

## MOZAMBIQUE UNIVERSAL PERIODIC REVIEW, THIRD CYCLE:

### ***INPUTS FROM THE COALITION OF MOZAMBIKAN CIVIL SOCIETY ORGANIZATIONS<sup>1</sup>***

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<sup>1</sup> <sup>□</sup> Organizations involved: Alternactiva; Associação de Projectos e Pesquisas (APROPE – Association of Projects and Research); Centro de Democracia e Desenvolvimento (CDD – Center for Democracy and Development); Hikone; Justiça Ambiental (JA! - Environmental Justice); Observatório Cidadão para a Saúde (OCS – Citizens Observatory for Health); União Nacional de Camponeses (UNAC – National Peasants Union).

## 1. Acceptance of international norms

N .	Situation / context in country	Recommendation(s) from 2 <sup>nd</sup> cycle UPR	Civil society recommendation
1	<p><b>Treaties not yet ratified by Mozambique</b></p> <p>Mozambique has not yet ratified some important international Human Rights instruments.</p>	<p>129.3 129.1 129.2 128.1 128.2 130.3 130.4 130.2 130.5 130.7 128.3 128.4 128.5 128.6 128.7 128.8 130.1 128.9 128.10</p>	<p>Mozambique should ratify the International Convention for Protection of All Persons from Enforced Disappearance; sign and ratify the International Covenant on Economic, Social and Cultural Rights; and the Optional Protocol to the International Covenant on Civil and Political Rights.</p>
2	<p><b>Free trade agreements and bilateral investment treaties</b></p> <p>Mozambique is signatory to numerous trade and investment agreements and treaties that safeguard rights for investors - including the power to sue the Mozambican state through the ISDS<sup>2</sup> mechanism - and that can have a negative impact</p>	<p>--</p>	<p>Mozambique should:</p> <ul style="list-style-type: none"> <li>- review all of its treaties and agreements that grant rights to investors and demand the withdrawal of the clause authorizing the use of the ISDS or similar mechanism;</li> <li>- establish precedence of human rights over trade and investment agreements in domestic</li> </ul>

	<p>on the advancement of human rights, environment and labour policies, among others. Civil society organizations have warned the government about these risks but they have been largely ignored.</p>		<p>legislation; - assess human rights risks in all future treaty and investment agreement negotiation processes.</p>
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## **2. Cooperation with special procedures**

<b>N</b>	<b>Situation / context in country</b>	<b>Recommendation(s) from 2<sup>nd</sup> cycle UPR</b>	<b>Civil society recommendation</b>
3	<p><b>Pending requests</b></p> <p>Mozambique has several pending requests for visits – The Independent Expert on External Debt (since 2016); Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions (2008); the Special Rapporteur for Food (2010); the Working Group on Business and Human Rights (2019) and the Working Group on Discrimination against Women and Girls (2019).</p>	<p>– 128.36 128.37 128.38</p>	<p>Mozambique should settle pending invitations.</p>
4	<p><b>Special Rapporteur for adequate housing</b></p> <p>Populations affected by megaprojects in Mozambique live in poor conditions that threaten human life. Both resettled (resettled by Vale Mozambique; Indian Coal Ventures Lda, Jindal Africa, all in Tete province) and non-resettled populations (the</p>	<p>--</p>	<p>Mozambique should invite this Special Rapporteur to visit the country, particularly these places.</p>

	<p>communities of Bagamoyo, Primeiro de Maio, Liberdade, Nhantchere live adjacent to the mine operated by Vale Mozambique, and their houses have numerous cracks caused by mining explosions).</p>		
5	<p><b>Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism</b></p> <p>While Mozambique has been facing a situation of armed conflict in Cabo Delgado province since 2017, which is linked to poverty, inequality, and feeling of injustice among local populations, members of the country's Defence and Security Forces have committed barbaric human rights violations, killings, torture, kidnappings, and persecutions of communities.</p>	--	<p>Mozambique should invite this Special Rapporteur to visit the country, specifically Cabo Delgado province.</p>
6	<p><b>Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression</b></p> <p>The media in Mozambique, as well as activists, progressivist scholars and civil society in general, are severely affected by the weaknesses in the country's democracy.</p>	--	<p>Mozambique should invite this Special Rapporteur to visit the country and investigate on these issues thoroughly.</p>

	This includes constraints such as limitation on freedom of press and expression through intimidation, threats and legal proceedings against journalists, newspapers, scholars.		
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**3. Institutional infrastructure, legal framework and human rights policy measures**

