

1. Please provide specific examples of constitutional provisions, legislation, regulations, standards, policies and programmes in relation to preventing, reducing, or eliminating air pollution, both outdoor and indoor. Please include, inter alia, any instruments that refer directly to the right to a healthy environment and/or the right to breathe clean air.

The article 117 of the constitution of the Republic of Mozambique regarding the environment and quality of life, provides that the Mozambican State promotes initiatives to ensure ecological balance and conservation and preservation of the environment aiming at improving the quality of life of citizens. The State adopts policies, one of which is to prevent and control pollution.

Also the Decree 18/2004, from July 2, which approves the regulation on environmental quality standards and emission of effluents. The purpose of this decree is to establish standards of environmental quality and emission of effluents, aiming at the control and maintenance of acceptable levels of concentration of pollutants in environmental components.

2. Please provide specific examples of good practices in preventing, reducing, or eliminating air pollution, both outdoor and indoor. These examples may occur at the international, national, sub-national, or local level. Examples may involve air quality monitoring; guaranteeing procedural rights (e.g. public access to air quality information, public participation in decision-making about air pollution, access to remedies); air quality legislation, regulations, standards, and policies; initiatives to reduce air pollution from specific sectors (e.g. electricity generation, industry, transportation, indoor cooking, heating, and lighting); laws, policies and programs to protect vulnerable populations from air pollution; laws, policies, or programs to concurrently address air pollution and climate change; and effective enforcement of rules governing air pollution.

As referred in the previous answer, the Decree 18/2004, from July 2, approves the regulation on environmental quality standards and emission of effluents.

This regulation establishes the parameters for the maintenance of air quality, which should characterize air quality so that it maintains its self-purification capacity and does not have a significant negative impact on public health and ecological balance. These parameters are set out in a table.

The emission of atmospheric pollutants by industrial plants also must comply with specific standards provided for in that regulation. We also find in this regulation the emission limit values for mobile sources or motor vehicles that must also comply with the maximum emission limits established in this regulation.

Control and monitoring of air quality is carried out by the competent authorities, in this case Mitader (Ministry of Land, Environment and Rural Development), and transgressions are subject to fines. In certain cases, the activity may be closed until it complies with the rules established for its operation.

3. Please identify specific challenges that your government, business, or organization has faced in attempting to address air pollution and its impacts on human rights.

Even though the law has some provisions the problem lies often in transforming what is on paper to the reality on the ground. One major limitation is access to information and data on the air pollution levels. At the government level there is a lack of capacity to monitor pollution levels and in the case of larger projects where they have been required to install monitoring equipment, the government depends on the data collected by the actual polluters, which is far from an independent source.

As for the general public the information is almost impossible to attain. Even though Mozambique law has the provision of access to information, these requests are either ignored or the data is placed under some protection clause such as national security, investor competitive protection, etc.

In addition, when an issue does surface the process is often weak and in favor of the polluter. For example, the fines can be less than the cost to resolve the issue through proper anti-pollution methods, making polluters then pay a financially viable option.

For example, in the case of Mozal in 2010, where the filtration system had corroded to such an extreme that it was close to collapse. Instead of shutting down operations and making repairs, Mozal requested full bypass of waste in order to continue operating as usual. This usually requires an analysis of possible impacts, especially to human health in the highly populated area where the waste is discharged. However, the government approved the bypass with almost no understanding of the possible health and environmental impacts.

The extreme damage and corrosion of Mozal's filtration system made many suspect that the pollution levels produced by Mozal were higher than predicted, but when civil society requests the monitoring data of the pollution from Mozal it was denied. Civil

society also request for the data monitoring the pollution during the bypass period, but that was also denied and in general the government protect the company. Civil society used all the legal tools available and only this year (8 years later) have the courts rules in favor of making the data available. However, even thou the courts may demand the data is made public, and in many cases, Mozal included, even when the government requests the data, often the companies simply don't give the data and not much is done when this happens.

Access to the data is the first step to achieve justice and if it takes 8 years for the first step, one can only imagine how long before the people that have been suffering from this pollution will see any form of justice. This is just one example that highlights the reality and where the government loyalty lies and how complicated it is for affected people to get justice.

Right now we seeing numerous protests, against the pollution of the Vale coal mine, by the locally affected communities. Vale have a monitoring system and collects air and water data, but refuses to release that data and the government bodies that are responsible for such issues have no capacity do follow thru with their own test and isn't responding to the demands and impacts that the local communities have been raising for numerous years now.

4. Please specify ways in which additional protection is provided for populations who may be particularly vulnerable to air pollution (e.g. women, children, persons living in poverty, members of Indigenous peoples and traditional communities, older persons, persons with disabilities, displaced persons, and national or ethnic, religious and linguistic minorities).

Their isn't much in terms of legal components that focus and support venerable groups in specific. Furthermore, to benefit from the existing laws and legal tools the burden of proof is high and requires a significant scientific base to advance. For children, poor, traditional communities, older persons, persons with disabilities, displaced persons, etc...they have limited resources and no access to any scientific proof. Even thou they can show heath issues and other practical evidence of impacts of pollution, they are often and easily dismissed by authorities thru demands of pollution data, proof of cause and effect, etc...

5. Please provide specific examples related to the regulation of businesses and other non-State actors in relation to the protection of human rights from air pollution and the fulfilment of their obligations in this regard.

6. How do you ensure that the rights of environmentalists working on air quality issues (environmental human rights defenders) are protected? What efforts has your Government or business made to create a safe and enabling environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?

It is difficult to have the rights of environmentalists are protected when one lives on a society or environment characterized by the conflicts of interests, especially within the government structures. Its important to note that most of the government officials and politicians are at the same time businessmen with shares and interests in the same companies that cause most of the environmental problems. Creating fertile grounds for corporate capture and vulnerability of the country and society.

Being so, addressing environmental problems in such environment, where the government officials and politicians who were supposed to protect the people, take things too personal, as if one is trying to prevent them to make some money and profit, is very risky. Which in turn, makes people afraid to speak out and intervene to make things better. People are becoming more and more afraid to rise the issues and challenge the system, those who were supposed to protect the people are deeply involved and part of the problem, protecting the corporation's and personal interests. So, due to lack of government protection, conflicts of interests, rapid advance of capitalism and the false idea that foreign direct investment and economic growth, means development, is continuously contributing for more fear, intimidation, violence against those who speak out, even deaths, including environmental activists.