, para. 4.8.
TCC, para. 25.
JS16, para. 5.7.
TCC, para. 17.
JS12, p. 3.
For relevant recommendations see A/HRC/32/6 paras. 128.104, 128.106.
ECLJ, para. 20.
JS3, para. 9.
JS3, p. 10.
For relevant recommendations see A/HRC/32/6, paras. 128.40.
JS4, para. 46.
For relevant recommendations see A/HRC/32/6, paras. 128.126.
JS15, para. 28.
For relevant recommendations see A/HRC/32/6, paras. 128.129–128.135.
For relevant recommendations see A/HRC/32/6, paras. 128.136–128.143.

JS13, para. 15.
JS2, para. 4.
JS8, para. 5.1. See also JS13, para. 12.
JS6, para. 33.
JS12, para. 20.
JS12, para. 24.
FMSI, p. 3.
JS12, p. 6. See also JS4, para. 48 and JS8, p. 8, para. C.
JS6, paras. 35–36. See also JS4, para. 48.
JS1, para. 25.
JS12, para. 24. See also JS1, para. 26(a) (b).
JS6, para. 23.
JS8, para. 5.3.
JS14, para. 73.
JS14, para. 80.
JS9, p. 8.
For relevant recommendations see A/HRC/32/6, paras.128.56–128.60, 128.91, 128.144–128.154, 129.22.
FMSI, p. 3.
JS13, para. 16.
JS15, para. 31.
FMSI, p. 2.
JS1, para.27. See also JS12, para. 28.
JS4, para. 51.
JS1, paras. 13–14.
JS12, para. 28.
JS12, para. 29. See also JS8, para. 9.3.
JS8, para. 8.2. See also JS15, para. 32.
JS3, para. 6.
JS1, para. 15 (d).
JS8, p. 9, para. D. See also JS12, p. 7.
For relevant recommendations see A/HRC/32/6, paras. 128.40, 128.43–128.44, 128.46–128.55, 128.58, 128.61–128.64, 128.89–128.91, 128.96, 128.127–128.128, 129.6–129.10.
JS12, para. 9.
JS12, para. 11.
JS4, para. 46.
JS1, paras. 28–29.
JS12, para. 15.
JS12, para. 16.
AI, para. 7.
JS12, p. 4.
AI, p. 4. See also JS8, p. 8, para. C.
For relevant recommendations see A/HRC/32/6, paras. 128.44, 128.54, 128.57, 128.103, 128.106, 128.120, 129.15–129.22.
JS13, para. 8 and recommendation 3.
JS8, para. 9.2.
JS13, recommendation 9.
JS8, para. 9.1. See also JS3, paras. 12–13 and FMSI, p. 5.
JS8, para. 10.3.
JS1, para. 7. See also FMSI, p. 5 and JS3, para. 23.
JS8, para. 6.1.
JS8, para. 6.3.
JS1, para. 20.
JS4, para. 37. See also JS13, paras. 8–9 and recommendation 6.
169 JS1, para. 23(a) (b) (c).
170 JS1, para. 22.
171 FMSI, p. 4.
172 JS13, recommendation 34.
173 JS13, recommendation 31.
174 JS3, para. 5.
175 JS3, para. 16.
176 JS13, para. 22.
177 For relevant recommendations see A/HRC/32/6, paras. 128.44, 128.155.
178 JS14, para. 44.
179 JS14, para. 48.
180 JS14, paras. 31 and 43.
181 For relevant recommendations see A/HRC/32/6, paras. 128.156, 129.39.
182 AI, para. 18.
183 AU-ACHPR, p. 7. See also AI, paras. 18–19 and MAAT, p. 6.
184 MAAT, p. 7.
185 JS15, para. 34. See also AI, para. 10.
186 WCC-CCIA, p. 2.