<b>N .</b>	<b>Situation / context in country</b>	<b>Recommendation(s) from 2<sup>nd</sup> cycle UPR</b>	<b>Civil society recommendation</b>
7	<p><b>National Human Rights Commission (NHRC)</b></p> <p>The NHRC is already functioning but with very limited competencies. It can only submit its annual reports and views to the Assembly of the Republic, and cannot use them publicly without prior government authorization. The NHRC is still financially dependent on the General State Budget, which compromises its independence. Countless state institutions have not been cooperating with the work of the NHRC, and despite numerous attempts, have not responded to its communications and recommendations. The NHRC has an office only in the capital city of the country, which delays its actions when it has to move to other provinces.</p>	<p>128.15 128.16 128.17 128.19 128.20 128.22 128.23 128.96 128.21 128.24 128.77 128.76 128.78</p>	<p>Mozambique should strengthen the institutional capacity and expand the competencies of the NHRC, particularly:</p> <ul style="list-style-type: none"> <li>- ensure the financial, political and technical independence of this institution;</li> <li>- strengthen the technical and human capacity of the NHRC so that it can establish offices in all provinces of the country;</li> <li>- enable the NHRC to take cases to court, issue binding recommendations and issue legal opinions that can be used in court, based on the results of its investigations</li> </ul>

			<p>and monitor situations of HR violations;</p> <ul style="list-style-type: none"> <li>- ensure that the reports of the NHRC are presented publicly in the Assembly of the Republic (rather than just be submitted), so that this information is available and can be used by the general public;</li> <li>- that the requests and recommendations made by the NHRC to other state institutions, particularly the Ministry of the Interior, Ministry of Defence, Attorney General's Office, are urgent and mandatory.</li> </ul>
8	<p><b>Anti-corruption</b></p> <p>The Anti-Corruption Law was developed and the Central Office for Combating Corruption (GCCC) was created. However, the director of this Office is appointed by the Attorney General, who under the Constitution is appointed by the President of the Republic, which creates a</p>	<p>129.27 129.28 129.25 129.26 129.29 128.76 128.78 128.118 128.119</p>	<p>Mozambique should give more power to the GCCC and broaden the scope of its competencies. There is a need to democratize government structures and turn human rights into the cornerstone of public policy.</p>

	<p>situation of apparent subordination of the GCCC to political power. The powers of the GCCC under law 6/2004 are only to investigate crimes of corruption and economic participation in business, leaving aside other crimes related to corruption, such as misappropriation of state funds, embezzlement, abuse of office or function, illicit enrichment, influence peddling.</p>		
9	<p><b>Popular Action Law</b></p> <p>This Bill was submitted to Parliament in 2001 and has not yet had an outcome. It is an important legal instrument that has been demanded by various civil society organizations.</p>	--	<p>Mozambique should take the necessary steps to approve this Bill.</p>

#### ***4. Cooperation with human rights mechanisms***

<b>N</b>	<b>Situation / context in country</b>	<b>Recommendation(s) from</b>	<b>Civil society recommendation</b>
10	<p><b>Recommendations from the previous UPR cycle</b></p> <p>Many recommendations provided to Mozambique in the 2nd cycle of the UPR still lack proper implementation, with particular attention to:</p>	<p><b>2<sup>nd</sup> cycle UPR</b> 128.30</p>	<p>Mozambique should ensure the implementation of these recommendations, with active engagement of civil society.</p>

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***5. Cooperation with civil society***

N .	Situation / context in country	Recommendation(s) from 2 <sup>nd</sup> cycle UPR	Civil society recommendation
1 1	<p><b>Hostile climate between government and civil society organizations</b></p> <p>There is a climate of antagonism between the government and some civil society organizations that take a critical stance, which is contrary to the democratic spirit and the rights enshrined in the Constitution of the Republic, as well as contributing to exacerbate social tensions, conflicts and feeling of injustice among youth and activists, with serious consequences for peace and human rights.</p>	<p>128.41 128.29 128.121 129.31 129.30 129.32 129.35 129.33 128.123 128.126 129.36 128.30</p>	<p>Mozambique should value and encourage the diversity of positions and actions of different civil society stakeholders and undertake a narrative of inclusion, respect and ongoing dialogue.</p>
1 2	<p><b>The role of civil society in the conflict in Cabo Delgado</b></p> <p>The situation of insurgency and violence in Cabo Delgado province is serious and requires multiple analysis and collaboration of different sectors of civil society. Many professionals, in particular journalists, social activists (mainly at community level) and religious leaders (such as the recent verbal attacks on the Bishop of Pemba) have suffered verbal or physical retaliation when trying to conduct their work to protect HR or to</p>	<p>128.41 128.79 128.77 128.76 128.78 128.126</p>	<p>Mozambique should promote the union of civil society in the search for solutions to the conflict in Cabo Delgado, as well as look to civil society, particularly journalists, scholars and social and community activists as key players in the resolution of these conflicts. It should also ensure the protection of all social players on the spot, and promptly investigate any alleged violations of HR.</p>

	report violations on HR.		
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## 6. Implementation of international obligations

