



Republic of Mozambique

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

**REPORT FROM THE GOVERNMENT OF THE REPUBLIC OF MOZAMBIQUE
PURSUANT TO ARTICLE 62 OF THE ACHPR**

(CONSOLIDATED REPORT 2015 to 2021)

African Charter on Human and Peoples' Rights (ACHPR)

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Introduction

1. As a signatory to the African Charter on Human and Peoples' Rights (hereafter the African Charter)¹, Mozambique has a duty to submit periodic reports to the Banjul Commission on the legislative or other measures taken to give effect to the rights and freedoms set out and guaranteed by the African Charter. Within this framework, this is the Report of the Government of the Republic of Mozambique on the implementation of the African Charter on Human and Peoples' Rights for the period 2015 to 2021 in the light of Article 62 of the African Charter. The elaboration of periodic reports on the implementation of the African Charter is an unequivocal demonstration of Mozambique's commitment to international obligations with regard to the elimination of barriers, stigma and discrimination that impede the full enjoyment of the right to equality and protection under the law. This process also demonstrates the commitment of the government of Mozambique to respond to the challenges associated with domestication and implementation of the African Union Treaties. In addition to providing information on legislative and other measures taken by Mozambique in the implementation of the African Charter, this Report seeks to respond to observations and recommendations made in the second Periodic Report of the Republic of Mozambique on the Implementation of the African Charter on Human and Peoples' Rights for the period 1999-2010.

2. Among the recommendations of the report in allusion, there was the need for Mozambique to ratify some important regional and international instruments on human rights; the need to accelerate the review of specific legislation; the need to involve civil society in the elaboration of the report; the disaggregation of data on the various areas of human rights in gender; the presentation of evidence of the implementation of legislation that defends human rights; the detailed information on the situation of penitentiary establishments; the humanization of prisons; the clarification of the status of community courts; compliance with the guarantee of trial before arrest; the integration of human rights modules in legal and judicial training centres; the decriminalization of defamation; the creation of a database disaggregated by gender on relevant aspects including information on vulnerable and marginalized people, among other recommendations duly responded to in this Report.

¹ African Charter on Human and Peoples' Rights, was adopted by the eighteenth Conference of Heads of State and Government of the African States members of the African Union in Nairobi, Kenya on 27 June 1981 and in 1986 the instrument entered into force in accordance with Article 63 available at https://au.int/sites/default/files/treaties/36386-treaty-charter_on_the_principles_of_public_service_and_administration.pdf

3. As will be noted throughout this report, Mozambique has made remarkable progress in the implementation of the African Charter. It has ratified regional and international legal instruments on human rights; produced specific legislation on human rights; registered progress in the implementation of the law and has promoted equal rights in all spheres of political, economic and social life of men and women based on international and regional instruments for the protection of human rights and the observance of the guarantee of fundamental freedoms to citizens without discrimination. Even with scarce resources, the development policies adopted by the Government are sensitive to human rights. The application of the rights in the African Charter and its additional protocols can be observed in policies on education, employment, health, access to political power, access to resources including land, and at the level of the family as the nucleus of society. The main limitation in the production of this report, remains the scarcity of systematised data of vulnerable and marginalised people, which limits the production of human rights informed policies as well as gender sensitive national reports on various themes, including Human Rights. However, it is encouraging to note the existence of a trend towards prioritising the disaggregation of data into gender in the national policies and action plans of various Government institutions. This lays the foundation for future reports to present systematised and disaggregated data on various categories of vulnerability.

4. In structural terms this Report is divided into five parts.

5. In the first part, a brief presentation of the Country is given with regard to its geographical location, a summarised approach to the historical and political background, demographic information on the population and some aspects of culture and religion. In this part, the Report also focuses on the constitutional provisions which enshrine the protection of human rights and the political structure of the sovereign bodies, the administrative division and the organisation of the State judicial system for the implementation and response to violations of these rights within the framework of citizen access to justice.

6. Also in this part, an approach is made to the legal framework for the protection and promotion of human rights in the country in relation to the main international legal

instruments that the country has ratified in this area and which have been incorporated into the internal legal system; cooperation with international bodies for the promotion and protection of human rights, as well as the institutional and social framework for the protection and promotion of human rights and the mechanisms for its implementation.

7. The second part of this Report deals with the effective implementation of the human rights enshrined in the African Charter in the Mozambican context. It subdivides rights into civil and political, economic, social and cultural rights.

8. The third part of the Report is dedicated to the duties of the State, and the fourth part presents the Situation of Terrorism in Cabo Delgado. The last part is dedicated to conclusions and summary assessment of the degree of implementation of legislative and other measures taken by Mozambique as a state party to the African Charter, compliance with the provisions of the African Charter describing achievements and challenges.

9. It is noteworthy that the present Report is the result of a long process of coordination, consultation and joint work by various entities in different Ministries, including parties considered key in the protection, promotion and respect for human rights in the country. The work consisted of a Periodic Reporting Consultation Workshop on the African Charter on Human and Peoples' Rights 1981-1986 with the participation of various key stakeholders from the State and Civil Society. It was also based on the collection of information from State institutions that are responsible for various areas of justice, education, culture, health, gender, among other government bodies that coordinate in the definition of policies and strategic plans for the effective implementation of the rights enshrined in the African Charter. Finally, the report was inspired by good practices learned from the African continent.

PART I

I. General Information

A. Geographical Location

10. The Republic of Mozambique is situated on the South West African coast, known as Southern Africa. It occupies a total area of 799.380 Km² and is subdivided into eleven provinces, namely: Niassa, Cabo Delgado, Nampula, Zambézia, Tete, Manica, Sofala, Inhambane, Gaza, Maputo Province and Maputo City. The Capital of Mozambique is Maputo City.

11. The country is bordered to the north by Tanzania, to the south by South Africa (Natal Province) and Swaziland, to the west by Malawi, Zambia, Zimbabwe and again by South Africa (Mpumalanga Province). It is bordered by the Indian Ocean along its entire coastline of 2,770 km.

B. Some Historical Data and Main Political Developments

12. Mozambique achieved its independence from Portugal on the 25th of June 1975. Independence resulted from the heroic and secular resistance of its people supported by several nations of the world friends of freedom and the supreme values of humanity.

13. The first Constitution of the country is called the Constitution of the People's Republic of Mozambique. This Constitution came into force on 25 June 1975. Although in a less explicit manner, this Constitution already incorporated in 11 articles the framework of principles and norms concerning the universal values of human dignity.

14. The demographic fabric of the Mozambican people is characterised by cultural, religious and social diversity resulting from centuries of relations and trade with peoples and cultures from various parts of the world. Today it assumes a single and indivisible national identity as a modern nation in which the various religious, cultural and political value systems of its citizens coexist and interact within a framework of pluralism and

tolerance.

15. In 1990, within the framework of political reforms and constitutional revision, a new constitution was promulgated and approved, called the 1990 Constitution of the Republic of Mozambique. This Constitution established a new political and economic order, including the introduction of a multi-party system and the market economy that had begun with the adoption of structural adjustment programmes in 1987. The introduction of pluralist democracy constituted a qualitative leap in terms of the promotion and protection of human rights.

16. It was within the framework of the promulgation of the 1990 Constitution that the fundamental bases were laid for all political and diplomatic consultations to be carried out so that an end could be put to the 16 years of destabilization war that tore the country apart, opposing the legitimate government of the Front of Liberation of Mozambique (Frelimo) and the rebel movement of the National Resistance of Mozambique (Renamo). This conflict would come to an end with the signing of the 1992 General Peace Agreement in Rome, Italy.

17. Since the establishment of pluralist democracy, Mozambique has already held six general elections for the election of the President of the Republic and the Deputies of the Assembly of the Republic and five municipal elections within the scope of the decentralization of power.

18. It is important to highlight that the gains of the 1990 Constitution were further deepened with the constitutional revision of 2004, which in addition to broadening the framework of human rights values, also broadened the framework of democratic action with the provision for provincial assemblies whose first electoral exercise took place simultaneously with the 4th general elections held in October 2009. The ad-hoc revision of the Constitution in 2018 would extend political and administrative decentralization by introducing the direct election of provincial governors through political party lists and the introduction of elections of district administrators and members of district assemblies. This represents a major advance in decentralization as, in the past, governors were appointed by the President of the Republic.

C. Demographic Composition of the Population

19. Demographic data from the IV General Census of Population and Housing (2017) indicate that Mozambique has a population of 27,909,798. The population aged 15-64 represents 50.1%, while those aged 0-14 represent 46.6%. At the provincial level, Nampula and Zambézia account for about 39% of the total population². According to the projections of the National Institute of Statistics, in 2021, the population of Mozambique is estimated to be 30,832,244 of which 14,885,787 Men and 15,946,457 Women.

20. The Mozambican population is predominantly rural. The population density in cities varies, the highest being in Maputo City with about 4,509 inhabitants per Km² and the lowest being in Niassa Province with about 9 inhabitants per Km². Meanwhile, the average population density of the country is 27 inhabitants per Km².

D. Culture and Religion

21. In general, Mozambican culture is based on the traditional uses and customs, beliefs, practices and values of each area of the country and population group. In rural areas, the population largely embraces traditional beliefs, practices and cults.

22. Culture is an instrument for promoting patriotic consciousness and national unity. Singing, dancing, poetry, sculpture, painting and other forms of cultural expression have always played a very relevant role in mobilising Mozambican citizens in the struggle to achieve dignity and appreciation of Mozambican culture.

23. The country has Portuguese as its official language and has a diversity of national languages made up of about 40 mother tongues. The most spoken national languages are Emakhuwa, Xichangana, Elomwé, Cisena and Echuwabo.

² Information available on the website of the National Institute of Statistics www.ine.gov.mz.

24. With regard to religion or belief, a considerable part of the population professes the Catholic religion (27.2%) and has followed religious practices that result from contact with the outside world.

The Islamic religion (represents 18.9%) is also predominant, especially in the north of the country and, particularly, in the coastal area. Zionism represents 15.6%, while 15.3% is evangelical. It is important to mention that the Constitution of the Republic enshrines in article 12 the principle of secularity of the State, which establishes the separation between the State and religious denominations. It also establishes that religious confessions are free in their organisation and in the exercise of their functions of worship, and must conform to the laws of the State.

II. Constitutional Framework

25. The Republic of Mozambique has a State structure that is based on the constitutional text adopted on 16 November 2004 (hereinafter referred to as the Constitution or its abbreviation CRM) by the Assembly of the Republic and promulgated by the President of the Republic, then in office. This constitution, establishes that Mozambique is a Democratic State of Law based on "pluralism of expression, democratic political organisation, respect and guarantee of fundamental human rights and freedoms."³ During the plenary session of 23 May 2018, the Mozambican Parliament approved in generality and by consensus, the punctual revision of the Constitution of the Republic for the deepening of the decentralization of the country.

26. On the other hand, it is worth mentioning that the preamble of the CRM refers to respect for human rights when it states in its 4th paragraph that " *This Constitution reaffirms, develops and deepens the fundamental principles of the Mozambican State, enshrines the sovereign nature of the Democratic Rule of Law, based on pluralism of expression, party organization and respect and guarantee of the fundamental rights of citizens.* "

³ Article 3 of the CRM

27. The Mozambican constitution has an extensive catalogue of rights, duties, freedoms and fundamental guarantees in Title III, which is by the way the most extensive. These are in line with the international principles contained in the various human rights treaties to which the country is a State party, including the African Charter on Human and Peoples' Rights, in which a large part of the rights enshrined therein are constitutionally provided for.

28. In addition to the above, it should be noted that, according to article 43 of the CRM ⁴, the constitutional and legal provisions relating to fundamental rights are interpreted and integrated into the Mozambican legal system in harmony with the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights ⁵.

III. Political, Administrative and Judicial Structure

29. The political system of governance in force in the Republic of Mozambique is presidential. The CRM advocates in article 134 the principle of separation and interdependence of powers ⁶ and that in their actions they shall obey the Constitution and the laws. The exercise of political power is guaranteed by five (5) sovereign bodies, namely: the President of the Republic; the Assembly of the Republic (Parliament); the Government; the Courts and the Constitutional Council⁷.

30. While the Constitution enshrines, the system of separation of powers establishes the mechanism of articulation of powers to guarantee and ensure good governance within the framework of transparency and impartiality.

31. The (5) bodies of sovereignty that exercise State power in Mozambique are all responsible for the protection of human rights within their respective spheres of competence.

⁴ African Union Charter shall be understood to mean the African Charter on Human and Peoples' Rights

⁵ Although in this article the CRM the African Union Charter shall be understood to mean the African Charter

⁶ Executive, legislative and judicial..

⁷ Article 133 CRM

The President of the Republic is the Supreme Magistrate of the nation who in that role guarantees the constitutional order, may request opinions on the constitutional legality of a legal act submitted to him/her by other organs of sovereignty ("RA" and Government) to the Constitutional Council for decision, which may be of promulgation, return for harmonization or veto.

32. Article 150(2) of the CRM stipulates that the President of the Republic elected on being sworn in takes the following oath: *"I swear on my honour to respect the Constitution, to faithfully discharge the office of President of the Republic of Mozambique, to devote all my energies to defending and promoting the consolidation of national unity, human rights, democracy and the well-being of the Mozambican people and to do justice to all citizens"*.

33. The Assembly of the Republic is the legislative body by excellence with the exclusive function of legislating and monitoring the acts of the executive on behalf of the people. Its working structure incorporates the respective working committees, the one responsible for the preventive review of constitutionality by indirect means being the Commission for Constitutional Affairs, Human Rights and Legality, which, among other attributions, watches over the promotion and protection of human rights, and citizens can submit petitions when their fundamental rights have been violated. In fact, the Assembly of the Republic has undertaken actions to safeguard human rights within the scope of the Supervision of Government Action. In the period between 2011-2022, it carried out inspections in penitentiaries, provincial and district police commands, provincial and district attorney's offices and the Institute for Sponsorship and Legal Assistance. The Government is responsible for the formulation and implementation of policies in various areas of executive power that contribute to the well-being of citizens, as well as the promotion and protection of human rights. The Courts are responsible for the administration of justice in the context of the rule of law, they guarantee the defence of citizens' interests in accordance with the law, they punish exemplarily any violation of the law and they arbitrate conflicts between private and/or public interests. The Constitutional Council is especially responsible for the direct review of the constitutionality of laws and normative acts undertaken by other state authorities.

34. Mozambique is a secular State based on the principle of separation between the State and religious denominations. However, the different religious manifestations enjoy freedom in their practices and the State recognises and values them, as well as promoting tolerance.

35. The legal system in force in Mozambique is civil in nature, a legacy of Portuguese law, influenced by Roman-Germanic legal traditions. In addition to the Constitution, the Mozambican legal system is influenced by the use of Codes, which include the following: Civil, Commercial, Criminal Code, Civil Procedure Code, Criminal Procedure Code, Labor Procedure Code and other relevant systematized legislation. From 2014 to the present, some of these codes have been revised in order to adjust them to the current reality of building a democratic rule of law based on the guarantee of full effectiveness of the fundamental rights, freedoms and guarantees of citizens. To this end, the Criminal Code - Law no. 24/2019 of 24 December 2019; the Code of Criminal Procedure - Law no. 25/2019 of 26 December; the Code of Execution of Sentences - Law no. 26/2019 of 27 December. With the approval of these Codes, the principle of human dignity was introduced, in which man, whether free or imprisoned, must be given human dignity, respecting his rights. With these codes, the penalties start to have a restorative and educational nature and not a punitive, sanctioning one. Another noteworthy note in the specific case of the Penal Code, is the reference to female genital mutilation in article 178. This is a gain and provides legal references for public education campaigns on the phenomenon.

36. Mozambique is a State of legal pluralism, that is, formal conflict resolution mechanisms coexist with customary mechanisms as long as the latter do not contradict the values and principles enshrined in the CRM, it is understood: within the framework of the promotion and protection of human rights.

37. Capital punishment is expressly prohibited under Article 40.2 of the CRM. It was first abolished at the promulgation of the 1990 Constitution and the 2004 revision reiterated this major achievement.

38. The fundamental principles of the criminal justice administration system are embodied

in the CRM, which guarantees the principles of observance of legality and non-retroactivity of the law, except in cases where the new provisions benefit the accused. No citizen can be tried more than once for the same crime and the CRM guarantees the right to review court sentences and the respective compensation in case of injustice. Sentences or measures of deprivation of liberty of a perpetual nature or of unlimited or indefinite duration shall be prohibited in accordance with the Constitution. Penalties shall not be transferable. No penalty shall automatically result in the loss of any fundamental right, except for the limitations inherent in the meaning of the sentence and the specific requirements of its enforcement. The provision of *Habeas Corpus* is constitutionally guaranteed and the Penal Code also recognises the principles of *nulla poena sine culpa* and proportionally in no case can a sentence be passed beyond the criminal frameworks provided for the crime.

