



Parliamentarians for Global Action
Parlamentarios para la Acción Global
Action Mondiale des Parlementaires
برلمانيون من أجل التحرك العالمي

Stakeholder Report for the United Nations Universal Periodic Review of the Republic of Mozambique

Submitted by

Parliamentarians for Global Action (PGA)

**For the 36th Session of the Working Group on the Universal
Periodic Review (Third Cycle)**

02 November – 13 November 2020

Parliamentarians for Global Action (PGA) is the largest non-governmental, cross-party, international network of individual legislators with approximately 1,200 members in 134 parliaments worldwide. PGA mobilizes parliamentarians as champions committed to promoting the rule of law, democracy, human security, inclusion, and gender equality. By using a peer-to-peer methodology and country-specific strategies, PGA educates, sensitizes, and builds the technical capacity of parliamentarians to take concrete initiatives and legislative actions to achieve results on PGA's campaign objectives. PGA supports individual parliamentarians in their national contexts and parliaments and then leverages that capacity with international networking to support democracy, human rights, and peace. The organization's vision is to contribute to creating a rules-based international order for a more equitable, safe, and democratic world. PGA is in general consultative status with the Economic and Social Council of the United Nations with headquarters in New York; its office in The Hague, Netherlands, fosters cooperation with The Hague-based International Organizations, including the International Criminal Court.

Introduction

1. With this submission, Parliamentarians for Global Action (PGA) wishes to promote the ratification/ accession and implementation of the Rome Statute of the International Criminal Court (ICC) and other key instrument on international criminal justice in Mozambique and raise awareness of key activities it has undertaken to this effect in Mozambique. PGA believes that the ratification and implementation of the Rome Statute is an essential step to strengthen the rule of law, seek justice for victims, and, most importantly, end impunity for the commission of grave international crimes. To this end, PGA provides the following recommendations and actions to encourage Mozambique to take the appropriate measures to adopt this essential instrument.

I. Legal Framework

1. Mozambique signed the Rome Statute on 28 December 2000, but it has not ratified it yet;
2. Mozambique has not ratified the Agreement on Privileges and Immunities of the ICC (APIC);
3. Mozambique signed the Bilateral Non-Surrender Agreement with the US administration on 24 June 2003; *and*
4. Mozambique has not ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.

II. 2011 and 2016 Universal Periodic Review

2. Mozambique accepted the recommendations to ratify the Rome Statute during the 1st Cycle (Chile, France, Portugal, and Slovakia) (A/HRC/17/16).
3. During the 2nd Cycle, it has only noted the recommendations made by Austria, Canada, Cyprus, France, Georgia, Germany, Ghana, Latvia, Madagascar, Montenegro, Poland, Slovakia, Switzerland, Timor-Leste, Tunisia.ⁱ Taking the steps towards the Rome Statute's ratification was also recommended by the Center for Global Non-killing (CGNK).

III. PGA's Activities

4. According to PGA's knowledge, the ratification process has been delayed due to concerns raised regarding the Rome Statute's compatibility with the Mozambican Constitution, specifically on the issue of immunities.
5. In June 2006, PGA suggested that the United States' pressure on Mozambique had been a critical deterrent of the ratification process, while constitutional obstacles were used as an excuse to delay the whole process.
6. Mozambique has been demarched by the EU which highlighted the importance of its ratification.ⁱⁱ

IV. Recommendations

7. PGA regrets that despite the fact that the Rome Statute's ratification has been on the government's agenda for a long time, no concrete step has been undertaken in this regard.
8. Thus, following previous efforts, PGA urges Mozambique to ratify the Rome Statute as previously recommended by other states;
9. PGA also recommends Mozambique to ratify the Agreement on Privileges and Immunities of the ICC, which is open to ratification by non-ICC members, as it is an essential instrument for the ICC to work effectively considering that it provides the Court with the access and cooperation it requires to carry out its mandate;
10. Advises to ratify the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity; *and*
11. Encourages Mozambique to engage with the Southern African Development Countries (SADC) that are also Members of the "Friends of the ICC" to revive the SADC common position and action in support of the ICC as this could bring essential developments for Mozambique and the region.

End Notes

ⁱ Responses to Recommendations & Voluntary Pledges: Mozambique (01 September 2016), https://www.upr-info.org/sites/default/files/document/mozambique/session_24_-_janvier_2016/recommendations_and_pledges_mozambique_2016.pdf

ⁱⁱ The European Union's reply to the information request in paragraph 6, subparagraph h) of the Plan of Action for achieving universality and full implementation of the Rome Statute (06 October 2011), https://asp.icc-cpi.int/iccdocs/asp_docs/ASP12/ICC-ASP12-POA-2013-EU-ENG.pdf