### A. Equality and non-discrimination

N .	Situation / context in country	Recommendation(s) from 2 <sup>nd</sup> cycle UPR	Civil society recommendation
1 3	<p><b>Civil society organizations prevented from formal registration</b></p> <p>Discrimination against organizations dealing with sexual orientation and gender identity issues, such as LAMBDA, which has been trying to register since 2008 without success, persists.</p>	<p>129.11 129.12 129.13 128.39 130.12 130.13 128.79 128.45 129.5 129.37 129.34 129.36</p>	<p>Mozambique should follow the principle of equity and allow the registration of organizations with no discrimination based on sexual orientation.</p>
1 4	<p><b>Discrimination against minorities and vulnerable groups</b></p> <p>Minority or vulnerable social groups (such as the elderly, people with albinism, people with disabilities, and ethnic and racial minorities) continue to suffer discrimination and violence in various public institutions and in their daily lives.</p>	<p>128.41 128.96 128.39 128.43 128.44 128.45 128.47 128.46 128.48 128.64</p>	<p>Mozambique should:</p> <ul style="list-style-type: none"> <li>- implement a policy of zero tolerance against discrimination of minorities and vulnerable groups;</li> <li>- invest in education and awareness raising on issues regarding minority discrimination.</li> </ul>

### B. Gender equality and violence against women

N .	Situation / context in country	Recommendation(s) from 2 <sup>nd</sup> cycle UPR	Civil society recommendation
1 5	<p><b>Domestic violence and difficulties accessing justice</b></p>	<p>128.96 128.68 128.69</p>	<p>Mozambique should:</p> <ul style="list-style-type: none"> <li>- create specific</li> </ul>

	<p>Although the law states that cases of GBV should be executed urgently by the Public Prosecutor's Office (72 hours), the lack of prompt proceedings in these cases predominates. Victims of domestic violence continue to be exposed to the perpetrator after reporting the crime, since there are no transitory accommodation centres; and they are often victims of even more violence, abuse, and active and passive corruption by police officers who assist the victims.</p>	<p>128.70 128.71 128.79 128.72 128.75 128.107 128.89 128.90 128.91</p>	<p>policies for training police officers and technicians in the Offices Assisting Families Victim of Domestic Violence;</p> <ul style="list-style-type: none"> <li>- ensure speed up of proceedings for GBV cases;</li> <li>- ensure the presence and readiness of a psychologist in the Victims' Assistance Offices;</li> <li>- create a transitory accommodation centre for women victims of GBV, in order to shelter them from the perpetrator during the proceedings;</li> <li>- improve the working conditions of professionals who assist women who are victims of GBV.</li> </ul>
1 6	<p><b>Women displaced due to the conflict in Cabo Delgado</b></p> <p>In addition to direct violence, women also suffer from indirect violence for their role in</p>	129.38	<p>Mozambique should act to comply with the Kampala Convention and ensure better conditions for survival of those displaced by the conflict. It should also appoint a</p>

	<p>supporting and sustaining the family. The accommodation centres for people displaced by the conflict have recorded numerous cases of gender-based violence, rape, and demands for sexual favours in exchange for food.</p>		<p>working committee to strengthen the monitoring of protection, communication, participation, coordination and management of conflicts, while observing gender equality.</p>
1 7	<p><b>Submission and discrimination against women</b></p> <p>Historic discrimination and oppression of women in society contributes to women's fear of seeking justice in situations of violence or discrimination, including when they are served in public institutions.</p> <p><b>Loss of inheritance, property and land</b></p> <p>Due to the poor implementation of inheritance laws and the family law, as well as lack of information and guidance among women and families, widowed women have suffered misappropriation of their assets.</p> <p><b>Forced unions</b></p> <p>Many women and girls are still forced to enter into premature unions.</p>	<p>128.41 128.96 128.123 128.134 128.45 128.47 128.46 128.48 128.64 129.6 129.8 128.93</p>	<p>Mozambique should implement ratified instruments such as CEDAW, the Beijing Declaration and the African Charter on Human and Peoples' Rights; and implement and widely disseminate the Law of Succession and Family Law, making the population aware of the importance of a will.</p>
1	<p><b>Women working in the</b></p>	128.41	Mozambique should