39. The CRM guarantees the freedom of association and the right of citizens to associate freely for purposes they deem fit, provided that such association does not cause a disturbance to the established order and welfare of other citizens.

IV. Ratification of International Instruments

40. The CRM consecrates a system of incorporation of the norms of international law into the national legal order. Regional and international instruments, provided that they are ratified, shall have the same legal value as infra-constitutional norms issued by the Assembly of the Republic and the Government⁸. This implies that all international human rights instruments to which Mozambique is a State Party apply to all areas of the country's life after their official publication in the Government Gazette. This implies, therefore, that international human rights standards can be invoked directly in the courts of the country.

41. Thus, with the aim of providing ample scope for the materialisation of universal human rights principles, the Mozambican State has made efforts to ratify most regional and international instruments, namely:

⁸ Article 18, paragraphs (1) and (2), of the CRM

United Nations and African Union Legal Instruments

NO.	Name of the Convention	Ratification year
1	African Charter on the Rights and Welfare of the Child	Resolution no. 20/98 of the Council of Ministers
2	UN Convention on the Rights of the Child; Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	Resolution no. 19/90 of the Council of Ministers; Resolution no. 42/2002 of 28 May, Resolution no. 43/2002 of 28 May
3	Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol	Assembly of the Republic Resolution no. 4/93 of 2 June and Resolution no. 3/ 2008 of 30 May
4	International Convention on the Elimination of All Forms of Racial Discrimination	Resolution no. 4/83 of the Council of Ministers
5	Convention Against Torture and Other Treatment or Degrading Treatment or cruel Punishment	Resolution no. 8/91 of the Assembly of the Republic
6	International Covenant on Civil and Political Rights and Additional Protocol II aiming at the abolition of the death penalty	Resolutions no. 5 and 6 of the Assembly of the Republic
7	African Charter on Human and Peoples' Rights	Resolution no. 10/88 of the Assembly of the Republic
8	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	Resolution no. 28/2005 of the Assembly of the Republic
9	International Convention on the Rights of Persons with Disabilities and its Optional Protocol	Resolution no. 29/2010 and Resolution no. 30 of the Assembly of the Republic
10	Ratification of the International Convention on Economic, Social and Cultural Rights (ICESCR)	
11	United Nations International Commission on the Protection of the Rights of Migrant Workers and Members of Their Families	Resolution no. 1/2012 of the Portuguese Parliament
12	Members of the National Human Rights Commission	Resolution no. 129/205 of the Assembly of the Republic
13	Report on the Investigation of the Situation of Human Rights in the Provinces of Cabo Delgado, Manica and Sofala	Resolution no. 79/2020 of the Assembly of the Republic
14	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, adopted by the Twenty-sixth Ordinary Session of the Assembly held on 31 January 2016 in Addis Ababa-Ethiopia	Resolution no. 12/2021 of the Assembly of the Republic
15	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, adopted by the Thirtieth Ordinary Session of the Assembly of the African Union, held in Addis Ababa on 29 January 2018	Resolution no. 11/2021 of the 27th of December, of the Assembly of the Republic
16	Treaty of Marrakesh, signed in Marrakesh, Morocco, on 27 June 2013	Resolution no. 10/2021 of 27 December, Assembly of the Republic

17	African Charter on Democracy, Elections and Governance.	Resolution No. 9/2017 of 22 June Assembly of the Republic
	2009 African Convention on the Protection and Assistance of Internally Displaced Persons (Kampala Convention).	Assembly of the Republic through Resolution No. 21/2017, of 28 December.

V. Cooperation with International Human Rights Mechanisms

42. Mozambique has cooperated with several international and regional human rights bodies. The Republic of Mozambique is a full member of the United Nations, the African Union, the Commonwealth, the SADC, the CPLP and the PALOPs. These international organisations establish in their constituent acts principles and norms proclaiming the respect, observance and promotion of human rights, to which Mozambique has subscribed, thereby committing itself at the national and international levels to their respect.

43. The basis for cooperation between the Republic of Mozambique and the regional and international human rights system is, as already mentioned, within the constitutional framework, the country's compliance with the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other regional and international human rights instruments to which the country is a party.

44. On this basis Mozambique has been receiving visits from holders of special procedures, both from the African Union and the United Nations, including special rapporteurs as part of the assessment of the human rights situation in various areas, such as: health, housing, extrajudicial executions, torture and other related areas.

45. In the specific context of the African Union (AU), the Republic of Mozambique has been participating in the ordinary sessions of the African Commission on Human and Peoples' Rights where it presents the report on the human rights situation in the country. The country also seeks to fulfil its obligation to submit the periodic report required under Article 62 of the African Charter, such as the present exercise.

46. In the area of the reception of Independent Experts, the visit to Mozambique by the Vice Chairperson of the African Commission on Human and Peoples' Rights, Mr. Mumba

Malila, in February 2011, and his report was presented at the 49th Session of the African Commission held in Banjul, Gambia, should be noted. Visit of the United Nations Sub-Commission on Prevention of Torture in September 2016. Official visit by Victor Madrigal-Borloz, UN independent expert on protection against violence and discrimination based on sexual orientation and gender identity, held from 3 to 10 December 2018.

PART II

Stage of Implementation of the Rights Enshrined in Articles 2 to 26 of the African Charter on Human and Peoples' Rights (ACHPR)

47. The African Charter enshrines a range of universally recognised fundamental rights of citizens. Within this framework, the African Charter is an international legal instrument that States ratify in order to become party to it and in that capacity they have the commitment and obligation to permanently materialize the principles and norms enshrined therein and ensure their greater application and real effectiveness.

48. This chapter, as already mentioned in the introductory part of this Report, will only focus on the relevant provisions within the implementation of the rights enshrined in the African Charter, specifically, the stage of implementation of the instrument in the period between 2015 and 2021. It is important to highlight that the promotion, protection and respect for human rights are a priority of the Government of the Republic of Mozambique in the definition of policies, and in this way all the principles and standards enshrined in the various international legal instruments ratified and domesticated by the country have been integrated into various national legislation and incorporated in the different instruments of Governance, such as the Five-Year Government Programme (FYGP) and other plans adopted in the country in order to safeguard the human rights of citizens.

A. Principles informing the Covenant

Articles 2 and 3: Principle of Universality and Equality

49. Under the African Charter the principle of universality and equality means recognising the rights enshrined therein without discrimination on the basis of race, colour, sex, language, religion, political opinion, national or social origin.

50. In the Republic of Mozambique this principle is clearly expressed in article 35 of the CRM according to which: "all citizens are equal before the law, enjoy the same rights and are subject to the same duties, regardless of colour, race, sex, ethnic origin, place of birth, religion, level of education, social position, parents' marital status, profession or political option."

51. According to Article 36 "men and women are equal before the law in all spheres of political, economic, social and cultural life".

52. The principle of universality and equality in Mozambique informs a large part of the Governance instruments that aim at human development and are guided by principles such as universality, equality and legality, among others. As an example the different Five Year Government Plans covered by the period (2015-2019; 2020-2024) express as one of the priorities the political will to coordinate, ensure and encourage a gender approach in the definition, planning and implementation of sectoral development programmes, and the pursuit of efforts in the implementation of commitments made by the government on gender issues.

53. The principle of equality in the Mozambican context has greater expression when we talk about the fight against discrimination against women. Various actions have been and are being carried out for the real effectiveness of gender equality.

54. Thus, in 2000 the Ministry of Gender, Children and Social Action was instituted at the level of governmental structure (Presidential Order no. 1/2000 of 17th January). In several Ministries at central level, as well as in the provincial directorates were instituted Gender

Units and nominated focal points. In the districts, there are Services of Health, Women and Social Action which respond directly about this area at local government level.

55. The Gender Policy and Implementation Strategy was approved in 2007. This document aims to develop the main lines of action in an integrated manner, with a view to promoting gender equality, respect for human rights and the strengthening of women's participation in the country's development. The general evaluation of the previous plan revealed significant advances. After 10 years in force, in 2018, another Gender Policy and Implementation Strategy was approved.

56. At the level of the Civil Service, the Government approved, by Resolution 39/2020 of the Council of Ministers, the strategy of Gender in Public Administration 2020-2024⁹ with the objective of responding to the changes brought about by the opening of space in sectors of social, political, economic and professional life for the intervention of women. Beyond the changes in the national context, the new gender strategy is motivated by the need to propose new actions to accelerate the achievement of gender balance, in terms of the goals of the Southern African Development Community (SADC) strategy or the Sustainable Development Goals which aim at the full and effective participation of women in the achievement of equal opportunities in leadership at all levels of decision making.

57. The Mozambican State has been strengthening the institutional mechanisms for the advancement of women, in the context of effectively guaranteeing equal rights and opportunities for men and women.

⁹The previous Strategy was adopted in 2009 with the aim of creating an instrument to guide the promotion of gender equity in the fundamental processes of strategic management of the State's human resources

58. In this context, it is worth highlighting the creation of the following mechanisms:

- Following the creation of the National Council for the Advancement of Women (CNAM) in 2004, the Government strengthened the implementation of the State's guidelines and strategy, within the framework of the Promotion of Women's Rights and Empowerment by approving the National Plan for the Advancement of Women 2018-2024 through Resolution No. 21/2019 of 22 April.
- The Parliamentary Committee on Social, Gender and Environmental Affairs, with the responsibility of integrating issues of environmental protection and gender equality into the work of Parliament.
- The Office of Parliamentary Women, which aims to create, among other things, a space for liaison between women parliamentarians, with women's organisations and for gender issues and the fight against poverty to be included in the deliberations of the Assembly of the Republic.
- The Network of Women Ministers and Parliamentarians, a non-partisan forum where women who hold or have held positions as ministers and parliamentarians can exchange ideas and outline strategies to ensure greater participation of women in the decision-making and development processes of the country.
- The Gender Coordination Group, a forum for cooperation partners, civil society and government representatives to deliberate gender-related issues.

59. In terms of the Mozambican legal framework for the promotion of women's human rights, there is a whole range of legislation approved, of which the following stand out:

- Law 22/2019 - Family Law which repeals Law No. 10/2004, introduces measures aimed at eradicating stereotypes and discriminatory practices by advocating equal treatment in family relationships, such as the marriageable age 18 for both girls and boys. In this Law, the figure of head of the family has been replaced by representation of the family, which means that the family can be represented indistinctly by either spouse. Moreover, a married woman can now register her

children without the presence of her husband, which was not allowed under previous legislation. Another great innovation was the attribution of relevance to the non-marital partnership, from which patrimonial effects and presumption of paternity are derived, meaning that the woman has rights and can claim.

- **Law 19/97, the Land Law** that gives equal rights to men and women regarding the usage and benefit of land, including inheritance rights and title.
- **Law no. 23/2007, the Labour Law**, which advocates equal rights for both sexes in terms of legal treatment, remuneration and career progression. This law protects the specific condition of working mothers, extending the period of maternity leave from 60 to 90 days and a specific timetable for breastfeeding the child. It prohibits the dismissal of women without fair cause during pregnancy and up to one year after childbirth. Sanctions are provided for sexual harassment in the workplace or outside it and for the first time paternity leave of seven days is introduced, only every two years, to be taken on the day immediately after the birth of the child.
- Law No. 6/2008, Law for Preventing and Combating Trafficking in Human Beings, Especially Women and Children, with the objective of responding to a global problem from which Mozambique is not immune, particularly affecting women and children.
- Law no. 29/2009, Law on Domestic Violence Practised against Women, which provides for the prevention and punishment of offenders as well as legal protection and assistance to victims of domestic violence.
- Law No. 15/2012 of 14 August 2012 Establishing Mechanisms for the Protection of the Rights and Interests of Victims, Whistleblowers, Witnesses, Declarants or Experts in Criminal Proceedings, and Creating the Central Office for Victim Protection.
- Also in this area and particularly in the efforts to revise discriminatory legislation, the Commercial Code, the Registration and Notary Code and the Criminal Code were revised - Law no. 35/2014, of 31 December.

60. In the wake of raising the status of women, especially in management and public administration bodies, efforts have been made to gradually overcome the gender imbalance, especially in Government and Parliament.

61. At parliamentary level, 103 female MPs were elected in the 2019 legislative elections, which represents 41.2% of the 250 MPs in Parliament. It should be noted that in 1997 the percentage of seats occupied by women was 28%.

62. The representation of women in the legislative body in Mozambique is one of the highest not only in Southern Africa but in the world in general and represents the fulfilment of one of the commitments assumed by the Government, in the SADC Gender Declaration of 1997, in the sense of reaching by 2005 the goal of 30% of women in the political decision-making structure. The Government of Mozambique ratified the SADC Protocol on Gender and Development in June 2010, which advocates gender parity. With the government reshuffle in March 2022, the numerical balance of men and women was achieved. Among the 22 ministers who are members of the government, there are 11 women and 11 men. Thus, on a global level, Mozambique is one of a small group of 14 countries that have achieved gender parity. On a continental level, Mozambique is the third country where women hold at least 50% of ministerial positions.

63. In the 2019 elections, 7 governors and 3 female governors were elected. In the government formation, out of a total of 17 Deputy Ministers, there were 13 men and 4 women. As for the Secretaries of State, the 2019-2024 mandate started with a total of 11 of whom 7 were men and 4 women.

64. Although we are seeing a greater representation of women in decision-making bodies, in general, there is still weak female representation in decision-making bodies at the local level. For example, at the municipal governance level, out of a total of 53 municipalities, in the 2018 elections, only six municipalities elected women.

65. The advances towards the materialisation of equal rights for both sexes are notorious, but there are also several challenges in this component, namely:

- To strengthen actions aimed at the elimination of all forms of discrimination based on sex, promoting gender equality and equity;
- Ensure the implementation and functioning of Gender Units in government institutions;

- Encourage greater participation of women in politics and access to positions of influence in society;
- Continue with the dissemination and implementation of legal instruments on gender, including the norms of international law;
- Promote the access and training of women in courses or areas traditionally attended only by men.

66. The principle of universality and equality in Mozambique informs a large part of the instruments of governance, which aim at human development and are guided by principles such as universality, equality, legality, among others. As an example, the different Five-Year Government Plans covered by the period of preparation of the present report express as one of the priorities the political will to coordinate, ensure and encourage a gender approach in the definition, planning and implementation of sectoral development programmes, and the pursuit of efforts in the implementation of government commitments on gender issues.

Article 7: Principle of Access to Justice

67. Under the African Charter, this principle broadly covers the right to an effective remedy before a court, the guarantee of the presumption of innocence until tried by a competent court, the right of a person charged with a criminal offence to have legal counsel of his or her own choosing or, if lacking the means, to have legal counsel appointed “*ex officio*” free of charge. It also means that no one may be convicted of acts which at the time they were committed do not constitute a crime and that no one may be convicted of an offence which is not legally punishable.

68. Under the combined terms of Article 2(3) of the CRM "The State is subordinate to the Constitution and is founded on legality". According to the same article, limitations to rights, freedoms and guarantees can only take place in cases expressly provided for in the Constitution and these legal restrictions must be of a general nature and may not have retroactive effect.

69. However, under article 72(1) of the CRM, there are situations, namely in the event of an official declaration of a State of War, Siege or State of Emergency, in which individual freedoms and guarantees may be suspended or limited.

70. In the Republic of Mozambique the principle of legality also includes, with regard to the application of criminal law, the principle of *nullum crime sine lege*, which means that no one can be convicted of an act that does not qualify as a crime at the moment it is committed (article 60, paragraph 1 of CRM).

71. Also with regard to the application of the Criminal Law, this principle means that under the terms of paragraphs 1, 2 and 3 of article 59 of CRM, respectively, "in the Republic of Mozambique, everyone has the right to security, and no one may be arrested or put on trial except under the terms of the law; defendants enjoy the presumption of innocence until a definitive judicial decision is taken; no citizen may be tried more than once for the commission of the same crime, nor be punished with a penalty not provided for by law or with a penalty that is more severe than that established by law at the time the criminal offence was committed".

72. This principle also means that in the Republic of Mozambique: "no one may be convicted of an act not qualified as a crime at the moment it was committed (paragraph 1 of Article 60 of the CRM); the Criminal Law shall only apply retroactively when it is to the benefit of the accused (paragraph 2, ditto) ".

73. With regard to penalties this principle means that: "sentences and measures restricting freedom of life or of an unlimited or indefinite duration are prohibited (Article 61(1) of the CRM); that sentences are not transferable (paragraph 2 *ditto*); and that no sentence shall entail the loss of any civil, professional or political rights, nor shall it deprive the sentenced person of his or her fundamental rights, except for limitations inherent in the meaning of the sentence and the specific requirements of its execution (paragraph 3, *ibid.*)".

74. Regarding access to the courts, paragraph 1 of Article 62 of the CRM states that "the State guarantees citizens access to the court and defendants the right to defence and legal aid and representation".

