



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Mozambique and welcome the constructive engagement of the Government of Mozambique during the 38th session of the UPR Working Group in May of 2021.

As the final outcome report on the review of Mozambique was recently adopted by the Human Rights Council at its 48th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Mozambique – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 106 delegations and the presentation made and responses provided by the delegation of Mozambique. I have also considered the actions taken by the Government of Mozambique to implement the 180 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the ratification, in 2018, of the Protocol to the Forced Labour Convention, 1930 (No. 29), of the International Labour Organisation and reforms in the administration of justice system, including the approval of the new Penal Code and the Penal Procedure Code and the adoption of the Code on the Execution of Sentences. I am however concerned about the human rights situation in the North, where the conflict has reportedly killed more than 3,000 civilians and displaced over 730,000 persons across Cabo Delgado and to neighbouring provinces. My Office remains ready to support efforts to strengthen national monitoring, referral and protection systems for human rights.

I encourage Mozambique to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

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H.E. Ms. Verónica NATANIEL MACAMO DLHOVO
Minister of Foreign Affairs and Cooperation
Republic of Mozambique

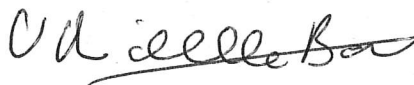
I welcome the intention to establish the Commission for Coordination on Human Rights and International Humanitarian Law and encourage Mozambique to step up efforts to establish it as the national mechanism for comprehensive reporting and follow-up to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:
http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome Mozambique's commitment to submitting a mid-term report on follow-up to the third cycle of the review and encourage Mozambique to submit it, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Mozambique in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights

cc: H.EMs. Helena MATEUS KIDA
Minister of Justice, Constitutional and Religious Affairs
Republic of Mozambique

Ms. Myrta KAULARD
United Nations Resident Coordinator
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Annex

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

- Ratifying the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization, and the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education.

National human rights framework

- Considering the possibility of developing a national human rights action plan and a national human rights policy or action plan for the dissemination and implementation of recommendations from all human rights mechanisms.
- Ensuring that the National Human Rights Commission is afforded the necessary resources to enable it to effectively implement its mandate and that it is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

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

A. Cross-cutting issues

Equality and non-discrimination

- Intensifying measures to tackle widespread discrimination and stigma against persons with disabilities and those with albinism and improving their conditions of life by facilitating their access to education, professional training and employment.
- Adopting anti-discrimination laws and other measures to integrate sexual orientation and gender identity into the national legislation.

Development, the environment, and business and human rights

- Expediting the process of developing a comprehensive national action plan and strategy on business and human rights in line with the Guiding Principles on Business and Human Rights, looking towards strengthening the regulatory framework and enforcement capacities; and strengthening measures in relation to the extraction of natural resources to promote respect for human rights in accordance with the Voluntary Principles on Security and Human Rights.
- Continuing efforts to respond to the impacts of climate change and to ensure the inclusion of environmental protections and infrastructural considerations in its plans; and intensifying efforts aimed at mitigating the effects of climate change and natural disasters, including through the effective implementation of the National Disaster Risk Reduction Master Plan 2017–2030.

B. Civil and political rights

Right to life, liberty and security of person

- Taking measures to protect the population affected by the conflicts in the north and centre of the country; ensuring that the security forces give priority to the protection of civilians and respect their obligations under international humanitarian law; and taking measures to ensure prompt, thorough and impartial investigation of alleged human rights violations and abuses and of violations of international humanitarian law by all parties, including the security forces, and that perpetrators are brought to justice.
- Considering measures to ensure human rights monitoring and media and humanitarian access to affected communities in conflict zones, in particular in the context of the conflict in Cabo Delgado.
- Enhancing efforts to prevent and ensure prosecution for human rights violations by law enforcement personnel, including the excessive use of force, arbitrary arrests and ill-treatment.
- Continuing efforts to combat violence against persons with albinism and to protect them from discrimination; holding accountable those responsible for any violations committed against them; and accelerating the implementation of the multisectoral plan to combat violence against people with albinism.

Administration of justice, including impunity, and the rule of law

- Building the capacity of State officials, in particular the security forces, on international principles, and strengthening complaint mechanisms and referral pathways for victims and clearly enunciating in law, codes of conduct and the operating procedures of the security forces the relevant standards for use of force and arrest.
- Ensuring the dissemination of laws and the expanded training of security and justice officials, including on the new Penal Code, and expanding availability and funding to justice, law enforcement and legal aid services.
- Considering the establishment of non-custodial sentences to avoid overcrowding of detention facilities.
- Bringing its child justice system fully into line with the Convention on the Rights of the Child, especially by aligning laws on arrest and custody of children with the country's obligations under international law, and designating specialized judges for children.
- Pursuing efforts to promote the rule of law and good governance and continuing the reform measures on transparency, governance and corruption.

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

- Guaranteeing freedom of expression, association and assembly and protecting press freedom; and strengthening the civic space, including by conducting thorough, impartial, independent and transparent investigations into all cases of attacks, harassment, intimidation and forced disappearance of civil society actors, journalists, human rights defenders, religious clerics and academics.

- Ensuring that the protections of freedom of expression provided for under international human rights law are reflected in the text of proposed new laws, and that these are respected in practice; and revising the proposed Law on Social Communication and the Law on Broadcasting to guarantee freedom of expression, including by increasing the space for dissent and discussion.
- Consolidating electoral laws and regulations into one integrated electoral legal framework and establishing a permanent and reliable voter registration system; improving the transparency and inclusiveness of election processes; and ensuring equal participation in political and public affairs through implementation of recommendations on the prevention of election violence, access of independent media to all stages of the election process and an equal environment for all political parties.