8	<p><b>informal sector</b></p> <p>Women in informal and cross-border trade have faced various types of violence, such as looting of their goods, harassment and extortion. In view of the COVID-19 prevention measures and the restructuring of local markets, thousands of women have been left without room to trade, in a process characterized by violence, looting of goods, extortion.</p>	<p>128.79 128.74 128.88 128.129</p>	<p>end extortion and violence against informal workers and punish police officers involved in these practices. The municipal stance should be based on dialogue and inclusive land-use planning.</p>
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### C. The right to life, freedom, physical and moral integrity

N	Situation / context in country	Recommendation(s) from 2 <sup>nd</sup> cycle UPR	Civil society recommendation
19	<p><b>Conflict in Cabo Delgado and other regions of the country</b></p> <p>Numerous cases of abuse of power, extortion and excessive use of force against defenceless citizens by the country's defence and security forces have been reported, both in Cabo Delgado and in other regions of the country suffering from armed conflicts. Women and children have been particularly affected by this violence. Young people and adolescents have been randomly</p>	<p>128.41 128.96 128.68 128.69 128.70 128.71 128.79 128.72 128.75 128.74 128.88 128.99</p>	<p>Mozambique should consider the various reports of violence and abuse of power by the defence and security forces seriously, and carry out investigations to deepen the scope of the cases and punish those who are responsible.</p>

	kidnapped, murdered and tortured on charges of being insurgents. The government has positioned itself to deny any human rights violations by the defence and security forces, without carrying out investigations.		
20	<p><b>COVID-19 as a catalyst for HR violations</b></p> <p>There have been many cases of abuse of power and undue use of force by police in the context of the State of Emergency imposed by the COVID-19 pandemic. Police have reacted aggressively and punitively to minor infractions, citizens have been arrested, beaten, and even murdered for not respecting measures of the State of Emergency, and no provision has been made to punish those involved in these abuses.</p>	128.41 128.96 128.68 128.69 128.70 128.71 128.77 128.76 128.78 128.72 128.75 128.74 128.88 128.107 128.112 128.113	Mozambique should investigate abuses perpetrated during the State of Emergency and invest in capacity building and training police forces on issues related to human rights and gender justice.

#### D. Extrajudicial, summary or arbitrary executions

N	Situation / context in country	Recommendation(s) from 2 <sup>nd</sup> cycle UPR	Civil society recommendation
21	<p><b>Conflict in Cabo Delgado</b></p> <p>Citizens residing in Palma district have been victims of extrajudicial, summary and arbitrary executions for suspicion</p>	128.41 128.96 128.68 128.69 128.70 128.71 128.79 128.77	Mozambique should investigate these arbitrary arrests, disappearances and summary executions, hold the perpetrators civil and criminally liable, and enforce that

<p>of being part of the insurgent group or supporting them. In the period between March and August 2020, some executed bodies were found on vacant lots without any information about the perpetrators of such action. In September, a video of a woman being beaten and murdered by alleged members of the defence and security forces was circulated. Families have been victims of extortion by police and military officers so that they are not accused of insurgency.</p>	<p>128.76 128.78 128.72 128.75 128.74 128.88</p>	<p>the defence and security forces respect human rights.</p>
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### E. Conditions of detention

<b>N</b>	<b>Situation / context in country</b>	<b>Recommendation(s) from 2<sup>nd</sup> cycle UPR</b>	<b>Civil society recommendation</b>
2	<p><b>Poor conditions in prisons and overcrowding</b></p> <p>Due to the COVID-19 pandemic, a contingency amnesty law was enacted to reduce overcrowding in jails throughout the country, many of them with unhealthy and degrading conditions. However, the period that followed was characterized by an increase in arrests due to minor infractions, including violation of the State of Emergency in</p>	<p>128.70 128.79 128.81 128.82 128.83 128.80 128.73 128.85 128.84 128.74 128.88</p>	<p>Mozambique should implement a legislative reform regarding prisons conditions and invest resources in order to improve prison conditions. It should also make efforts to minimize prison overcrowding, including with amnesty for light offenders; train judges to apply alternative sentences for light crimes (such as petty theft, especially given the high levels of poverty and hunger).</p>

force. The legislation on prison conditions dates back to 1936.		
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## F. Freedom of opinion and expression