75. In order to improve effectiveness and efficiency in the provision of justice services, the Centre for Legal and Judicial Training (“CFJJ”) was created as a state institution, subordinated to the Ministry of Justice.

76. Besides the entry and training courses for magistrates, the “CFJJ” provides other courses, namely: courses for Registrars and Notaries, courses for technicians of the Institute for Legal Assistance and Sponsorship (IPAJ), courses for Justice Officials and Assistants to Justice Officials.

77. In the case of magistrates, they have been exposed to training on various issues related to human rights. In 2018, the “CFJJ” offered a training course for judges of the Community Courts and Community Authorities on State and Human Rights with the aim of understanding how conflict resolution processes relate to fundamental rights.

78. On the other hand, in order to guarantee legal assistance, the State created the IPAJ, whose function is to provide legal assistance and legal sponsorship to economically needy citizens.

79. Despite the limitations imposed due to Covid-19, in 2020 and 2021, IPAJ assisted 1, 874, 631 citizens across the country.

80. With regard to territorial coverage, it should be noted that IPAJ has expanded its representation at the national level. By 2021, IPAJ had representation in all provincial capitals, including Maputo City. Of the 154 districts in the country, IPAJ is established in 145, of which it is physically in 140. With the destruction of 8 delegations in Cabo Delgado, in 2022, IPAJ covered 137 districts, of which 132 physically and 5 ambulatory.

¹⁰ Sousa Santos et al, "Legal Landscapes"

81. Access to justice in Mozambique is also based on the constitutional principle of legal pluralism expressed in Article 4 of the Basic Law, which stipulates that the *"State recognises the various normative and conflict resolution systems that coexist in Mozambican society, insofar as they do not contradict the fundamental values and principles of the Constitution"*. This means that in Mozambique citizens are free to resort to formal justice (courts) or informal justice (customary justice), the latter provided that it does not jeopardize the principles of the Rule of Law based on legality. To this principle, there is also the provision of article 62 of the CRM, which provides free access of citizens to the courts, assistance and legal counsel and in the formulation of the defence.

82. In Mozambique, several studies ¹⁰ concluded that the majority of the population is not a user of the formal system of administration of justice, but of non-formal systems of administration of justice, which are, as a rule, more adapted to the reality of the majority of the population and are cheaper and simpler.

83. Thus, the introduction of community courts is one of the ways found and attempts made by the Government to make the connection between the non-formal and formal systems of administration of justice, but these still have many difficulties in functioning. To meet this challenge, the revision of the law on community courts is underway.

84. With regard to other constitutional guarantees, it should be noted that in Mozambique laws can only have retroactive effects when they benefit citizens and other legal persons, as provided for in article 57 of the Constitution.

85. It is also important to mention that citizens may resort to the writ of habeas corpus in case of illegal arrest or detention, according to article 66 of the Constitution. Also in this regard, paragraph 1 combined with paragraph 3 of Article 67 of the CRM establishes that extradition can only take place by judicial decision and is not allowed when it concerns crimes punishable by death or life imprisonment in the requesting state. This enshrines the protection of the right to life.

86. The right to demand compensation for damages caused by the violation of fundamental rights is also guaranteed, under the terms of article 58 of the Constitution.

87. Under article 58(2) the State is responsible for illegal acts committed by its agents while in the exercise of their functions, which means that they are not exempt from complying with the law.

88. Article 69 of the Constitution provides for the possibility for citizens to challenge acts that violate the rights set out therein. To this end, under the terms of article 70, citizens have the right to appeal to the courts in case of violation of their constitutionally consecrated rights.

B. Civil and Political Rights

Articles 4 and 5: Right to Life, Prohibition of Torture, Slavery and Trafficking of Human Beings

89. In the terms of the African Charter every person has the right to the respect of his dignity, to the recognition of his personality and, inherently, respect for his life, physical and moral integrity and no one may be arbitrarily deprived of this right. This right also prohibits all forms of exploitation of the individual, more specifically slavery, torture and trafficking.

90. The human dignity of the individual, in other words the right to live and be treated with dignity, belongs to him by the very fact that it is inherent in his existence and accompanies him throughout his life. Recognition of their dignity also constitutes recognition of their personality and respect for their lives.

91. According to Article 40, paragraph 1 of the CRM "every citizen has the right to life and to physical and moral integrity and shall not be subjected to torture or to cruel and inhuman treatment".

92. The right to life is also safeguarded in paragraph 2 of the same article, which states that in Mozambique there is no death penalty.

93. The right to life and physical integrity is based on the recognition and promotion of the rights inherent in citizens' fundamental freedoms and the need to define concrete actions to prevent and eradicate all types of violence.

94. In this sense, cruel treatment, excessive use of force, summary executions, whether judicial or extrajudicial, torture, slavery and human trafficking are not institutionalised, that is, their use does not constitute government policy, precisely because they constitute a serious violation of human rights.

95. Lately, cases of excessive use of force, torture, extrajudicial executions and other human rights violations by the law and order authorities (police and prison guards) have been reported in the country. There are also some reported cases of people taking the law into their own hands by *lynching* alleged criminals.

96. But as mentioned above the recourse to these practices, whether by the population or carried out by law and order agents or prison officers is considered a crime, because everyone is subject to the law and to strict respect for human rights, as established in the Constitution.

97. Human rights violations committed by such law enforcement officials will give rise to criminal and/or administrative liability. In the case of police and correctional officers, they are further subject to their disciplinary statutes. Thus, all criminal cases committed by law enforcement officers, including prison staff, have been brought before the courts and have been dealt with in accordance with the Law. The cases proved through the investigation result in the criminal, civil and disciplinary accountability of the agents involved. It is also important to clarify that, as a rule, these cases are accompanied by the victims' relatives.

98. Moreover, all law enforcement and prison staff receive throughout their professional career specific training and instructions on the respect for human rights and above all for the right to life and safety during their actions. These professionals are aware of the use of

force and the constitutional and legal principles relating to appropriateness, necessity and proportionality.

99. In the case of prison staff, they receive, training related to: the application of prison measures and human rights, the main national, regional and international mechanisms for protecting the rights of persons deprived of their liberty, as well as behavioural issues such as interpersonal conflict management and relationship.

100. The Government has been making efforts to eliminate the practice of torture in the country. It is important to mention that the government itself has publicly declared the cases of torture in the prisons and the measures taken, which have even resulted in the expulsion, criminal and disciplinary proceedings against the guilty agents.

101. In Inhambane province, two Republic of Mozambique police officers were brought to court for beating a citizen to death on 18 April 2020. In 2015, the Voice of America newspaper reported that about 100 police officers had been expelled from the corporation for various crimes. The same newspaper reports that in 2015, 14 officers of the corporation were sentenced to prison and payment of fines by the Gaza Provincial Court for involvement in poaching. Also in Gaza, on 17 June 2020, five off-duty police officers were sentenced to 24 years in prison for the October 2019 shooting death of human rights activist Anastácio Matavele.

102. The prohibition of slavery under the covenant covers the prohibition of the slave trade, the prohibition of servitude and the prohibition of performing forced or compulsory labour not legally recognised.

103. According to Article 84 of the CRM, work constitutes a right and a duty of every citizen, who has the right to free choice of profession. Paragraph 3 of this article prohibits compulsory work, with the exception of work performed within the framework of criminal legislation.

104. In Mozambique some of these forms have been related to the crime of human trafficking, where the victims, mainly children and adolescents from rural areas, are lured

with promises of training and work in cities and neighbouring countries, often with the complicity of relatives, ending up, however, in contemporary forms of labour and sexual slavery. It is estimated that 10.5% of trafficking in people in Mozambique is for sexual exploitation and 89.5% for organ removal and forced labour.

105. In 2008, as previously mentioned, the Mozambican government approved the Law No. 6/2008 of 9 July that criminalises trafficking in people, especially women and children

106. The law on trafficking in Mozambique is under revision, having been approved by Parliament on 27 October 2022. Among the innovations of this law, it is worth highlighting the penalisation of transporters who bring passengers to Mozambique without a visa or without other entry requirements.

107. Law No. 13/20 - Establishing a Special Legal Regime for Extended Asset Forfeiture and Asset Recovery is of utmost importance in the fight against actions that jeopardise human and peoples' rights, such as corruption and related crimes, terrorism and terrorism financing, trafficking in people, drugs, illicit arms trafficking, loan sharking, fiscal fraud and tax crimes, piracy, crime against the environment, money laundering, kidnapping and child pornography.

108. At the national level, there is a register of national and foreign citizens judged and convicted of the crime of human trafficking. The government investigated two human trafficking cases in 2021, compared to six case investigations in 2020. The government prosecuted and convicted two traffickers in 2021, compared to two suspects prosecuted and one trafficker convicted of forced labor in 2020. judges sentenced the traffickers to two years in prison and 16 years in prison, respectively.¹¹

109. In recent years, there have been records of robberies characterized by kidnapping, followed by ransom demands. To stop these crimes, from 2017 to 2021, 103 processes were instructed, of which 72 ended and 31 pending.

¹¹ <https://mz.usembassy.gov/pt/2021-relatorio-sobre-traffic-de-pessoas-em-mocambique/>

110. The Ministry of Gender, Children and Social Action managed three short-term shelter centers for medical, psychological, family reunification and legal assistance to victims of trafficking.

111. The National Reference Group, led by the Attorney General of the Republic, met regularly to coordinate national efforts to combat trafficking, and members at national, provincial and district levels met regularly to address specific cases and concerns relating to trafficking.

112. The Public Prosecutor's Office continues to interact with citizens or groups of citizens, with **1,165** hearings granted by the Honorable Attorney-General of the Republic and **540** telephone calls answered on the Attorney-General's green line, **9,720** calls on the lines of the attorney in the provincial public attorney's offices, and **6,762** calls on the lines of the anti-corruption offices.

113. Over the period 2011-2021, the Attorney General received 82 requests for the filing of the extraordinary appeal for suspension of execution and annulment.

114. During this period, the Attorney General's Office received 257 requests for information or clarification on petitions addressed to the Petitions Committee of the Assembly of the Republic.

115. In order to reduce cases of trafficking, the Mozambican Government, in addition to legislative measures, has carried out training actions for the competent authorities such as police officers, judges, border personnel, and has also worked with the community to identify the recruiters of trafficking and to report cases of trafficking. These actions have been carried out in partnership with some NGOs and civil society organisations.

116. It is also important to mention that, as an institutional measure, a Specialised Brigade for issues of trafficking in human beings was created, which operates within the National Directorate of the Criminal Investigation Police and coordinates with the Offices and Sections for Assistance to Women and Children Victims of Violence.

117. Thus, it is demonstrated that the State has been increasing efforts to protect the right to life, ranging from the introduction of reforms in the justice sector, the criminalization of human trafficking being an example of this, to the improvement of public security through equipping the Police of the Republic of Mozambique with material and human resources.

118. It is also important to mention, in the context of the recognition of dignity and legal personality, birth registration as one of the Government's priorities.

119. Legal personality is the ability to acquire rights and contract obligations and begins at full birth and with life, under the terms of article 66 of the Civil Code.

120. A complete and live birth entails a series of rights, starting right from the start with the right to life, name and nationality and, inherently, its registration.

121. The CRM does not have a specific provision for the recognition of personality, but regulates the right to nationality in relation to its acquisition, loss and re-acquisition.

122. It is important to refer here to the birth registration of children as a way of acquiring identification and consequently the registration of the beginning of personality.

123. However, due to cultural and financial problems, many parents do not register their children after birth. The Government, in order to encourage the civil registration of children, has increased the grace period for free civil registration to 120 days.

124. It is important to say that fixed brigades for the registration of newborn children have been established in the maternity wards of the health units. However, there are deficiencies in the registration of children whose mothers deliver outside the maternity ward, or whose fathers are absent.

125. To increase the number of registered children the Government has reinforced the free child registration campaigns which started in 2005. To this end, the government strengthened legislation with the approval of the new Civil Code (Law No. 12/2018) and the start of the installation of the electronic Civil Registration and Vital Statistics system,

with the start of the installation of the electronic Civil Registration and Vital Statistics system throughout the country (by 2018 it had approximately 80 per cent coverage). According to the 2017 Census, birth registration rates were around 49 per cent.

126. In these campaigns, which take place mostly in rural communities, in addition to registration, information is provided to sensitise families to name their children before birth so that they can be registered even in the absence of the parents. The same information campaign advises what should be done in other situations such as by single mothers to register.

127. However, despite these advances, there are several challenges in this area, namely:

- Strengthening the prevention of and fight against crime;
- Strengthen measures and mechanisms to prevent, monitor and repress the excessive use of force, torture and other cases committed by law and order agents and that threaten the physical integrity of citizens;
- Establishing strategies to reduce cases of lynchings;
- Promote ongoing training of the law enforcement agencies on human rights issues;
- Strengthen the implementation mechanisms of the Law on Preventing and Combating Trafficking in Human Beings especially Women and Children;
- Establish effective judicial and administrative mechanisms to implement laws and policies prohibiting slavery, servitude and forced labour;

Article 6: Right to Liberty and Personal Safety

128. Under the Charter everyone has the right to liberty and security and no one may be arbitrarily deprived of this right, that is, arbitrarily arrested or detained.

129. In the Republic of Mozambique, this principle, whose meaning is the same as that of the Charter, is enshrined in Article 59 of the CRM, under the terms of which "1. In the Republic of Mozambique everyone has the right to security and no one shall be arrested

and put on trial except under the terms of the Law. 2. (2) Defendants shall enjoy the presumption of innocence until a final judicial decision has been taken. 3.

130. Thus, within the scope of protection and safety, it is important to mention the role of the police and the prison system in the enjoyment of the right to freedom and the guaranteeing of safety.

131. The Police of the Republic of Mozambique was created by Law no. 19/92 of 31 December, and its function, under the terms of Article 254(1) of the Constitution, is to guarantee law and order, safeguard the security of persons and property, public tranquility, respect for the democratic rule of law, and the strict observance of the fundamental rights and freedoms of citizens. In respect for the principle of multipartyism, paragraph 2 of the same article stipulates that the Police shall be non-partisan.

132. With a view to modernizing the Police, among other actions, Decree no. 24/99, of 18 May, was approved, creating the Academy of Police Sciences (ACIPOL) and developing the PRM Strategic Plan 2003-2012, (PEPRM). ACIPOL is oriented towards the intensive and professional training of police officers, in the form of superior level courses of 3 to 4 years, as well as the continuous training of senior police officers. In its curriculum, ACIPOL has included modules on human rights. At the undergraduate level, there are two courses, the degree in Police Sciences and the Penitentiary Administration course. At the post-graduate level, ACIPOL provides the Academic and Professional Master's Degree in Police Sciences in the specialties of Public Security and Criminal Investigation.

133. Mozambique is a country that is part of the Southern Africa region and in that context the PRM is part of the regional police organization called (SAPCCO) which has developed a Code of Conduct for its members regarding the performance and compliance with human rights standards, to which the country is a subscriber. On the other hand, when we refer to the guarantee of security we have to look at the prison system which constitutes one of the pillars of the system of administration of criminal justice in Mozambique.

134. The general framework in prisons presents a positive evolution in terms of health conditions, education and technical and professional training of prisoners. However, the

level of imprisonment remains critical, despite the reduction of overcrowding in prison facilities from about 300% reported in the 1999-2010 report to 138.2% reported in the report of the Attorney General of the Republic of 2022. Also according to this report, in 2020, the country had a maximum capacity of 8,498 inmates, increasing to 8,614 in 2021. Meanwhile, the prison population also grew from 18,752 in 2020 to 20,517 in 2021. Of these, 12,765 were serving time in 2020, rising to 14,245 in 2022. The number of remand prisoners was 5,987 in 2020 and 6,272 in 2021. By 30 October 2022, there were 6,441 remand prisoners in the country, of which 4,955, equivalent to 72.9% within the legally established limits, and 1,486 remand prisoners corresponding to 23.1% outside the legally established limits.

135. Another problem in prisons is the infrastructure. Given the weak economic situation in which the country finds itself, many infrastructures date from the colonial period and in some cases have not benefited from any rehabilitation, causing their degraded state to negatively influence the accommodation of the prison population. However, despite all these difficulties, new prison centres are being built. In the period 2010-2021, 09 penitentiary establishments were built in the country in Nicuadala and Milange, Zambézia Province, Chitima, Tete Province, Guru, Manica Province, Gorongosa, Sofala Province, Mabote and Inharrine, Inhambane Province and Manjacaze, Gaza Province. Equal attention has been given to open detention centres and rehabilitation centres for young people in conflict with the law. Data from the 2022 PGR Report point to the existence of 157 penitentiary units in the country, with a capacity of 8,614 beds, compared to 8,498 from 2020, which means an increase of 116, corresponding to 1.4%.