Prohibition of all forms of slavery

- Accelerating efforts to combat trafficking in persons, including through the adoption of a national action plan against trafficking and by ensuring the effective identification and protection of victims of trafficking; and continuing to work to ensure greater protection for child victims of human trafficking within the framework of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Conducting regular labour inspections in all employment sectors, aimed at enforcing compliance with labour laws, reducing the gender pay gap and ensuring decent working conditions in the informal sector.

Right to social security

- Further strengthening the capacity to implement the basic social subsidy programme and increasing the availability of social support schemes for persons with disabilities and older persons, and continuing to take measures to streamline the Government's targeted food subsidy cash transfer for vulnerable older persons.

Right to an adequate standard of living

- Continuing to strengthen national policies and strategies directed at development and poverty reduction, in particular of rural areas, and allocating sufficient resources to the council charged with food and nutritional security to ensure its effective operation.
- Strengthening efforts to address the lack of access to clean water and sanitation in rural areas.

Right to health

- Continuing to work towards universal access to health care; prioritizing measures to improve access to, and the quality of, primary health-care services, in particular in rural areas; and ensuring the availability of qualified health-care personnel, in particular for women, children and low-income families, including by improving service delivery at the provincial and district levels and by allocating sufficient human and financial resources for health infrastructure.

- Considering the impact of COVID-19 on the health care system and adopting comprehensive strategies to ensure preventive behaviour and vaccine uptake.
- Raising awareness on the prevention of communicable diseases and strengthening multisectoral cooperation to reduce their incidence, including by improving hygiene and sanitation.
- Intensifying the implementation of the national strategic plan to combat HIV/AIDS and ensuring access to prevention and early detection programmes for women and girls at risk of contracting HIV.
- Improving sexual and reproductive health through comprehensive education, including awareness of HIV and enhancement of family planning, and ensuring that all women and girls have access to free and quality sexual and reproductive health services.

Right to education

- Putting in place measures to ensure universal access to education and to reduce the gap in school enrolment rates between boys and girls, and enhancing efforts to expand quality education throughout the country so that children from rural areas have access to the same level and quality of education as their peers from city areas.
- Adopting specific measures to reduce school dropouts in primary education and combating the high dropout rate among girls by, among others, facilitating the re-entry and the reintegration of young mothers.

D. Rights of specific persons or groups

Women

- Adopting additional measures to ensure women rights, by ensuring access to social benefits, health and education; enhancing the participation of women at the different levels of decision-making; and continuing efforts to promote women to decision-making posts in the political and economic spheres, to create favourable conditions for their participation in the electoral process.
- Taking the necessary steps to ensure the economic empowerment of women, including those residing in rural areas by, among others, reinforcing the provision of financial credit and loans and ensuring that rural women have access to justice, education, health, and land ownership.
- Continuing to combat violence against women and girls through awareness-raising campaigns and training for law enforcement, community and religious leaders, educators and medical personnel; taking adequate action to hold perpetrators to account; and fully implementing the National Plan to Prevent and Combat Gender-Based Violence, allocating the necessary human, technical and financial resources and providing monitoring and evaluation mechanisms.
- Making every effort, including through the adoption of a comprehensive and multisectoral approach, to effectively combat discriminatory gender stereotypes and harmful practices, including polygamy, female genital mutilation and accusations of witchcraft against women.
- Ensuring the establishment of effective means of protection, reparation and rehabilitation and psychosocial support for victims of gender-based violence, including harmful practices,

especially in rural and conflict-ridden areas, and in particular in the context of the COVID-19 pandemic, ensuring that services remain open and accessible; and making available State-funded shelters for victims of violence.

Children

- Ensuring that children in conflict areas are protected against violations of their rights, especially grave violations, including recruitment or use of children by armed forces or armed groups and sexual violence.
- Prioritizing the explicit prohibition, through legislative and administrative measures, of corporal punishment in all settings and repealing all legislative provisions that are interpreted as justifications for the use of corporal punishment.
- Continuing to consolidate the various laws, policies and plans adopted to protect boys and girls, and ensuring the allocation of adequate resources for programmes on children's rights.
- Implementing legislation explicitly prohibiting all traditional practices harmful to the physical and psychological well-being of children; taking all the measures necessary to eliminate child marriage and the harmful aspects of initiation rites for girls; and strengthening the capacity of State institutions to disseminate and implement laws, such as the Law on Preventing and Combating Premature Unions (No. 19/2019), train officials thereon and require religious leaders to register all religious and traditional marriages.
- Continuing with efforts to prevent child labour and trafficking in children, including by ensuring the effective implementation of relevant legislation, policies and measures, and establishing a coordination mechanism to oversee the prevention and mitigation of child labour across sectors.
- Continuing efforts to promote the timely registration of births, including through the introduction of registration facilities in health-care centres, and increasing resourcing to improve birth registration rates.

Persons with disabilities

- Accelerating the process of finalizing the draft law for the promotion and protection of the rights of persons with disabilities, conducting broad and inclusive consultations, and ensuring that it is in line with the Convention on the Rights of Persons with Disabilities.
- Continuing efforts to ensure the full enjoyment of the rights of persons with disabilities, particularly in terms of inclusive education and accessibility; ensuring the full implementation of current policies, strategies and plans of action; and including organizations of persons with disabilities in policy and programme planning.

Migrants, refugees, asylum seekers and internally displaced persons

- Carrying out the necessary legislative amendments and taking action to protect all migrants, asylum seekers and refugees from violence and any form of discrimination based on their immigration status.
- Allowing access for internally displaced persons to humanitarian aid, and ensuring that displaced persons have access to basic public services, and providing them with humanitarian assistance, including food, housing, education and health services to the growing number of internally displaced persons.