N .	Situation / context in country	Recommendation(s) from 2 <sup>nd</sup> cycle UPR	Civil society recommendation
2 3	<p><b>Instrumentalization of Law to limit freedom of opinion and expression</b></p> <p>The Public Prosecutor's Office has used the State Security Law to persecute, threaten and silence citizens who criticize actions of the government or high state officials.</p>	<p>128.41 128.79 128.121 129.31 129.30 129.32 129.35 129.33 128.123 128.107 128.112 128.113</p>	<p>The State Security Law should not be used to persecute or intimidate critical voices in society.</p>
2 4	<p><b>Persecution of journalists and social activists who share information about Cabo Delgado</b></p> <p>Journalists, activists and community members who are committed to ensuring that the population is informed about the real situation in Cabo Delgado have been systematically threatened, intimidated, kidnapped or raped. The Head of State himself has made speeches that incite hatred and intolerance by accusing journalists and civil society organizations of spreading false</p>	<p>128.41 128.79 128.77 128.76 128.78 128.121 129.31 129.35 129.33 128.123</p>	<p>Mozambique should ensure an independent and thorough investigation into cases of HR violations that are reported.</p>

	information or rumours.		
2 5	<p><b>Difficulties in accessing information of public interest</b></p> <p>Although, the right to access information of public interest is enshrined in the Constitution, civil society organizations face serious obstacles when trying to access documents such as environment performance reports of companies and industries, documents related to community land cession, among others. Many organizations spend years and resources in legal battles just to have their right to access information recognized.</p>	<p>128.41 128.79 128.121 129.31 129.35 129.33 128.123 128.107 128.112 128.113</p>	<p>Mozambique should respect the constitutional safeguards of the right to information and ensure proper implementation of the law on access to information.</p>

## G. The right to work and to decent and equal working conditions

N	Situation / context in country	Recommendation(s) from 2 <sup>nd</sup> cycle UPR	Civil society recommendation
2 6	<p><b>Right to work for a largely rural population</b></p> <p>About 80% of the population works directly or indirectly in the agriculture sector, completely dependent on climate conditions and without state support. Although the Constitution of the Republic recognizes agriculture as</p>	<p>128.41 128.96 128.157 128.79 128.130 128.131 128.134</p>	<p>Mozambique should initiate an open and participatory process of discussion and development of a national plan for peasant agriculture based on agroecology; and the promotion of agroecology as one of the real solutions to the climate, food and biodiversity crises.</p>

	<p>the basis for development, and Mozambique has signed the UN declaration on peasant rights, the government of Mozambique has systematically promoted agribusiness to the detriment of peasant agriculture, facilitated the misappropriation of community land, and imposed agricultural programs that make peasants dependent on the market and large agribusiness corporations. This poses a risk to food security and restricts the right to work for most people.</p>		
<p>2 7</p>	<p><b>Loss of livelihood and work due to gas projects in Cabo Delgado</b></p> <p>The main sources of income and livelihood (fishing and agriculture) have been taken away from local populations by gas projects, which have lost land and access to the sea. The few employment opportunities created by gas projects do not benefit the local populations. Workers from construction companies hired by Total have already gone on numerous strikes protesting at this</p>	<p>128.41 128.157 128.79 128.134</p>	<p>Mozambique should ensure that people who have lost their land and access to the sea are compensated with equally fertile land and alternative access to the sea in order to continue their livelihood activities. National legislation requiring training and use of local labour in megaprojects should be properly implemented.</p>

situation.		
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## H. The right to social security and an adequate standard of living

N . 2 8	Situation / context in country	Recommendation(s) from 2 <sup>nd</sup> cycle UPR	Civil society recommendation
	<p><b>Security and Social Protection</b></p> <p>In 2016, the Cabinet approved a national strategy for basic social security that aimed to cover 3.3 million Mozambicans by 2024, but has been implemented very slowly and far below the targets.</p>	<p>128.41 128.130</p>	<p>Mozambique should:</p> <ul style="list-style-type: none"> <li>- adequately finance its strategy, which includes strengthening the institutions of the administration of basic social security and the adequacy of benefits, since the amounts stipulated in the strategy are too insignificant for households to ensure their survival;</li> <li>- introduce a universal pension for the elderly;</li> <li>- stop outsourcing the management and delivery of social security and protection funds;</li> <li>- promote democratic debates on social protection in Mozambique;</li> <li>- allow the beneficiaries of social security programs to form</li> </ul>

			<p>trade unions;</p> <ul style="list-style-type: none"> <li>- make efforts to ensure that the unconditional cash transfer mechanisms for people with working capacity, recently introduced due to the COVID 19 crisis, remain in the long term.</li> </ul>
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### I. The right to education