¹² Time limits for pre-trial detention are regulated in art. 308 of the Code of Criminal Procedure (CPP) and in other separate legal provisions, namely Law 3/97, known as the Drug Law. The time limits vary from 20 to 90 days paragraphs 1, 2 and 3 of § 1 and paragraphs 1 and 2 of § 2 of art.308CPP.

136. As regards assistance, as a general rule, prisoners are entitled to medical assistance, to profess their religious beliefs as long as they do not disturb order and discipline, to regular visits from family members and other relatives, to receive food two or three times a day, to receive information (receipt of newspapers, magazines, books and letters) and to engage in recreational and sports activities. They also receive schooling and technical and professional training. Prisoners also benefit from legal assistance and legal aid from IPAJ technicians and legal assistants.

137. There are several cases of prisoners whose pre-trial detention periods have been and are largely exceeded¹², which contributes to over-internment in prisons and the aggravation of all the other problems inherent to it.

138. The application of alternative sentences to imprisonment, incorporated in the current Criminal Code, has allowed the participation of society in the achievement of the purposes of sentences, such as general prevention.

139. The results of the new Criminal Code for 2016-2021, show an oscillating picture with regard to the reduction of over-internment as shown in the table below:

Year	2016	2017	2018	2019	2020	2021
Prisoners' internments	15,335	18,185	17,908	19,784	18,773	20,455

140. There are several challenges to guaranteeing the right to liberty and security, including:

- Encourage reporting of crimes, and collaboration with police investigation and criminal prosecution;
- Improve the technical capacity of the *Community Policing Boards*;
- Reducing the cases of violation of the time limits for pre-trial detention;

Article 8: Freedom of conscience, profession and religion

141. The African Charter enshrines freedom of conscience, free choice of profession and free practice of religion.

142. Mozambique is a secular country. Religious freedom is a constitutional guarantee provided for in paragraphs 3 and 4 of Article 12, in conjunction with the provisions of Article 54, both of the CRM, which state that:

"Religious denominations are free in their organization and in the exercise of their functions and worship, and shall conform to the laws of the State (no. 3 of article 12 of CRM; The State recognizes and values the activities of religious denominations aimed at promoting a climate of understanding, tolerance, peace and strengthening of national unity, the spiritual and material well-being of citizens and economic and social development (no. No one shall be discriminated against, persecuted, prejudiced, deprived of rights, benefited or exempted from duties because of his or her faith, conviction or religious practice (no. 2, *idem*); Religious denominations have the right to freely pursue their religious aims, own and acquire goods for the materialization of their objectives (no. 3, *ibidem*). The protection of places of worship is ensured (no. 4, *ibidem*); The right to conscientious objection is guaranteed in terms of the Law (no. 5, *ibidem*)".

143. In these terms, citizens enjoy the freedom to practice or not to practice a religion, and no one may be discriminated against, persecuted, prejudiced, deprived of rights, benefited or exempted from duties because of his or her faith, conviction or religious practice.

144. With regard to religious denominations, these enjoy the right to freely pursue their religious aims, to own and acquire goods for the materialisation of their objectives, in addition to the fact that places of worship are guaranteed protection, and must conform to the laws of the State. The State shall recognise and value the activities of religious denominations with a view to promoting a climate of understanding, tolerance, peace and the strengthening of national unity, the spiritual and material well-being of citizens and economic and social development.

145. It is in this framework of religious freedom and secularism of the State that there is a wide opening for religious denominations to operate in Mozambique. From the statistics it is estimated that about 1027 (one thousand and twenty seven) officially registered religious denominations are working in perfect harmony in the country. This represents a growth of more than 100 per cent of religious denominations since the last report. Meanwhile, to regulate religious activity, the process of revising the Law on Religious Freedom is underway since 2019 in order to adjust the law that has been in force since 1971. Among the innovations of the draft law, the most noteworthy is the requirement of at least 500 members to register a church.

146. In the criminal area, the Criminal Code in its articles 130, 131 and 135 provides some penalties to offenders who fail to respect religion or religious worship. Regarding penalties for offences committed within the scope of action of political parties, the electoral law, law no. 7/2004 of 17 June regulates this type of activities, as well as law no. 7/91 of 23 January establishing the legal framework for the formation and activity of political parties.

147. Regarding freedom of conscience, this is not only limited to the activities of religious denominations, but also includes the freedom of citizens to form and freely participate in political parties, as stated in article 53 of the CRM.

148. Meanwhile, the CRM and the Law on Political Parties preliminarily prohibit religious denominations and political parties from organising actions or forming blocks with a view to sponsoring propaganda of religious actions, which may jeopardise public order and security and endanger national unity.

149. The great challenge in this area is to establish the teaching of diversity and history of religions in the public education network, with emphasis on the recognition of cultural differences, promotion of tolerance and the affirmation of the laicity of the State.

150. Regarding freedom of choice of profession, the CRM enshrines in article 84, paragraph 2 that "every citizen has the right to free choice of profession". In fact, in the Mozambican context this right has developed peacefully, and individuals are not obliged

to practice a profession they do not wish to do, nor are they free to choose the course that will enable them to practice a particular profession from among the options available to them.

Article 9: Freedom of Expression

151. Under the Charter freedom of expression means having the right to information and to express one's opinions within what are legal limits.

152. In terms of article 48 of the CRM: "1. All citizens shall have the right to freedom of expression, freedom of the press and the right to information. 2. The exercise of freedom of expression, which shall include, namely, the faculty to impart one's thoughts by all lawful means, and the exercise of the right to information shall not be restricted by censorship. (3) Freedom of the press shall include, in particular, the freedom of expression and creativity of journalists, access to sources of information, protection of independence and professional secrecy, and the right to establish newspapers, publications and other means of dissemination. 4. In the public sector media the expression and confrontation of ideas from different strands of opinion shall be ensured. 5. The State shall guarantee the impartiality of the public sector media as well as the independence of journalists from the Government, the administration and other political powers. 6. The exercise of the rights and freedoms referred to in this article shall be regulated by law on the basis of the imperatives of respect for the Constitution and for the dignity of the human person.

153. In Mozambique, the right to freedom of expression and information includes, in particular, the journalists' freedom of expression and of creation, access to sources of information, protection of independence and professional secrecy and the right to create newspapers, publications and other means of dissemination. To this end, there is a Media Superior Council in Mozambique, a body of discipline and consultation, which ensures access to information, press freedom, as well as broadcasting rights and the right of reply. Practical and recent examples of the evolution of press freedom in Mozambique are the increase of private newspapers, radio and television stations. According to the Directory of MISA Mocambique, the country has two private and one public weekly newspapers, four private and one public daily newspapers, 10 private and one public television channels, 3

private and one public radio station. In addition to these media, Mozambique has 100 community radio stations spread across all provinces.

154. Mozambique has a minimum legal framework for the exercise of freedom of opinion, expression and information, and in 2019 began a legal reform process in the press and broadcasting sector.

155. But as a gain in the sector it should be noted that in recent years the Mozambican media have expanded and diversified considerably.

156. Community radios have been an important alternative in the diffusion of information to citizens in rural areas at national level, but their reach is still limited in terms of coverage, means and qualified human resources.

157. In this area we have, among others, the following challenges:

- Expand the media to the vast majority of Mozambicans;
- Improve access to information produced by different sectors through the adoption of the law on access to sources of information;
- Expand and facilitate the exercise of freedom of expression and press, and access to information by promoting the use of local languages in radio and television programming through the establishment of local content quotas
- To expand community radio services by improving the coverage and quality of information broadcast.

Articles 10 and 11: Freedom of Association and Assembly

158. Under the covenant, freedom of association and assembly means the right to associate freely with other citizens, to form and to join trade unions for the protection of one's interests.

159. The right to free association or freedom of assembly is enshrined in articles 51 and 52 of the CRM which respectively state: "all citizens have the right to freedom of assembly

and manifestation under the terms of the Law" (article 51 of CRM); Citizens enjoy freedom of association (no. 1 of article 52 of CRM); Social organisations and associations have the right to pursue their purposes, to create institutions to achieve their specific objectives and to own assets to carry out their activities under the terms of the Law (no. 1 of article 52 of CRM). Social organisations and associations have the right to pursue their purposes, to create institutions aimed at achieving their specific objectives and to own assets for carrying out their activities, in accordance with the Law (paragraph 2, *ibidem*); armed associations of a military or paramilitary nature and those which promote violence, racism, xenophobia or pursue aims contrary to the law are prohibited (paragraph 3, *ibidem*)".

160. It is on the basis of this freedom of association that civil society organisations arise and act. The Government of Mozambique and the civil society organizations have worked in close collaboration for human development. Proof of this is the involvement of civil society organisations in the preparation of reports on the degree of implementation of human rights to the human rights mechanisms to which the country has commitments. Civil society organisations are also consulted on several occasions when broad dialogue forums are established, open to the participation of all individuals or organisations.

161. At the moment, a process of revision of the regulatory framework of civil society organisations is underway, which seeks to facilitate the registration and functioning of organisations, as they still face bureaucratic constraints for their formalisation.

162. In the criminal sphere, the disturbance of public order or any manifestation that goes against the law, as well as the crime against State security article 175 CP, preparatory acts cf. article 172 CP, are punishable by law. Within these offences are the illegal assemblies, the armed assembly, the sedition and the disturbance, foreseen and punished by articles 177, 178, 179 and 180 of the Criminal Code respectively.

163. In this regard, Article 71(9) of the Criminal Code expressly refers to security measures to be applied to all those who have been convicted of crimes of association of criminals (Article 263 Criminal Code), organised gangs, unauthorised associations (Article 282 Criminal Code) and secret associations (Article 283 Criminal Code).

164. Regarding the separate legislation on this matter, Laws No. 8 and 9/91 were approved, both of 18 July, dealing with the legal framework for meetings, associations or demonstrations, that is, Law No. 8/91, known as the Associations Law, establishes the legal framework for the constitution of national non-governmental organisations.

165. Associations shall be recognised by the Government or the provincial representative, and their constitutive statutes shall be published in the Official Gazette.

Article 12: Right of Free Movement

166. Under the African Charter, the right to free movement literally means the right of a person to move freely and to take up residence in a place of his choice within the territory of the State. It also means that an alien legally present on the territory of a State Party may only be expelled by a justifying judicial decision.

167. In the Republic of Mozambique, this right is enshrined in article 55 of the CRM which states: "1. All citizens shall have the right to take up residence in any part of the national territory. 2. All citizens shall be free to move in and out of the national territory, except those legally deprived of this right".

168. In this report it is important to talk about the asylum that the country grants to citizens of other countries and its constraints, bearing in mind that each State has international obligations to share responsibility for the assistance and protection of citizens who request it.

169. The constitutional provision also grants the right to asylum enshrined in article 20(2), under which: "(...) 2. *The Republic of Mozambique grants asylum to foreigners persecuted on the grounds of their struggle for national liberation, for democracy, for peace and for the defence of human rights*", and the regional and international instruments on the matter ratified by the Republic of Mozambique constitute the legal basis for the recognition of the need to grant Asylum and Refugee Status to foreign citizens and stateless persons by the Mozambican State.

170. The Republic of Mozambique has ratified the Additional Protocol to the Geneva Convention on the Status of Refugees of 31 January 1967 and the OAU Convention relating to Specific Aspects of Refugee Problems in Africa of 10 September 1969, these international legal instruments incorporated into the domestic legal system constitute the legal basis for the recognition of the granting of asylum and refugee status to foreign citizens and stateless persons by the Mozambican State.

171. Given its strategic geographical position, and its policy of good coexistence and receptiveness, Mozambique has been a privileged country for the wave of refugees coming from the conflict zones of the Horn of Africa countries, the Great Lakes Region and Zimbabwe. In this context, the Government has cooperated with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. According to UN statistics, by 2021, Mozambique had 29,800 refugees, of which 25,000 were asylum seekers. Of the total number of refugees, 25 per cent are children.

172. The major challenges in this area are:

- Improve reception and screening conditions for refugees and asylum seekers;
- Create reception conditions for repatriated nationals from neighbouring countries;
- Extending protection to refugees;

Article 13: Right to Participate in Public Life Affairs

173. Under the African Charter, citizens have the right to participate in the affairs of public life, either by themselves or through their representatives; that citizens have the right of access to the public functions of the country and that, everyone has the right to use public goods and services on an equal basis.

174. This is a right and a duty of the citizen, enshrined in articles 53 and 73 of the CRM, in which the State promotes and supports active participation in the development and consolidation of the country's economy by enshrining that: " 1. All citizens enjoy the freedom to form or participate in political parties. 2. Membership of a political party is

voluntary and derives from the freedom of citizens to associate around the same political ideals" (article 53) and, " 1. Parties express political pluralism, contribute to the formation and manifestation of the popular will and are a fundamental instrument for the democratic participation of citizens in the governance of the country. 2. The internal structure and functioning of political parties shall be democratic.

175. As part of the implementation of the Government's Five-Year Programme 2015-2019 and 2020-2024, Mozambique has designed strategic actions to consolidate the public sector reform that took place from 2001 to 2011. Among the priorities set out in the Government of Mozambique's Five-Year Plan for 2015-2019 emphasis on the development of human and social capital, the promotion of employment and the improvement of productivity and competitiveness.

C. Economic, Social and Cultural Rights

Article 14: Property Rights

176. The African Charter guarantees the right to property and enshrines that it can only be affected by public necessity or in the general interest of the community, in accordance with the provisions of the appropriate laws.

177. In the Republic of Mozambique, this right is constitutionally recognised in Article 82 of the CRM, which states that: *"1. The State shall recognise and guarantee the right to property; 2. Expropriation may only take place on the grounds of necessity, utility or public interest, defined in accordance with the law, and shall give rise to just compensation"*.

178. The right of property is regulated in the Civil Code and in the combined terms of articles 1302, 1303, 1304 and 1305 of the referred code, this right has as its object tangible, movable or immovable things, it is subsidiarily applicable to the right of intellectual property (which integrates the rights of the author and the industrial property) and to the domain of the things belonging to the State or to any other public collective persons in the cases in which they do not have special legislation about the right of property and finally,

the right to property, which in terms of its content grants the owner full and exclusive rights to use, enjoy and dispose of things belonging to him, within the limits of the law.

179. From the interpretation of the above provisions we can conclude that this right is quite complex. It includes the right to use and benefit from land, the right to housing, access to drinking water and sanitation and intellectual property, which in turn includes industrial property and copyright (artistic and literary property).

180. The right to use and benefit from land has a particularity, the citizen who requests it cannot be considered the owner, because it is property of the State and cannot be alienated, but rather a usufructuary. But we apply the right of property to him, because once it is granted, he can enjoy it fully and exclusively and give it the destination he wants within the limits of the law.

181. Under Article 109 of the CRM “*1. Land is the property of the State; 2. Land shall not be sold or otherwise alienated, nor mortgaged or pledged; 3. As a universal means of wealth creation and social well-being, the use and enjoyment of land is the right of all the Mozambican people*”.

182. With regard to use and benefit, article 110 states that: “*1. The State shall determine the conditions of use and benefit of the land. 2. The right to use and benefit from land shall be granted to natural or corporate persons taking into account its social or economic purpose*”.

183. Access to land is regulated by a specific law, the Land Law, Law no. 19/97, of 1 October, and its regulation, Decree no. 66/98, of 8 December. This law brought an important innovation, which was the inclusion of rules of customary and traditional law protecting peasants who exploit the land, while giving ample guarantees and effective possibilities to all those interested in its commercial exploitation.

184. Current issues related to the right to land use and benefit are the access to land by women forbidden by traditional issues and the conflicts of sale of land in some communities. Land is the property of the State and the State has been intervening to put an

end to these cases of land sale as well as to promote women's rights, more specifically the right to equal use and enjoyment for all citizens without gender distinction as a way to eliminate this traditional practice that denies women access to land, mainly through succession.

185. The consultation process for the revision of the national land law and policy in Mozambique is underway. This work counts with the participation of government, civil society organisations and local communities.

186. Housing in Mozambique is a constitutional right enshrined in article 91, according to which: *“All citizens have the right to decent housing, and it is the State's duty, in accordance with national economic development, to create the appropriate institutional, normative and infrastructural conditions”*.

187. Several attempts have been made that at the real level remain unsuccessful to materialize the right to housing. The 2015-2019 FYGP makes reference to the need for the formation of public-private partnerships for the construction of housing and youth and sports developments; promotion of self-construction of housing through the distribution of infrastructure plots, design and distribution of standard housing projects. In turn, the 2020-2024 FYGP refers to the objective of increasing the provision and access to social housing based on financing the construction and purchase of 1,118 social housing units.

188. In 1995, the State created the Housing Promotion Fund (FFH) to promote social housing for low-income families, qualified technicians and young couples. Between 2011 and 2018, the "FFH" allocated 1,372 dwellings and 1,666 infrastructured plots, through access to credit for self-construction, expansion and rehabilitation. The major limitation of this policy is the exclusion of individuals without the capacity to pay.

189. According to the Ministry of Public Works and Housing Report 2018, an estimated 80% of the population in urban areas live in housing with inadequate conditions. The precarious housing conditions are exacerbated by the natural disasters that have struck the country cyclically.

190. With regard to access to water and sanitation, article 98 of the CRM enshrines the following: “ 1. *Natural resources located in the soil and the subsoil, in inland waters, in the territorial sea, on the continental shelf and in the exclusive economic zone shall be the property of the State; 2. The following shall constitute the public domain of the State: a) the maritime zone;.... and b) hydraulic potential...; 3. The law shall regulate the legal regime of property in the public domain, as well as its management and conservation, differentiating between State public domain, the public domain of local authorities and the community public domain, with respect for the principles of imprescriptibility and unseizability*”.

191. Based on the aforementioned article, water in Mozambique is the property of the State and, being a public domain resource, its access is regulated by the National Water Policy, approved by Resolution No. 7/95 of 8 August of the Council of Ministers, which establishes the general guidelines for extending the water supply network to the population, and is materialised by a package of operational instruments for the various areas, namely the Strategic Plan for Water and Rural Sanitation, the National Water Resources Management Strategy, the National Water and Sanitation Information System Strategy and the Strategic Plan for Urban Water and Sanitation.

192. Data from the Ministry of Public Works and Housing from 2018, indicate that in Mozambique, access to water is still poor, however, some improvements have been observed. It is estimated that between 50-70% of Mozambicans have access to safe water sources. In urban areas, about 83% use improved sources, with 63.1% connected to water distribution networks. On the other hand, only about 37% of the rural population has access to safe water sources.

193. The data from the Household Budget Survey (IOF 2019/2020) ascertained by "INE" reveal that compared to the IOF (2014/2015), the rate of households using water from safe sources for drinking increased from 50.3% to 55.7%. it is underlined that 83.5% of households in the urban area consume water from safe sources against 41.1% in the rural area.

194. Regarding basic sanitation, 2018 data from the Ministry of Public Works and Housing indicate that at least one-third of Mozambicans do not have any type of facility and/or perform their needs in the open. Another third has access to improved facilities, such as latrines and toilets to the grid, while the rest rely on unimproved latrines (INE, 2015; UM-Habitat, 2016).

195. Article 94 of the CRM enshrines the right to intellectual property in the following terms: “*All citizens have the right to freedom of scientific, technical, literary and artistic creation; 2. The State protects the rights inherent in intellectual property, including copyright, and promotes the practice and dissemination of literature and the arts*”.

196. This right, despite being constitutionally consecrated, is still a great challenge for the Government to put into practice because the discussion around it is still quite recent, especially in relation to the protection of creators or copyright. However, there was an important development in this area, which was the strengthening of the legal framework, more specifically the revision of the Copyright and Related Rights Law, Law No. 4/2001, 27 February that was out of sync and out of sync both internally and internationally, with the approval of several structuring legal instruments in the country (Law No. 34/2014, 31 December 2014). Law no. 34/2014, of December 31st - Right to Information Law; Law no. 1/2017, of January 6th - Audiovisual and Cinema Law and *its respective Regulation approved by Decree no. 41/2017, of August 4th*, as well as the *Cultural and Creative Industries Policy approved by Resolution no. 34/2016, of December 12th*.

197. It was along these lines that the new Copyright and Neighbouring Rights Law was approved, Law no. 9/2022, of 29 June, and the process of drafting and approving the respective regulation is underway. The new law establishes that when producing a literary, artistic or scientific work, the creator starts to hold a set of rights that protect his intellectual property. Another important issue in this law is the need to protect the Folklore works so that their capture, reproduction, dissemination and publication is not made without a document proving the consent or agreement of the Mozambican State and also the protection of artistic literary works in the spirit of what is established in the Berne Convention, to which Mozambique is a signatory.

198. Another relevant aspect, as a way to adopt legislative measures for the realization of human rights provided in the African Charter on Human and Peoples' Rights and in the Marrakech Treaty, ratified by Mozambique through Resolution No. 10/2021, regarding the Rights of Persons with Disabilities, is the new Copyright and Related Rights Law which provides for the reproduction of works in accessible format to facilitate access to works of art. No. 10/2021, of 27 December, regarding the Rights of Persons with Disabilities, the new Law on Copyright and Related Rights provides for the reproduction of works in accessible format, to facilitate access to published works by persons who are blind, visually impaired or have other difficulties in reading printed material, on an equal basis with a person not affected by such disability or difficulty.

199. In the scope of the implementation of Law 9/2022 of 29 July - Law on Copyright and Related Rights, the following actions were carried out:

- Celebration of International Children's Book Day;
- Celebration of World Book and Copyright Day. This activity was carried out in coordination with UNESCO and the Mozambican Authors' Association;
- Capacity building for officials of the Revenue Authority, Police of the Republic of Mozambique, Customs agents, musicians and show promoters on the Copyright and Performance Rights Law;
- Dissemination of Resolution no. 10/2021, of 27th December, which ratifies the Marrakech Treaty, to the Ministry of Gender, Children and Social Action; the Association of the Blind and Visually Impaired of Mozambique (ACAMO), Mozambican Television (TVM) and Radio Mozambique (RM);

Registration of works as illustrated in the table below:

Order No.	Registration Type	Number
1	Certificate of Registration	32
2	Registration of Literary Works	1970
3	Registration of records and music	189
4	Computer program registration	25
5	Conference Registration	02
6	Project Registration	26
7	Certificate of Registration	695
TOTAL		2.939

200. Another notable advance in strengthening the protection of artistic and literary creation was the creation of the Mozambican Authors' Association, abbreviated to SOMAS, which, although its objective is to safeguard authors' rights, also functions as a meeting point for the promotion of their works and debate on common interests.

201. Furthermore, with the approval by the Parliament of Law No. 1/2017 of 6 January 2017 - Audiovisual and Cinema Law and the respective Regulation approved by Decree No. 41/2017 of 4 August 2017, under the premise of encouraging, promoting, protecting and disciplining the development of audiovisual and cinematographic activities with regard to production, distribution and exhibition in the country, five years after the approval and application of the aforementioned instruments, Amongst various gains, there was a disciplined sector, which contributed to the development and substantial growth of the audiovisual and cinema area in the country, having allowed the approval of the Regulation that establishes rules and procedures for Support and Financing of Audiovisual and Cinematographic Activity, through Ministerial Diploma no. 73/2021, of 6 August and consequently the launch of the 1st contest, from which four winners stood out, namely: two documentaries and two fictions "Marks of Terrorism" by Elísio Bajone; "Ode to Ungulani ba ka kossa" by José Nhantumbo; "Nhinguitimo" by Licínio de Azevedo and "Palma Penosa" by Gabriel Mondlane.

202. The emergence of new talents has been encouraged; there has been an increase in the number of audiovisual and cinematographic operators; as well as a significant contribution in terms of revenue collection in this sector.

203. The same Law brings the component of registration of audiovisual and cinematographic works, which protects the rights of authors with regard to exhibition and dissemination, it is clear that the exhibition of works is upon presentation of registration.

204. The right to property has gained greater impetus with the approval of Law no. 23/2019 of 23 December - Succession Law. However, despite the approval of this law, major challenges remain, some of which are as follows:

- The spread of the law;
- Expediting in the courts the cases of disputes involving property rights;

Article 15: Right to work

205. The African Charter guarantees citizens the right to work under fair and satisfactory conditions and to receive equal pay for equal work.

206. In the Republic of Mozambique this right is constitutionally enshrined in article 84 which states: *“1. Work is a right and a duty of every citizen; 2. Every citizen has the right to free choice of profession; 3. Compulsory work is prohibited, with the exception of work carried out within the framework of penal legislation.”*

207. Also under the CRM, Article 112 states that: *“1. Work is the driving force of development and is dignified and protected; 2. the State advocates the fair distribution of income from work; 3. the State maintains that there should be equal pay for equal work”*.

208. With regard to the worker himself, the CRM enshrines in Article 85 that: *“1. Every worker has the right to fair pay, rest, holidays and retirement under the terms of the law; 2. Workers have the right to protection, safety and hygiene at work; 3. Workers may only be dismissed in the cases and under the terms established by law”*.

209. Thus, working is not only a right (since it should be ensured either by the State or by private entities) but also a duty of each citizen in favour of development. The CRM, by

prohibiting compulsory labour, is consecrating the prohibition of forced labour and slavery in Mozambique.

210. The exercise of the right and duty to work in Mozambique is regulated by a specific law (Labour Law, Law no. 263/2007 of 1 August) for general cases, more specifically for the private sector, and by the General Statute of State Employees and Agents for State servants.

211. It should be noted that Mozambique is party to several conventions of the International Labour Organization (ILO), namely, the Convention on Forced Labour, ratified in 2003; the Convention on the Abolition of Forced Labour, ratified in 1977; the Convention on Trade-Union Freedom and Protection of the Right to Organise, ratified in 1996; the Equal Remuneration Convention, ratified in 1977; the Convention on Discrimination in Employment and Occupation ratified in 1977; the Convention on the Minimum Age for Admission to Employment, ratified in 2003; the Convention on the Eradication of the Worst Forms of Child Labour, ratified in 2003.

212. The Mozambican Government has emphasized the importance of consolidating a work culture, as well as better professional training for young people and adults. In 2006, the Government approved the Employment and Vocational Training Strategy (2006-2015), and, in relation to work and employment, the Government's Five Year Program (2015-2019 and 2020-2021) highlight the promotion of employment, labor legality and social security. The Government's Five Year Program 2015-2019 has a special focus on increasing employment, productivity and competitiveness. In turn, the Government's Five Year Program , 2020-2024 highlights economic growth, productivity and job creation, especially for young people.

213. The current problems related to the right to work are the lack of employment in the places of greater concentration of the population, more specifically the cities. The age group most affected by the lack of jobs today continues to be young people, which contributes negatively to social well-being and human development as many end up engaging in crime to meet their needs.

214. Another problem is the ever-increasing number of labour cases in the courts related to the violation of workers' rights and duties. The Ministry of Labour has also received many requests from workers to intervene in the mediation of disciplinary proceedings brought against them by employers.

215. The CRM also enshrines, in Article 86(1), freedom of professional and trade union association in the following terms: "1. Workers shall be free to organise themselves into professional associations or trade unions".

216. Constitutional law and the law establish that all workers are free to join a trade union of their choice (exercise of the Right of Association), without prior authorisation or excessive requirements. It should be noted that the Labour Law that guarantees the right of association does not include civil servants in general, as well as members of the judiciary, police, firefighters, prison guards and members of the armed forces. Discrimination against trade unions is legally prohibited.

217. Labour law foresees the right of workers to organise and collectively negotiate work contracts and other labour benefits. It is in this context that trade unions have been responsible for negotiating wage increases under the Social Concentration Mechanism between Government, Employers and Trade Unions.

218. The right to strike is a constitutional guarantee enshrined in Article 87 of the CRM, which states: "*1. Workers have the right to strike, the exercise of which is regulated by law; 2. The law limits the exercise of the right to strike in essential services and activities, in the interests of the pressing needs of society and national security; 3. Lock-out is prohibited*".

219. This right has been implemented by workers with the exception of members of the police force, military personnel and workers in essential services such as firefighters, sanitation and health care personnel, and health care workers, who do not have the right to strike for obvious reasons. This right is regulated by Law 6/91 of 9 January, which sets out the rules governing the exercise of the right to strike and also the Labour Law, which specifies that strikers must give 48 hours' notice to the authorities.

220. The approval of Law No. 18/2014 - Law on Public Service Unionisation and Public Administration Unionisation in 2014, marks a major advance in the rights of Mozambican workers. However, despite the approval of the Civil Service Unionisation Law, challenges remain in its implementation including:

- The dissemination of the law;
- The formation of unions with solid leadership
- The exercise of bargaining power by trade unionists

221. Besides the Labour Law, the EGFAE and other complementary legislation, on which there are still dissemination activities, aimed at making known and improving the fundamental rights of workers, the State has taken an important measure, the creation of mediation and labour arbitration centres, thus creating alternative ways of resolving labour conflicts,

222. Regarding workers with HIV/AIDS, the Law No. 5/2002 of 5 February is in force in Mozambique, which protects against discrimination in the workplace for people with HIV, including job applicants.

223. Still within the scope of the right to work, it is important to refer the State's legal position regarding forced and child labour. Forced or compulsory labour, including child labour, is prohibited by law.

224. CRM expressly enshrines this prohibition in Article 121(4), which stipulates that: *“The work of children of compulsory school age or of any other age shall be prohibited”*.

225. Despite this prohibition, there have been reports and cases of rape occurring in the informal economy (commerce and small domestic chores) and in rural areas (commercial agriculture), but whenever this happens the authorities take appropriate action against the offenders. Factors that have contributed to these occurrences are chronic poverty in the family environment, breakdown in family support mechanisms, unemployment of parents

and adult relatives, abrupt changes and instability in the economic environment, lack of educational opportunities, gender inequality, and the impact of HIV/AIDS.

226. Although legislation prohibits child labour, it remains a concern as it manifests the country's poverty situation. Formally, the minimum age for unrestricted access to work is 18. However, the law does make some exceptions for children between the ages of 15 and 18 to work, on the condition that the employer provides for their education and vocational training, and ensures that the working conditions are not prejudicial to their physical and moral development. Children between the ages of 12 and 15 may work under special conditions authorised jointly by the Ministries of Labour, Health and Education. For children under the age of 18, the maximum weekly workload permitted by law is 38 hours, the maximum daily load is 7 hours, and they may not work in occupations that expose them to illness or that are dangerous, or those requiring greater physical effort. Children have to undergo a medical examination before starting to work. By law children have to be paid at least the minimum wage or a minimum of two thirds of the adult wage, whichever is higher.

227. The major challenges in the labour area are as follows:

- Guaranteeing access to work and its proper exercise, which will enable the reduction of the youth unemployment rate;
- Prohibiting and eliminating all forms of labour exploitation through the strengthening of mechanisms for working conditions and treatment of workers and programmes that help eradicate child labour
- Guaranteeing and protecting the right to strike;
- Creation of labour courts.

Article 16: Right to Health

228. The African Charter enshrines that everyone has the right to enjoy the best state of physical and mental health attainable by himself or herself, and that it is the duty of States Parties to take the necessary measures to protect the health of their populations and to secure for them medical assistance in case of illness.

229. In the Republic of Mozambique, this right is enshrined in article 89 of the CRM, which states that: *“1. all citizens have the right to medical and health care under the law, as well as the duty to promote and defend public health”*. Regarding the materialization of this right or who is responsible for guaranteeing its exercise, article 116 of the CRM establishes that: *“1. Medical and health care for citizens shall be organised through a national health system that benefits all the people of Mozambique; 2. In order to achieve the objectives pursued by the national health system, the law shall establish the modalities for the exercise of medical and health care; 3. The State shall promote the participation of citizens and institutions in raising the level of health of the community; 4. The State shall promote the extension and equal access of all to the enjoyment of this right”*.

230. With regard to the organisation of the national health system, article 116 of the CRM states that: *“1. Medical and health care for citizens is organised through a national health system that benefits all Mozambican people; 2. In order to achieve the objectives pursued by the national health system, the law shall establish the modalities for the exercise of medical and health care; 3. The State shall promote the participation of citizens and institutions in raising the level of health of the community; 4. The State shall promote the extension of medical and health care and the equal access of all citizens to the enjoyment of this right; 5. The State is responsible for promoting, disciplining and controlling the production, commercialisation and use of chemical, biological and pharmaceutical products and other means of treatment and diagnosis; 6. The activity of medical and health assistance provided by collectives and entities and exercised in accordance with the law and subject to State control”*.

231. The materialisation of the right to health, that is, access to assistance and all that is inherent to it and indispensable for the materialisation of all other human rights. In effect, in the period under review, the health sector budget has varied between 9 and 10 % of the general state budget. This is still far from the 15% envisaged by the Abuja Declaration on HIV/AIDS, Tuberculosis and other infectious diseases.

232. The Government, aware of this importance, considers the health sector to be a priority area for the country's development. In strategic terms, the Government's Five-Year Programme adopted priority actions in relation to women and children, nutrition, malaria,

tuberculosis, sexually transmitted infections (HIV/AIDS), epidemiological surveillance, neglected diseases, non-communicable diseases, environmental health and sanitation, health promotion and community involvement, mental health, oral health, sports medicine, human resources, hospital care, drugs and medical supplies, health infrastructure, health information system, traditional medicine, gender approach in health programmes and health research, as the major challenges in this area, in terms of the problems faced.