<b>N .</b>	<b>Situation / context in country</b>	<b>Recommendation(s) from 2<sup>nd</sup> cycle UPR</b>	<b>Civil society recommendation</b>
29	<p><b>Environment education and human rights education</b></p> <p>Few education institutions permanently combine issues related to environment and institutional development plans, and there are insufficient environment education and human rights programs in education institutions.</p>	<p>128.25 128.26 128.130 128.144 128.146</p>	<p>Mozambique should integrate the environment dimension and human rights education in the curricula of all courses aimed at primary and secondary teacher training, undergraduate courses and all postgraduate programs at all levels and institutional development plans; as well as carry out permanent monitoring on the approach to these issues.</p>
30	<p><b>Adapting education institutions to climate change</b></p> <p>In order to circumvent the situation of classrooms damaged due to extreme weather events or in areas with high risk of floods, droughts, cyclones or earthquakes, Mozambique developed the project</p>	<p>128.157 128.147 128.150 128.148 128.151</p>	<p>Mozambique should establish models for building classrooms that are resilient to extreme climate events nationwide.</p>

	Escolas Seguras (Safe Schools), a government initiative with the support of UN-Habitat Program.		
3 1	<b>Education and people affected by armed conflict</b>  The massive movement of refugees and the intensification of conflicts in the country causes school closures and delay/loss in the academic year by those affected.	128.146 128.150 128.148 128.151	Mozambique should ensure education infrastructure in the accommodation centres for people displaced by the conflict.
3 2	<b>Education and gender issues</b>  Women and girls continue facing various situations of insecurity, harassment and sexual abuse in schools; gender inequalities prevail in technical-vocational institutions; there are numerous cases throughout the country where girls have had to interrupt their studies or technical-vocational training because they became pregnant (such as the Matalane case, where several trainees were raped and impregnated by police instructors); there are no specific educational programs for girls and women who had to drop school prematurely.	128.96 128.25 128.26 128.147 128.150 128.148 128.151 128.57	Mozambique should: <ul style="list-style-type: none"> <li>- organize education programs for girls and women who have to drop school prematurely;</li> <li>- promote protection of women and girls from all forms of abuse in all education institutions and provide sanctions against perpetrators;</li> <li>- enact laws to prevent school dropouts, in accordance with the protocol on education and gender-based violence, ensuring that girls have equal access to education.</li> </ul>

## J. Right to health

N	Situation / context in country	Recommendation(s) from 2 <sup>nd</sup> cycle UPR	Civil society recommendation
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3	<b>Discriminatory</b>	128.79	
3	<b>practices in accessing health facilities</b>	128.136 128.139	
	<p>Many citizens have been banned from healthcare facilities throughout the country because of their appearance or clothing. Civil society organizations reported this practice, and in response the government issued a decree (August 2020) that instructed the elimination of this discriminatory practice in all health facilities in the country. However, several weeks after this instruction was issued, restrictions to access to health facilities remains in many regions of the country.</p>		<p>Mozambique should promote the establishment of a National Monitoring Committee to put pressure on the Ministry of Health to comply with the measures enshrined in the decree and other discriminatory practices that may happen, for that, the engagement of civil society is essential.</p>

### K. Migrants, refugees and asylum seekers

<b>N</b>	<b>Situation / context in country</b>	<b>Recommendation(s) from 2<sup>nd</sup> cycle UPR</b>	<b>Civil society recommendation</b>
3	<b>Displaced by armed</b>	128.41	Mozambique should urgently improve the conditions of refugee centres, especially for women and children, with focus on education, nutrition and psychological support. It should also develop a platform for different civil society players to
4	<b>conflicts</b>	128.96	
	<p>The population displaced by the insurgency in Cabo Delgado and elsewhere in the country lives in inhumane conditions in the accommodation centres. Many children away from</p>		

<p>their parents and families and live in poor conditions in a great emotional and food vulnerability, without proper psychological support.</p>	<p>unite and coordinate efforts to assist displaced persons and report human rights violations in these places.</p>
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#### L. Business and human rights