233. The general panorama of the health sector in Mozambique shows that on the one hand, poverty is behind the major health problems and, on the other, this sector greatly influences socio-economic development, due to the high costs involved in combating and preventing diseases such as Malaria, which has resulted in the notification of over 6 million cases of malaria by July 2021, representing a 15% reduction if compared to the same period in 2020. There were also 31,348 cases of severe malaria, compared to 38,653 cases in 2020, representing a decrease of 19%. This figure attests to the growing decline in recent years, thanks to the effectiveness of preventive programmes recently put into practice. The large investment thus generates returns on human capital, since fewer sick people and fewer deaths reduce suffering and absenteeism, increasing productivity in schools and services. One of the most important constraints in health is the poor knowledge that populations have about disease prevention and the principles of good nutrition. The high percentage of illiteracy does not favour the dissemination of written information. According to data from 2017, Mozambique has reduced the maternal mortality rate, however the total number is still high, representing 289 deaths per 100 000 live births.

234. This scenario calls attention to the imperative observance of health strategies and policies whose main objective is to dynamise the resolution of the main health problems in the country, conceiving and developing programmes to prevent and combat illnesses, as well as progressively ensuring reinforced human, technical and financial resources for information, counselling, professional training and access to complementary diagnostic and therapeutic means.

235. There are health indicators that illustrate a large growth at national level, also recorded in the rural areas and poorer provinces, where there was a lot of infrastructure to recover, which had been destroyed during the war of destabilization. From the post war period to

date, the main successes have been: (i) restoration of peace, with resettlement of the population, (ii) massive rehabilitation of Health Facilities and (iii) training and redeployment of health personnel. The expansion of the health network continues to date with emphasis on its rehabilitation and refunctionalisation (introduction of medical and surgical specialties). In overall terms, there has been a permanent improvement in the health indicators defined in the Government's Five-Year Programme, particularly with regard to the rates of external consultations, child vaccination and infant mortality. Leprosy, which was a public health problem, was eliminated in 2008.

236. With regard to the expansion of the health network, it should be noted that several health units have been rehabilitated and refunctionalised in recent years. The number of health units increased from 1,739 in 2020 to 1,770 in 2021, representing a 1.8% growth, resulting in a ratio of 17,419 inhabitants per health unit. Of the total number of health facilities, 1,702 (96%) are primary level, 53 (3%) secondary level, 14 (1%) tertiary level.

237. To cope with the increased demand for health professionals, two Training Centres and a Health Sciences Institute were built in the same period.

238. Also with regard to the right to access to health, it is important to mention the problem of HIV and AIDS and the actions that the country has taken in order to reduce its rate.

239. The country has about 28 million inhabitants and according to the final report of IMASIDA (2017), the HIV prevalence rate shows an increase to 13.2% among the adult population aged 15 to 49 years, against the previous figure which was around 11.5% following the study done in 2009. Prevalence is higher among women (15.4%) than men (10.1%). By 2021, 1,698,486 PLHIV were on ART, of which 99,169 were children and 1,599,317 adults, corresponding to a compliance rate of 73% and 99%, respectively. The overall coverage was 81%, of which 79% for children and 81% for adults.

240. The National Council for the Fight against HIV/AIDS is responsible for the multi-sectoral coordination of all activities related to the fight against the HIV/AIDS pandemic in Mozambique. This body has elaborated five-year plans to fight HIV/AIDS, currently PEN V (2021-2025) is in force.

241. In relation to the implementation of PEN II, four of the seven targets of the HIV/AIDS-related PAF-Health indicators have been achieved. The targets achieved are those linked to the Prevention of Mother-to-Child Transmission (PMTCT) and Adolescent and Youth Friendly Services (YFHS), and are a consequence of the extension of the Health Care and Testing Services, reaching the most needy areas and a greater adherence to them; in addition to the expansion of the PMTCT service up to 744 US. The same happened in relation to PEN III (2010-2014), in which it was noted that the biomedical components made encouraging progress, with the expansion in the number of health units offering antiretroviral treatment from 216 at the end of 2010 to 563 at the end of 2013. Meanwhile, the number of pregnant women benefiting from prophylaxis for the prevention of mother-to-child transmission of HIV has grown significantly, as a result of which, by the end of 2013, 84% of health facilities offering prenatal consultations (PNC) were providing PMTCT services, allowing coverage to reach 83.7% in the same period. In the preventive sphere, the counselling and testing service recorded more than 4.5 million people counselled and tested. As for the expansion of medical and voluntary male circumcision, there has been a growth in the number of fixed units offering circumcision, from 16 to 27, while the number of those circumcised has increased from 90 509 to 146 046. Regarding PEN IV (2015-2019), the results of its evaluation largely confirm the progress and challenges in the response to HIV in Mozambique. The national and provincial consultations reported improvements in the implementation of the national response to HIV, particularly in creating an enabling environment and improving the coordination process and management of the response with the institutionalisation of the District AIDS Councils (CDCS), these advances helped to improve the goals of combating HIV/AIDS.

242. The Mozambican government's commitment to HIV/AIDS is expressed at the highest level through the active intervention of the Head of State, which extends to district level. The Sectors have their sectoral plans developed and are being implemented. Concern about the pandemic has been clearly manifested through the Presidential Initiative to Combat HIV/AIDS, whose actions have been replicated at provincial and district government levels.

243. The HIV and AIDS Response Acceleration Plan (AP) for the five-year period 2013-2017 was approved. Regarding its execution, it is noteworthy that HIV testing increased by 71% between 2014-2018, but sero-status knowledge (78%, 2018) fell short of the AP target (90%). Regarding the "new starts"/"diagnoses" ratio increased from 46% in 2014 to 69% in 2018, but ART coverage (55% in 2018) also fell short of the AP target (80%). Finally, stagnating retention rates are hampering efforts to increase "new starts" on ART.

244. Despite developments that have clearly brought about significant changes there are several challenges, namely:

- Continue to expand the health network;
- Improve the provision of public health services;
- Promote access to health care for vulnerable population groups, notably women, children and the elderly;
- Guarantee free medical assistance and medication for children aged 0-7 years and for the elderly from 60 years onwards;
- Guarantee appropriate medical assistance and medication to people living with HIV and AIDS;
- Promote social integration and full citizenship for people living with HIV and AIDS;
- Strengthen cooperation between government, private sector and civil society organizations in carrying out activities related to HIV and AIDS.

Article 17: Right to Education

245. The African Charter enshrines not only the right to education but also the right to take part in cultural life, and the State is responsible for promoting and protecting the morals and traditional values recognised by the Community.

246. In the Republic of Mozambique, this right is enshrined in the Constitution, which states the following :*“1. In the Republic of Mozambique education is a right and a duty of*

every citizen; 2. The State shall promote the extension of education to continuing vocational training and the equal access of all citizens to the enjoyment of this right”.

247. This right is also enshrined in article 113 of the CRM which states: *“1. The Republic of Mozambique shall promote an education strategy aimed at national unity, the eradication of illiteracy, the mastery of science and technology, as well as the moral and civic education of citizens; 2. The State shall organise and develop education through a national education system; 3. Public education shall be non-denominational; 4. Teaching provided by communities and other private entities is carried out under the terms of the law and subject to State control; 5. The State cannot program education and culture according to any aesthetic, political, ideological or religious guidelines”.*

248. The Government's focus in the area of education is the materialisation of the Millennium Development Goals which translate into the access and completion of quality primary education for all children by 2015. To this end, the gross primary school enrolment rate in 2015 was 116.3%, of which 110.2% was female. Therefore, the Government has succeeded in getting children of the right age into the education system, including others above the right age. The gross primary completion rate in 2015 stood at MW(37%), (W34.6%) and here the Government has failed to ensure that children of the right age complete primary education.

249. To achieve this objective, one of the measures taken was the introduction of free primary education, which substantially increased access to education for children from all social strata and without gender discrimination. Quality in this respect was ensured with the provision of textbooks and other teaching materials in sufficient quantities and in good time, the development of an integrated system for teacher training and capacity building, and increased annual recruitment of teachers with an emphasis on female teachers with psycho-pedagogical training.

250. Another innovation in the education sector was the introduction of Bilingual Education. Bilingual Education, which consists of the use of local languages in the curricula, was introduced in an experimental phase in 2003 and 2004 in 24 schools. Data

provided by the Ministry of Education and Human Development for 2022, indicate 1,028,004 students attending bilingual education in the 11 provinces of the country.

251. Within the scope of expanding the opportunities for access to education with equity at all levels of the education subsystems, the Government, through the Ministry of Education and Human Development, has been ensuring the integration of education and training of children and young people, as well as adults, with special educational needs and or disabilities, in special and regular education.

252. In special education, the last report presented to the Banjul Commission pointed out the existence of 560 pupils, 212 of whom are women, studying in the 6 special schools located in the city of Maputo, provinces of Sofala and Zambézia. Data from 2022, point to an exponential increase of pupils with special educational needs with a total of 65,363 pupils.

253. The Ministry of Education develops an inclusive policy at all levels of education for children and young people with special educational needs. Thus:

- Law no. 18/2018 of 28 December, in its article 3 (general principles) highlights that the national education system is guided by the principles of (i) education, culture, training and balanced and inclusive human development; (ii) education as a right and duty of the State; (iii) inclusion, equity of opportunities in access to education as rights of all Mozambicans. This law was amended by Law 3/2021 of 8 April which has the following principles: (i) the promotion of the democratization of education; (ii) the organization and promotion of education as an integral part of educational action aimed at sustainable development, respecting human rights, democratic principles, cultivating the spirit of tolerance, solidarity and respect for others and for differences; (iii) inclusion, equity and equal opportunities in access to education; (iv) the laicity and nonpartisanship of the education system.
- The above-mentioned Law introduces compulsory Basic Education of 9 grades, which comprises Primary Education and the 1st Cycle of Secondary Education,

that is, from 1st grade to 9th grade as compulsory schooling. In this context, the attendance of primary education is free of charge and, accordingly, school books are provided free of charge in the first grades.

- The Strategy of Inclusive Education and Development of Children with Disabilities (SIEDCD) 2020-2029 was launched on 3 December 2021 by the Ministry of Education and Human Development through Resolution no. 40/2020 of 10 July. The strategy was approved first by MINEDH in late 2018 and subsequently by the Council of Ministers in June 2020. This strategy is grounded in Law No. 18/2018 and highlights the commitment to inclusive basic education for every citizen in line with the country's development, through the progressive introduction of compulsory schooling.

254. Also within the scope of inclusive education, the Ministry of Education to respond to the challenges of inclusive education has been developing training actions for technicians at different levels, school managements, teachers, parents and guardians, including colleagues of students with educational needs, in order to prepare them for the demands of teaching a more diverse group of students, as well as the development of appropriate strategies and materials for use in inclusive education classrooms. In this context, they were trained:

255. At the infrastructure level, three Resource Centres for Inclusive Education were built and are currently being equipped in three provinces of the country, one in each region. These centres are multifunctional for primary and secondary levels, vocational training courses, diagnostic and guidance services, teacher training and production of materials, among others.

256. However, the number of students with special educational needs in primary and secondary schools has been increasing year by year, leading to profound changes in Teacher Training curricula to improve inclusive education for students with SEN.

257. An issue that has arisen in the education sector is the issue of sexual abuse/violence in schools. Sexual abuse is considered to be any kind of unwanted sexual contact, which

manifests itself in different ways, between classmates, teacher/student and this issue extends to family members and other elements of the community.

258. In cases where teachers are responsible, the following measures are used:

- Raising the awareness of the parents and relatives of the victims, for the purpose of denunciation;
- Application of the General Statute for Employees and Agents of the State;
- Application of the Teacher's Statute, which in article 11 establishes as a teacher's duty *“Not to exceed the nature of his/her professional relationship with the students for any purpose.”*

259. When the situation of sexual abuse happens among students, teachers report it to the school board and, together with the school council, seek a solution to the problem. Depending on the seriousness of the case, the school finds the best way to retain students, avoiding drop-outs and fighting discrimination from other students. The School uses the nuclei for the promotion of the law against violence and prevention of sexual abuse to raise awareness among other students and encourages the reporting of perpetrators at class level. But there have been great difficulties in punishing sexual violence and harassment, especially when there is involvement between female students and members of the community and/or staff from sectors other than education.

260. Thus, the MINED, recognising that the problem of sexual abuse disturbs the learning rhythm of children, particularly girls, increasing the number of failures and school drop-outs and making efforts to reduce these evils in schools,

261. At the legislative level, the Code of Conduct for Education Professionals (responsibilities, rights and duties) was approved, articles 46, 47, 48 and 52 of the Basic Education Regulation were included, among other documents, the declaration of zero tolerance to sexual harassment/abuse and the realisation of the following activities aimed at reducing school drop-outs. With a view to the protection of pregnant students and the implementation of the education for all policy, we highlight Order no. 435/GM/MINEDH/2018 of 13 December, which refers cases of harassment and sexual

abuse involving students, female students, teachers and non-teaching staff to the applicable legislation in force. Concrete actions in this area include:

- Addressing sexual violence and abuse in the prevention radio programmes, " World Without Secrets", Basic Package, and Geração BIZ (Key messages for staff, students, parents and community leaders);
- Capacity Building for Educational Technicians, Teachers and members of the Gender Units with the support of UNICEF on the prevention of Sexual Violence and Abuse;
- Strengthening of school clubs for sensitization of children and youth on prevention of harassment, sexual violence in schools;
- Dissemination of the Law on the protection from sexual violence and abuse, through community radio by technicians and teachers at district level;
- Dissemination of the exhibition as part of the project "This Body is Mine" at schools in Maputo city, and in 2011 in Nampula, focusing on the fight against sexual harassment of adolescents, creating a spirit of defence and self-esteem among children, particularly girls, with the support of the Association "Reconstruindo Esperança" (ARES);
- Expansion of Psychological Support and Counselling Services in schools in the city and province of Maputo to attend to cases of trauma resulting from violence, harassment and sexual abuse among students, teachers and other members of the community
- The launch of the National Strategy to Prevent and Combat Early Marriage in Mozambique (2016-2019).

262. Despite the important gains made in this sector, there are still some issues that are major challenges for the sector:

- Eliminate inequalities in access to education between rural and urban areas;
- Reduce the high dropout levels, especially among girls;
- Improve the quality of education by improving teachers' working conditions;
- Reduce the distances home-school;

- Promoting girls' access to education, literacy, vocational, scientific and technological training

263. Regarding the promotion and development of culture, article 115 of the CRM states that: “1. *The State shall promote the development of national culture and personality and guarantee the free expression of the traditions and values of Mozambican society.* 2. *The State shall promote the dissemination of Mozambican culture and shall take action to enable the Mozambican people to benefit from the cultural achievements of other peoples*”.

264. Mozambique is a true cultural mosaic, a space where various cultural practices cohabit. In view of this, since culture is a form of expression and identification of a people, the protection and promotion of these cultural practices, provided they do not infringe upon other human rights, is paramount for the social development of the country and the consolidation of national unity.

265. Along these lines, the Government, recognising the role of Culture as a determining component of the personality of Mozambicans and that its enhancement constitutes a fundamental element for the consolidation of National Unity, individual and group identity, through Resolution no. 12/97 of 10 June adopted a Cultural Policy and Implementation Strategy, the assumptions of which are set out in the Constitution of the Republic, the Five-Year Government Programme, Law no. 10/88 of 22 December - Cultural Heritage Law and the recommendations of the First National Conference on Culture.

266. Within the scope of fulfilling the objectives of the Cultural Policy, the culture sector has developed the following activities:

- Valuing creative intellectual artists and establishing the principles for the protection of intellectual property, through normative content that safeguards this right. The approval of the new Copyright and Neighbouring Rights Law establishes that on producing a literary, artistic or scientific work, the creator now holds a set of rights that protect his intellectual property;

- Establishment of basic principles for the financing and support of cultural activity, with the creation of the Fund for Artistic and Cultural Development (FUNDAC) through Decree 9/88 of 7 July, with the objective of supporting initiatives, programmes and projects within the scope of training and artistic development and within the scope of valuing Cultural Heritage;
- Encourage cultural exchange between the various regions of the country, as well as cultural cooperation and exchange with other peoples: In this field, the culture sector has entered into several Memoranda of Understanding for cultural exchange with various entities and cultural associations at national and international level, with a view to exchange and exchange of experience between artists, makers of the arts and cultural groups, through the holding of the National Culture Festival, International Tourism Fair (FIKANI), the organization and participation in fairs, as is the case of the Maputo International Fair (FACIM) and the recent participation of Mozambique in the world exhibition EXPO DUBAI 2020.
- Within the scope of artistic and professional training, the sector has been developing the training of human capital, with the creation of vocational artistic schools, as is the case of visual arts, dance and music, training technicians in areas of special interest for cultural development;
- The culture sector has been promoting the capacity building of arts and culture practitioners in management and business branding of cultural goods, as an ongoing activity included in the sector's Plan of Activities.