<b>N .</b>	<b>Situation / context in country</b>	<b>Recommendation(s) from 2<sup>nd</sup> cycle UPR</b>	<b>Civil society recommendation</b>
3 5	<p><b>Criminal networks and illicit businesses</b></p> <p>Mozambique has been facing a considerable increase in inflows of illegal immigrants from various countries in the region, and there is strong evidence of their involvement with criminal networks and illicit businesses, in collusion with senior government officials.</p>	<p>128.41 128.79 128.107 128.112 128.113</p>	<p>Mozambique should undertake to dismantle these criminal networks and duly punish those government officials who are involved or are accomplices in their activities.</p>
3 6	<p><b>Pollution and environmental impacts caused by extractive activities</b></p> <p>The companies involved in the exploitation and transport of mineral coal cause high levels of environment, atmospheric and noise pollution. This seriously impacts the right to a safe, clean and sustainable environment of local communities living a few meters from the mines or railway lines</p>	<p>128.41 128.96 128.157 128.79 128.130 128.134 129.24</p>	<p>Mozambique should survey the populations affected by the pollution caused by coal mining; and ensure that companies take measures to mitigate this pollution and compensate the affected populations, as well as resettle in a fair and appropriate manner all people who so desire, since they live close to these impacts.</p>

	<p>where the resource is transported, from Tete province to the port in Nampula. There are many reports of worsening health conditions in these places and the loss or change in watercourses. In the villages of Cancope and Ntchenga (Tete), due to water pollution, communities need to be supplied by an external water truck.</p>		
3 7	<p><b>Land grabbing</b></p> <p>Large companies have been responsible for many and serious land conflicts with local communities. The loss of land directly impacts the livelihoods and survival capacity of these populations, who have no power to enforce their rights before large companies.</p>	<p>128.41 128.96 128.157 128.79 128.130 128.134 129.24</p>	<p>Mozambique should create a mechanism to prevent and remedy land misappropriation situations, and ensure the Free, Prior and Informed Consent of local communities about any investment project.</p>
3 8	<p><b>Transnational corporations and human rights</b></p> <p>Companies operating in Mozambique, particularly transnational corporations, are not properly held responsible for human rights violations and environment degradation as a result of their activities. The greatest obstacles to justice are the asymmetry of power between investors and</p>	<p>128.41 128.157 128.79 128.121 129.31 129.35 129.33 128.123 128.107 128.112 128.113 128.130 128.134 129.24</p>	<p>Mozambique should establish a clear legal framework to regulate the activities of large corporations in its territory, including sanctions and penalties for human rights violations and environmental degradation, including criminal liability for the most serious crimes; and also the obligation to avail all information of public interest to the public such as</p>

<p>the populations affected by the projects; the capture and co-optation of state institutions by large companies and their representatives; the lack of access to information of public interest, namely environment performance reports; the slow legal proceedings in defence of the rights of communities affected by megaprojects; legal gaps and challenges in the implementation of national legislation on companies and human rights; the lack of international legal mechanisms to hold main companies accountable for their proportional responsibility in human rights violations perpetrated by other companies with whom they establish business relations.</p>		<p>environment performance reports, minutes of community consultations, and any agreements made with local communities related to land access processes. Mozambique should also strengthen its participation in the drafting of a binding international treaty, at UN level, on transnational corporations and human rights; create an inter-ministerial taskforce to discuss the issue with civil society; and ensure that the cases of corporate impunity that we have in Mozambique contribute to drafting an effective instrument.</p>
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### M. Human rights defenders

N .	Situation / context in country	Recommendation(s) from 2 <sup>nd</sup> cycle UPR	Civil society recommendation
39	<p><b>Intimidation, kidnapping, torture and legal proceedings against human rights advocates</b></p> <p>In recent years we have seen harassment, threats and hatred speeches addressed to various</p>	<p>128.41 128.71 128.79 128.77 128.76 128.78 128.107 128.112 128.113</p>	<p>Mozambique should value the work of human rights advocates in the country, and ensure:</p> <ul style="list-style-type: none"> <li>- that the Public Prosecutor's Office drop the charges against journalists and</li> </ul>

	<p>human rights advocates, particularly journalists, scholars, the media and civil society organizations. Political-legal proceedings are underway against journalists, academics and activists (CN Castel-Branco, Banze, editors of Canal de Moçambique newspaper); journalists have been kidnapped and tortured in Cabo Delgado (Amade Abubacar and Germano Adriano - arrested in January and released in April 2019, among others) some of whom are still missing (journalist Ibraimo Mbaruco).</p> <p>In 2020, the offices of the newspaper Canal de Moçambique were attacked and burned down.</p> <p>Academics and activists like José Macuane (2016) and Ericino de Salema (2018) were kidnapped and seriously harmed.</p>		<p>scholars accused of crimes of defamation or violation of state secrets;</p> <p>- that cases of abducted, tortured and missing of human rights advocates are promptly investigated, and the perpetrators of these crimes are held accountable.</p>
40	<p><b>Murder of human rights activist and advocate Anastácio Matavel</b></p> <p>In 2019, Mozambique observed violations of basic right to democracy by inhibiting election observers and by threatening journalists and human rights and civic freedoms activists to</p>	<p>128.41 128.71 128.79 128.107 128.112 128.113</p>	<p>Mozambique should revisit the judicial process currently under appeal and ensure that justice is established, and hold prominent political figures and public police officers accountable.</p>