267. In this sense, the government has supported the holding of festivals and events that value and promote Mozambican culture, enabling Mozambicans to learn more about their country and the various practices that are part of it. Also, actions to preserve and value historic sites and monuments have been part of the country's governance. Recently the government approved the Monument Policy (Council of Ministers Resolution no. 12/2010) and the Museum Policy (Council of Ministers Resolution no. 11/2010 of 2 June).

268. In the context of preservation and enhancement of Cultural and Natural Heritage, Mozambique Island is, in our country, the first example of Property of national interest, classified by UNESCO as Universal Cultural Heritage. In 2016, the Government approved

Decree No. 54/2016, of 28 November, which establishes the legal regime applicable to the classification and management of the Edified and Landscape Heritage of Mozambique Island, a World Heritage Site, from a perspective of enhancing its ensemble and respecting the singular, in order to guarantee its public enjoyment for present and future generations. By Decree No 55/2016, of 28 November, the Government approved the Regulation on the Management of Immovable Cultural Property, which establishes the legal regime for the management of the different categories of immovable cultural property, namely, monuments, ensembles and places or sites, in order to guarantee their public enjoyment among present and future generations. Also in the context of preserving and valuing historic sites and monuments, the process of harmonisation with UNESCO's World Heritage Centre is underway for the Mozambique Island Conservation and Management Plan, a World Heritage Site, which will be valid for 5 years. The Plan aims, in general terms, to guarantee the conservation and preservation of Mozambique Island's cultural heritage through the articulation and collaboration of various public and private stakeholders and the community. The recognition and integration of local communities in the processes of protection and management of cultural heritage, as its legitimate guardians and beneficiaries, deserves to be highlighted in these instruments.

269. At the moment, the sector is working on the application project for Xigubo and Mapiko to be considered as world heritage of humanity.

270. On the other hand, the Museum Policy aims at promoting the valorisation, preservation and enjoyment of the Mozambican cultural heritage, using Museums as one of the devices of social inclusion, hence the creation of various speciality Museums at national level, such as the National Museum of Art in the city of Maputo, the Museum of Ethnology in Nampula, the Chai Museum in Cabo Delgado, the Regional Museum of Inhambane.

271. In 2019, with a view to boosting arts and cultures, the Government created the National Institute of Cultural and Creative Industries by Decree No. 23/2019 of 28 March. In 2020, through Resolution no. 50/2020, of 31 December, the respective Organisational Statute and Internal Regulations were approved by Ministerial Diploma no. 74/2021.

272. In the area of Cultural and Creative Industries, the government launched the Solidarity Fund for Innovative Projects for Creative Cultural Industries (FSPI-ICC) with the aim of making arts and culture a sector that produces quality jobs and competitive incomes.

173. Still with a view to creating favourable conditions for the dynamisation of arts and culture, development and sustainability of the cultural and creative activity sectors, the Government of the Republic of Mozambique and the People's Republic of China signed economic and technical cooperation agreements for the construction of the Mozambique-China Cultural Centre in the city of Maputo, on the Eduardo Mondlane University-UEM Campus. This is a model Cultural Centre in Africa, with an area of 20,000 square metres. The undertaking aims to further promote culture and the Cultural and Creative Industries and boost cultural activities, ensure employment, generate income for those involved in arts and culture, as well as the collection of revenue for the State Budget, through the profitability of its assets. The creation of this centre was made official by the government, through Decree 47/2022 of 29 September.

274. Also in the area of Cultural and Creative Industries and in order to recognise Professionals in arts and culture, actions are underway to draft the Statute of the Artist, as a way to value cultural activity as a potential area for generating employment and economy, and sustainability for this class of professionals.

Article 18: Right to Found a Family

275. According to the Charter, the family is the natural element and the basis of society. This right constitutes a duty on the State to protect the family, which includes ensuring its existence, eliminating all discrimination against women and ensuring the protection of the rights of women and children as laid down in international declarations and conventions. Still in this context, elderly or disabled people are also entitled to specific protection measures that correspond to their physical or moral needs.

276. The CRM expressly enshrines the right to found a family in article 119 of the CRM which states that: “ 1. The family is the fundamental element and the basis of all society;

2. The State recognises and protects, under the law, marriage as an institution that guarantees the pursuit of the objectives of the family; 3. Within the framework of the development of social relationships based on respect for the dignity of the human person, the State shall enshrine the principle that marriage is based on free consent; 4. The law shall establish the forms of enhancement of traditional and religious marriage, define the requirements for its registration and establish its effects”.

277. This right is also implicit in the chapter on the acquisition of nationality by marriage provided in article 26 of the CRM, which states that: "1. acquires Mozambican nationality the foreigner or foreign woman who has contracted marriage with a Mozambican or Mozambican citizen for at least five years”.

278. In 2019, Law No. 10/2004 was revised to conform it to constitutional provisions, international instruments and other norms in force and the country's socio-cultural reality. Thus, the Family Law (Law No. 22/2019) strengthens the place of the family in society and brings more protection to women.

279. Article 1 of the Family Law enshrines that: "The family is the fundamental element and the basis of the whole society, a factor of socialization of the human person.

280. According to Article 7 of the CRM "marriage is a voluntary and unique union between a man and a woman for the purpose of founding a family through full communion of life". Therefore, it is clear that only monogamous marriages between people of different sexes are recognised.

281. As a general rule, only people over eighteen years of age can get married, in accordance with article 30, paragraph 1, a) of the Family Law. Exceptionally, a man and a woman over sixteen years of age can get married when there are circumstances of recognised public and family interest and when there is the consent of the parents or legal representatives.

282. The revision of the law, safeguarded the gains concerning the recognition of religious and traditional marriages, giving them equal effectiveness to civil marriage provided that the legal requirements for their celebration are observed, under the terms of article 20. Another important gain with the approval of this law was the recognition of the de facto union. Thus the de facto union is relevant for the purposes of presumption of maternity and paternity and also for patrimonial purposes with regard to de facto unmarried couples, which, in case of dissolution, the regime of community of acquired persons applies, under the terms of article 208 of the Family Law 2019.

283. The challenge remains to raise awareness among people and women in particular about laws that protect their rights so as to gradually reduce negative cultural practices that violate their rights.

a) Rights of Women

284. Under article 36 of the CRM, *"Men and women are equal before the law in all spheres of political, economic, social and cultural life"*.

285. Article 122 of CRM states the following: *"1. The State shall promote, support and value the development of women and encourage their growing role in society, in all spheres of political, economic, social and cultural activity of the country. 2. The State shall recognise and value the participation of women in the national liberation struggle, for the defence of sovereignty and for democracy"*.

286. As mentioned in the principle of equality, Mozambique has been carrying out important actions towards gender equality in a context where discrimination against women is still very strong. These actions have resulted in institutional developments, elaboration, ratification and implementation of laws, policies and action plans, among others.

287. It is important to mention the efforts being made to eliminate domestic violence against women. In the period 2015-2021, 36,424 domestic violence cases were filed against female citizens. 34,638 were concluded and 1,786 are pending.

288. As mentioned in 2009 the Government approved a law against domestic violence. In order to implement it, the Government in partnership with various civil society organisations initiated a rigorous public education campaign which includes radio, television, print media, seminars and other forms of information aimed at educating and sensitising the general public about domestic violence, especially gender based violence, and the provisions of the law against domestic violence.

289. Among the main achievements in the area of prevention and combating gender-based violence, in addition to the approval of Law no. 29/2009 on Domestic Violence committed against Women, it can also be highlighted the UNiDOs government campaign initiated in 2010, aiming at the end of violence against women and girls, the design of the Multisectoral Mechanism for Integrated Assistance to Women Victims of Violence in 2012; the adoption of the National Plan to Prevent and Combat Violence against Women (2008-2012), the preparation, in 2016, of reports on the implementation of the Convention to eliminate all forms of Discrimination against Women, III and IV combined reports, 2007-2014, the Gender Strategy for Education and Human Development, 2016-2020, National Plan to Prevent and Combat Gender-Based Violence (2018-2021), the II National Plan to Prevent and Combat Violence against Women, 2017-2021, the drafting of the Integrated Care Mechanism for Victims of Gender-Based Violence, the approval of the Regulation on the Organization and Functioning of the Centres for Integrated Care of Victims of Domestic and Gender-Based Violence (Decree no. 75/2020).

290. Still on the subject of achievements in the area of preventing and combating violence, it is important to mention that concrete actions were developed in various sectors such as the police, health and social action, namely:

- Carrying out awareness campaigns, training and lectures in communities and schools on domestic violence in order to prevent and combat this evil;
- Creation throughout the country of Offices and Sections to assist women and children who are victims of domestic violence which, in partnership with civil society organisations, have been providing counselling and responding to the needs of victims of domestic violence;

- Elaboration of several manuals for health professionals and students from Health Sciences Institutes and Training Centres on Integrated Care for Victims of Violence. These manuals aim to guide professionals in a better assistance to victims of violence in health services;
- Producing information, education and communication materials aimed at professionals and the public to raise awareness about the various forms of violence against women and children and the existing mechanisms for free treatment and denunciation;
- Elaboration of a module on Violence and Human Rights, which is being integrated in the curricula of the training institutions;
- Introduction, in 2020, of the Master's Degree in Gender and Development at the Eduardo Mondlane University;
- Support to Associations of female heads of household in all provinces of the country to develop income generating activities. These associations benefit from agricultural inputs, vocational training in sewing and project management;
- Conducting counselling sessions for the victims of domestic violence;
- Holding seminars throughout the country to disseminate the National and International Instruments for the defence of women's human rights
- National Plan for the Prevention of and Fight against Violence against Women (National Plan to Prevent and Combat Violence against Women);
- Conducting training sessions for Journalists, Police and Community Leaders on Violence and Human Rights;
- Creating an intersectoral group involving the clinical, psychological and forensic medicine services in order to coordinate the organisation of services, the creation of assistance protocols, data collection tools, and to create the conditions for victims of domestic violence to receive integrated assistance. Some of the attendance rules were published in the Government Gazette, B.R no. 2, Series II of 12 January 2011;

291. The Government through the Ministry of Justice has been building the capacity of the judiciary, local administrations and civil society organisations to monitor the implementation of legislation on women's rights, through the implementation of a training programme at the Centre for Legal and Judicial Training (CFJJ), the design of training packages for paralegals.

292. The Centre for Legal and Judicial Training (CFJJ) has been carrying out research in the area of women's rights, access to land and water and land conflicts to support training activities and the preparation of proposals for revision of legislation. Equally important have been the initiatives to map the availability of and access to legal assistance services for women, undertaken by organisations such as "Forum Mulher" in partnership with CFJJ.

293. Law No. 23/2019, Law on Succession, has been approved, strengthening the protection of widowed women against expropriation of their property after the death of their spouses.

294. In addition to revising legislation and building the capacity of the judicial system, the government has redoubled its efforts to guarantee citizens' access to justice through the provision of legal aid services. In this regard, partnerships have been established with civil society organisations aimed at providing legal support to women to ensure and exercise their rights in key areas such as access to and control of land and natural resources, sexual and reproductive health (it is estimated that 25% of women use contraceptive methods), HIV/AIDS and gender-based violence. The Institute for Sponsorship and Legal Assistance (IPAJ) plays a key role in providing legal assistance to those most in need.

295. It is clear that the institutional and legislative development has brought remarkable gains in the fight against discrimination but this area still faces some challenges such as:

- Construction of Pilot Centers of Interest for the training of Women
- Creation of emergency shelter centers (refuge centers) for women and children victims of violence.

- Review of data collection instruments on victims of violence assisted in health units.
- Improvement of the assistance service provided to victims of gender-based violence, in all its aspects, adopting actions that allow the fight against domestic violence.

b) Children's Rights

296. According to the 2017 Census, Mozambique has an estimated population of over 27 million inhabitants, of which 53% are aged between 0-17 years. This means that more than half of Mozambique's population is made up of children. In this context, this means concern for half of the population, which by nature constitutes a vulnerable segment.

297. The promotion of the Rights of the Child has always been one of the country's constitutional priorities since its creation. In the current Constitution, the rights of the child are foreseen in the terms of article 47, which provides the following: *“1. Children have the right to the protection and care necessary for their well-being; 2. Children can freely express their opinion on matters that concern them, depending on their age and maturity; 3. All acts concerning children, whether practiced by public entities or by private institutions, take mainly into account the best interests of the child”*.

298. In the area of children, the right to found a family, more specifically the protection of the family by the State, can be found in the right to childhood. Thus, pursuant to Article 121 of the CRM: *“ 1. All children have the right to protection by the family, society and the State with a view to their full development; 2. Children, particularly orphans, the disabled and the abandoned, shall be protected by the family, society and the State from any form of discrimination, mistreatment and abuse of authority in the family and other institutions; 3. The child cannot be discriminated against, namely, on the grounds of his birth, nor subject to mistreatment; 4. It is forbidden for children to work, whether they are of compulsory schooling age or any other age”*.

299. It is also important to mention some complementary legislation that reinforces these rights, such as the Jurisdictional Statute for Minors, the Civil Code, the Penal Code, the Family Law, among others. As far back as 1979, Mozambique had already approved the Mozambican Declaration on the Rights of the Child, conceived as a basic instrument to guide society in its interaction with children, taking into account the safeguarding of their rights.

300. Still within the scope of child protection, in 2008, the country approved the Laws on the Promotion and Protection of the Rights of the Child (Law no. 7/2008 of 9 July), on the Tutelary Organization of Minors (Law no. 8/2008 of 15 July) and on the Prevention and Combat of Trafficking of Persons, especially Women and Children (Law no. 6/2008 of 9 July), Law of the National System of Education (2009), Decree No. 33/2015 - Regulation of Alternative Protection of Minors and the Law of Prevention and Combat Premature Unions - Law No. 19/2021 of 22 October and Resolution No. 40/2020 approving the Strategy of Inclusive Education and Development of Children with Disabilities 2020-2029. Together, these legal instruments demonstrate Mozambique's commitment to safeguarding balanced and healthy human development with particular attention to under-age girls who are often limited in their right to choice, freedom, education and healthy growth.

301. To ensure the coordination and articulation of efforts undertaken by various governmental institutions and civil society organisations intervening in the promotion and defence of children's rights, in the context of the Law no. 7/2008 of 9 July, the Children's Rights Promotion and Protection Law, and the National Plan of Action for Children, the National Council for the Rights of the Child (CNAC) was created through the Decree no. 8/2009 of 31 March of the Council of Ministers. The National Council for Children is chaired by the Minister of Women and Social Action, with the Minister of Education and Human Development as vice-president, and includes the Ministers of Justice, Constitutional and Religious Affairs, Health, the Secretary of State for Youth and Sports. The Council also includes representatives of civil society organisations and religious bodies.

302. Concretising the country's commitment to the Rights of the Child, the Government signed and ratified the international conventions on the Rights of the Child, namely the United Nations Convention on the Rights of the Child and the African Charter on the Rights of the Child. Also in this context, the development of children's and youth associations has been promoted. In 1990, despite the war that ravaged the country, as a result of its commitment to the cause of children's rights, Mozambique took part in the World Summit for Children, where, together with more than 159 other countries, it committed itself to strengthening efforts to ensure the survival and protection of children, and signed the World Declaration on the Survival, Protection and Development of Children and the corresponding Plan of Action for the decade of 1990, adopted at this great summit.

303. The country's commitment to children has had positive results, despite the collateral effects of the war and natural disasters, and is reflected in high school enrolment rates, high rates of coverage in vaccination programmes, and a reduction in infant mortality, among others.

304. Current evaluations of the situation of children in Mozambique show that the country has made positive progress in developing a legal framework favourable to the implementation of children's rights, and in drawing up various policy documents which have a direct influence on the promotion of an enabling environment for children's well-being.

305. Notable gains have been made in improving conditions for pre-school children and the care, assistance and integration of orphans/abandoned children and other children in difficult situations, and in community solidarity actions.

306. The Government's strategy for assisting children in difficult situations gives priority to family and community reinsertion, through actions to prevent abandonment, strengthening the capacity of families and communities, through concrete programmes and projects such as income generation, professional training, community development and others.

307. In cases where children are separated from their families, efforts are made to locate and reunite the family and, when this is impossible, integration in substitute families is preferred. Internment in institutions is the last alternative.

308. There is also progress in children's participation in issues that concern them through the children's parliament and other forms of participation in decision-making in public life. The Children's Parliament operates at national, provincial and in some districts is made up of elected children who reflect on their rights and interact and dialogue with members of the Government, parliamentarians and representatives of Civil Society on issues that affect their lives. It should be noted that the issues presented by the children are given due treatment by the State institutions and Civil Society, which try to give answers to the concerns presented.

309. In order to raise the awareness of the various sectors of society on the Rights of the Child, debates and lectures were held and leaflets, posters and brochures were produced in versions suitable for adults and children.