	choose their leaders. The inhibitions culminated with the murder of the activist Anastácio Matavel, but the trial was biased and did not hold political figures from the Frelimo party and police officers, in Chibuto, clearly the moral perpetrators of the crime accountable.		
4 1	<p><b>Persecution of members of communities affected by large companies</b></p> <p>Community activists who are actively engaged in the fight for recognition of their rights are systematically intimidated and harmed when they expose the impacts of the activities performed by large companies, especially in areas of the extractive activity. The companies are protected by the local government and even by the state defence and security forces, which undertake to repress and harm community activists.</p>	<p>128.41 128.79 128.72 128.75 128.134 129.24</p>	<p>Mozambique should ensure that the defence and security forces protect and defend the interests of its citizens and not those of large companies; and implement effective mechanisms to protect community activists.</p>

#### N. Right to development

N .	Situation / context in country	Recommendation(s) from 2 <sup>nd</sup> cycle UPR	Civil society recommendation
4 2	<p><b>Extractive activities and climate change</b></p> <p>Extractive activities have disastrous consequences</p>	<p>128.41 128.157 128.79 128.130 128.134</p>	<p>Mozambique should:</p> <ul style="list-style-type: none"> <li>- opt for exploring clean and renewable energies through</li> </ul>

	<p>on the environment and for human rights. The exploitation of fossil fuels is the main driver of climate change, and drastic changes in our energy and food models are needed, as indicated in the IPCC reports. The scientific consensus indicates that it will not be possible to adapt to global warming above 1.5°C, and Mozambique is already feeling the impacts of this crisis, with droughts, floods, cyclones and other extreme climate events with widely documented human rights impacts. However, Mozambique continues to focus on fossil fuel exploitation projects and other extractive projects (such as industrial plantations, mega-dams, among others) that generate greenhouse gases, pollute the environment, contribute to deforestation and place local communities in an even more vulnerable situation.</p>	128.158	<p>community management;</p> <ul style="list-style-type: none"> <li>- not allow new fossil fuel exploration contracts;</li> <li>- not allow new projects of monoculture farming;</li> <li>- take into account climate impacts in any development decision.</li> </ul>
4 3	<p><b>Development model based on megaprojects</b></p> <p>The exploitation of natural resources is not synonymous with development. Especially in countries with fragile democracies, weak institutions and a state</p>	128.41 128.125 128.130 128.134 128.158	<p>Mozambique should review its development model and invest in strengthening small and medium-sized national enterprises and community natural resource management with a view to achieving inclusive and</p>

<p>with a high level of corruption, such as Mozambique. Resource extraction in Mozambique has not allowed the evolution and progress that are inherent to the concept of development. On the contrary, it has even brought about a major setback in political, social and economic terms.</p>		<p>sustainable development.</p>
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## 0. Right to participate in public affairs

N	Situation / context in country	Recommendation(s) from 2 <sup>nd</sup> cycle UPR	Civil society recommendation
4	<p><b>Review of the National Land Policy</b></p>	<p>128.41</p>	
4	<p><b>Review of the National Land Policy</b></p>	<p>128.79</p>	
	<p>In 2020 Mozambique started the Review of the National Land Policy.</p>	<p>128.121</p>	
	<p>This process has been quite controversial, since it is feared that it intends to legalize land privatization in Mozambique, which would have drastic consequences for local populations that depend on land for their livelihood. Moreover, the process begins at a time when the north of the country is fighting a violent insurgency, so the full participation of citizens living in Cabo Delgado and other regions where there is armed conflict is not possible.</p>	<p>129.31</p>	
		<p>129.35</p>	
		<p>129.33</p>	
		<p>128.123</p>	
		<p>128.125</p>	
		<p>128.130</p>	
		<p>128.126</p>	
		<p>128.134</p>	
	<p>This process is therefore</p>		<p>Mozambique should discontinue the current NLP review until the armed conflicts in the north and centre of the country are under control, so that the entire population can participate and contribute fully and safely to this review.</p>

in violation of the Constitution of the Republic and its own guidelines for consultation and public participation, which is very serious given the impact that access to land has on the majority of the Mozambican population. Due to lack of mastery of information technology; the forced displacements and the climate of tension and fear in various parts of the country, the conditions are not met to move forward with a process of this magnitude.