310. Despite the efforts made by the Country in favour of children since the national independence, their situation is still characterised by the non-fulfilment of their rights due to the extreme poverty situation that characterises the Country. The registration of adults is justified by the fact that unregistered parents who wanted to register their children appeared at the registration brigades. The solution was to register the parents first and then the children.

311. It is important to say that there is staff placed in the maternity wards of the health facilities responsible for registering newborn children. However, there are deficiencies in the registration of children whose mothers are delivered outside the maternity ward, or whose fathers are absent. A campaign is being developed for the registration of all children up to the age of 18 years at community level.

312. Since 2005, Mozambique has had a National Plan of Action for Children (PNAC) covering the period 2005-2010. The Plan of Action for Children II (2013-2019 (PNAC II) has reinforced the priority of children in the policies of the Government of Mozambique.

This plan defines four priority areas for government action:

- Child Survival;
- Child Development;
- Protection; and
- Child Participation.

313. Many actions for the promotion and protection of the rights of the child have been carried out, but there are still several challenges to be faced in order to achieve the continuous and permanent materialization of the rights of the child:

- Ensure that both civil rights and social, economic and cultural rights of children are implemented and that national legislation is in line with international human rights standards, e.g. Regulate all approved child protection legislation, namely the *Child Protection Act and the Law against Trafficking of Persons, especially women and children*, Ensure the implementation of free compulsory primary education for all children;
 - Ensure child protection by combating negative cultural practices that violate children's human rights allegedly in the name of culture and tradition;
 - Design a *National Strategy on Combating Child Trafficking*.

c) Rights of the Elderly

314. Under Article 124 of the CRM: “1. *The elderly have the right to special protection by the family, the society and the State, namely in the creation of housing conditions, in family and community life and in public and private institutions that prevent their marginalisation; 2. The State promotes a policy for the elderly that integrates economic, social and cultural actions, with a view to creating opportunities for personal fulfilment through their involvement in the life of the community.*”

315. The CRM also guarantees this group the right to assistance in disability in Article 95 which states the following: " 1. all citizens have the right to assistance in disability and old age; 2. the State promotes and encourages the creation of conditions for the realization of this right".

316. To ensure respect for the human rights of older persons, Law No. 3/2014 of 5 February 2014 concerning the promotion and protection of older persons was approved.

317. In Mozambique, the elderly person is considered a living library and transmitter of socio-cultural values. Elderly people are guardians of our history, traditions and Mozambican culture. The accumulation of a historical and social legacy imposes on them the responsibility for education and the transmission of moral and social values to the younger generations.

318. With a view to ensuring the rights of elderly people, the Government has been making efforts to provide social assistance. In this context, there are ongoing actions to sensitise the communities on the rights of the elderly people on the need to provide assistance to the elderly by the family or community so as to ensure that they do not live in isolation.

319. To reduce the risks of vulnerability of the elderly, the Government implements social protection programmes aimed at improving the living conditions of the elderly.

320. Given that the majority of the elderly population is female, the programme Basic social allowance that provides cash transfers to families in absolute poverty in the country, the majority of beneficiaries are elderly women, thus contributing to the reduction of poverty.

321. In caring for the elderly, the Government has favoured assistance at family level, relegating institutionalisation to those cases where family or community integration is not possible, because despite the breakdown of the family, there is still a strong consensus on the importance of the family in the care and protection of the elderly. Older people who are destitute and, above all, without family support have been assisted in centres for Old Age Support.

322. Accusations of witchcraft, particularly against elderly women, culminating in physical aggression, mistreatment and expulsion from the family and community, confiscation and destruction of their movable and immovable property and even murder. Other programmes are developed with a view to *empowering* older people and promoting their active participation in the process of social, economic and cultural development of Mozambican society, for example, the training of legal staff to defend the rights of older people, in particular to report violations of the rights of older people and conflict resolution.

d) Rights of Persons with Disabilities

323. In Mozambique the rights of people with disabilities (PwDs) are enshrined in the Constitution of the Republic of Mozambique (CRM), Article 37 which states: “*Disabled citizens shall enjoy fully the rights enshrined in the Constitution and shall be subject to the same duties with the exception of the exercise or fulfilment of those for which, due to disability, they are incapacitated*”. This article dismantles the equal rights of these citizens before the law and the non-discrimination not only on grounds of disability but also on grounds of colour, race, sex, ethnic origin, place of birth, religion, level of education, social position, profession and political option.

324. Also under the CRM, (Article 125):

“1. Disabled persons shall be entitled to special protection from the family, society and the State;

2. The State shall promote the creation of conditions for the learning and development of sign language;

3. The State promotes the necessary conditions for the economic and social integration of citizens with disabilities;

4. The State promotes, in cooperation with associations of people with disabilities and private entities, a policy that guarantees:

a) the rehabilitation and integration of the disabled people;

b) the creation of conditions aimed at preventing their isolation and social marginalisation;

c) priority in the treatment of disabled citizens by public and private services;

d) ease of access to public places

5. The State encourages the creation of associations and disabled people.”

325. From this article it is clear that the State is the main responsible for the materialization of the rights of the person with disability and has already been implementing actions to ensure the enjoyment of these rights enshrined in the constitution and other instruments.

326. As for the adoption of legislative measures, it was already mentioned in the introduction that the Convention on the Rights of Persons with Disabilities and its Additional Protocol was recently approved, in October 2010.

327. Also in terms of legal instruments, there is the Regulation on “Technical Provisions for Improving Accessibility to Buildings and Places of Public Use for Citizens with Physical Disabilities and/or Restricted Mobility”.

328. The Council of Ministers approved the Strategy for Persons with Disabilities in the Civil Service, an instrument that establishes general principles for the admission, performance evaluation and progression of persons with disabilities in the State apparatus.

329. The Council of Ministers approved the National Strategy for Basic Social Security, 2016-2024.

330. A report on the Implementation of the National Disability Action Plan (2010-2019) was produced.

331. In 2015, the Multisectoral Action Plan for Albino People and their protection was approved. Currently, we are working on the elaboration of this Plan for the period 2023-2027, waiting for the document to be approved by the Council of Ministers.

332. The dissemination of the Plan contributed to the denunciation and trial of people involved in crimes against people with albinism. Thus, in the province of Cabo Delgado, 04 cases were opened and the defendants are awaiting trial. In Niassa, a process was opened with two defendants arrested, charged and referred to the judicial court of the Province, where they were judged and sentenced to sentences ranging from 15 to 16 years in prison. In addition to the cases brought to justice, special measures of prevention and combat implemented at border posts, involving the National Migration Service, the Border Guard Police and the Revenue Authority.

333. The Government has long been demonstrating its concern in providing people with disabilities the enjoyment of their rights because of this, the basis for the creation of the Ministry of Gender, Children and Social Action was, on the one hand, the promotion of the emancipation and development of women in the political, economic, social and cultural areas and by developing public education actions on the role of the family as the basic cell of society and, on the other hand, the social treatment of other socially vulnerable groups such as children, the elderly and the physically disabled.

334. The Social Action Area is responsible for organising and directing social protection and support actions for physically, mentally and sensory disabled people, promoting teaching and learning in socially useful tasks appropriate to their abilities. It is also this area that raises awareness among families with a view to guaranteeing the reintegration of disabled people into the family and the community.

335. In terms of policies, this Ministry created a Policy for people with disabilities approved by Resolution No. 20/99, of 23 June of the Council of Ministers, there is also an Inclusive Education Policy and a National Plan for the disability area.

336. With regard to children with special educational needs, within the scope of expanding opportunities for access to education with equity at all levels of the education subsystems, the Government, through the Ministry of Education, has been ensuring the integration of teaching and training, children and young people, as well as adults, with special educational needs and/or disabilities, in special and regular education.

337. Regarding inclusive education, the Ministry of Education to meet the challenges of inclusive education has been developing capacity building actions for technicians at different levels, school managements, teachers, parents and guardians, including colleagues of students with educational needs, in order to prepare them for the demands of teaching a more diverse group of students, as well as the development of appropriate strategies and materials for use in inclusive education classrooms.

338. Internally, canes, crutches, sandals, walking sticks, tricycles, wheelchairs, knee braces, orthotics, prostheses, orthopaedic boots and walking aids are produced. The most popular means of compensation in the provinces are: hearing prostheses, upper limb prostheses, crutches, orthopaedic boots, tricycles, wheelchairs and canes, white cane, glasses, corrective and stabilizing orthoses.

339. The programme also indicates that conditions should be created for medical assistance and medication for PwD through prioritisation of care for PwDs, subsidies for PwDs without resources, awareness raising for a change in attitudes on the part of health workers in the care of PwDs and training of health staff in Sign Language.

340. The efforts that the Government has made to guarantee the implementation of the rights of people with disabilities are well known, but there are still challenges in the area, namely:

- Ensure the necessary conditions for the social integration of people with disabilities,
- Ensuring education for people with disabilities;
- The promotion of full citizenship to the mentally disabled persons.

D. People's Rights

Articles 19, 20 and 21: Right to Sovereignty and Self-Determination

341. In terms of the African Charter, it means that all peoples are equal and have the same rights. It also means that all have the right to exist and to be free from domination of any kind and, to this end, have the right to the assistance of the States Parties to the present instrument in the struggle for their liberation from foreign domination, whether political, economic or cultural.

342. Continuing under the Charter, this right to self-determination means that peoples have the free disposition of their wealth and natural resources and in no case can a people be deprived of this right.

343. The Constitution of the Republic enshrines in the same sense of the Charter the right to sovereignty and self-determination. According to Article 1 of the CRM: "*The Republic of Mozambique is an independent, sovereign, democratic and social justice State*".

344. With regard to sovereignty, Article 2 of CRM provides the following: "*1. Sovereignty resides in the people. 2. The Mozambican people shall exercise sovereignty in accordance with the forms established in the CRM. 3. The State shall be subordinate to the Constitution and shall be founded on legality. 4. Constitutional norms shall prevail over all other norms of the legal system.*".

345. Regarding the right to assistance in the struggle for national liberation, article 17 of the CRM, concerning international relations, enshrines the following: "*1. The Republic of Mozambique shall establish relations of friendship and cooperation with other States on the basis of the principles of mutual respect for sovereignty and territorial integrity, equality in interference in internal affairs and reciprocity of benefits. 2. The Republic of Mozambique shall accept, observe and apply the principles of the Charter of the United Nations Organisation and the Charter of the African Union*". Articles 19 and 20 of the CRM reinforce this international solidarity by providing that: "*1. The Republic of Mozambique shall be in solidarity with the struggle of the peoples and States of Africa for*

unity, freedom, dignity and the right to economic and social progress. 2. The Republic of Mozambique shall seek to strengthen relations with countries committed to the consolidation of national independence, democracy and the recovery of the use and control of natural wealth for the benefit of their peoples. 3. The Republic of Mozambique shall join with all States in the struggle to establish a fair and equitable economic order in international relations” (Article 19); and, “ 1. The Republic of Mozambique shall support and be in solidarity with the struggle of peoples for national liberation and democracy. 2. The Republic of Mozambique shall grant asylum to foreigners persecuted on the grounds of their struggle for national liberation, for democracy, for peace and for the defence of human rights” (article 20).

346. Mozambique, an independent Country 47 years ago as a result of the heroic struggle against colonial resistance, also values the struggle of its people. Thus, in accordance with Article 14 of the CRM: “ *The Republic of Mozambique values the heroic struggle and secular resistance of the Mozambican people against foreign domination*”. The valuation, protection and treatment of citizens in this context is further enshrined in Articles 15 and 16 of the CRM which provide as follows: “ *1. The Republic of Mozambique shall recognise and value the sacrifices made by those who consecrated their lives to the national liberation struggle, the defence of sovereignty and democracy. 2. The State shall ensure special protection for those who were disabled in the national liberation struggle, as well as orphans and other dependants of those who died in that cause. 3. The law shall determine the terms for the implementation of the rights provided for in this Article..” (Article 15); and, “ 1. The State shall ensure special protection to those who became disabled during the armed conflict which ended with the signing of the General Peace Agreement in 1992, as well as orphans and other direct dependents. 2. The State shall also protect those who became disabled in the performance of public service or in a humanitarian act”.*

347. It was with a view to recognising the heroic struggle of citizens who fought for liberation, protecting and securing their rights that the Ministry of Combatants was created in 2005.

Article 22: Right to Economic, Cultural and Social Development

348. All peoples have the right to their economic, social and cultural development, with strict respect for their freedom and identity, and to the equal enjoyment of the common heritage of humanity.

349. Some of the objectives of the Mozambican state, with regard to economic, social and cultural development, in the terms of article 11 are: "...d) promotion of balanced, economic, social and regional development of the country;...h) development of the economy and progress in science and technology...".

350. Under Article 97 of the CRM, which enshrines the fundamental principles of the economic and social organisation of the State, it states that: "*The economic and social organisation of the Republic of Mozambique shall aim to satisfy the basic needs of the people and to promote social wellbeing and shall be based on the following fundamental principles: a) the value placed on labour; market forces; c) the initiative of economic agents; d) the coexistence of the public sector, the private sector and the cooperative and social sector; e) public ownership of natural resources and means of production, in accordance with the collective interest; f) protection of the cooperative and social sector; and g) the role of the State as the regulator and promoter of economic and social growth and development*".

351. Mozambique has a vast territory rich in arable land, water, mineral and forest resources which have contributed to the well-being of the population. In order to safeguard the public interest, the Government approved the Law no. 20214 of 18 August - Mining Law. Similar to the Land Law 19/97, the Mining Law, in its article 4 reiterates that "mineral resources located in the subsoil, in inland waters, in the territorial sea, on the continental shelf and in the exclusive economic zone, are the property of the State." In article 12(2), the Mining Law ensures the right to fair compensation to holders of pre-existing rights of use and exploitation of land in mining areas.

352. The cultural and social right in the Republic of Mozambique is considered a fundamental right, enshrined in article 94, which states the following: "1. All citizens have the right to freedom of scientific, technical and artistic creation; 2. The State shall protect the rights inherent in intellectual property, including copyright, and shall promote the practice and dissemination of literature and the arts.

353. The cultural right includes, on the one hand, the right to freedom of cultural creation and, on the other hand, the promotion and development of culture itself.

354. Regarding the promotion and development of culture, article 115 of the CRM states that: "*1. The State shall promote the development of national culture and personality and guarantee the free expression of the traditions and values of Mozambican society. 2. The State shall promote the dissemination of Mozambican culture and shall take action to enable the Mozambican people to benefit from the cultural achievements of other peoples*".

355. Article 118 enshrines the following: "*1. The State recognises and values traditional authority legitimised by the populations and in accordance with customary law; 2. The State defines the relationship between traditional authority and other institutions and its participation in the economic, social and cultural life of the country, under the terms of the law*".

356. Like many other countries, Mozambique approved through the Resolution no. 12/97, of 10 June, the Cultural Policy of Mozambique and Strategy for its implementation, in order to boost the achievements and cultural reflections in the country. The main objectives in promoting the country's cultural policy are to guarantee harmonious development for the different social strata, in which economic and social factors promote national coexistence, giving each Mozambican a sense of identity, solidarity and belonging to the nation, regardless of the differences of ethnic, linguistic, political, social or religious origin that may arise, underlining the need to promote the development of cultural industries for the realisation of educational activities and entertainment for citizens.

357. It is in this context that Presidential Decree no. 13/2000, of 17th January, was approved, establishing the attributions and competences of the Ministry of Culture. Thus, the manifestation and intermingling of the various cultural societies was encouraged, stimulated and motivated, such as the European (brought by the Portuguese), Asian (brought by the Arabs, Hindus, Indians, etc.), African and of various religions (such as the religions of Brazilian, Canadian, American origin, among others), bringing to social coexistence the various strata of various social origins, thus characterising the complexity of our socio-cultural mosaic.

358. Furthermore, and aiming at the development of the national economy and the makers of arts and culture, the Cultural and Creative Industries Policy and its Implementation Strategy was approved through Resolution no. 34/2016, of 12 December, with a view to making culture a sustainable sector and as such contributing to the development of Culture and the economic growth of the Country, establishing a balance between economic, social, cultural and environmental interests. In this way, professionals in the Cultural and Creative Industries assume the mission to create and market cultural and tourism goods and services, generate employment and income, stimulate economic growth and strengthen Mozambicanness in diversity and national unity. Furthermore, with the intention of responding to the above Policy, Decree No. 36/2022 of 28 July was recently approved, approving the new Regulation on Performances and Public Entertainment.

359. In this context, and with a view to creating and stimulating cultural tourism markets, various fairs, festivals and other events were held between 2021 and 2022 that enabled the purchase and sale of cultural and creative products and services, namely 05 fairs, distributed across the cities of Maputo and Nampula, benefiting a universe of 35,141 people.

360. On the other hand, and for the development of Human Capital, training actions were carried out for arts and culture professionals in cultural management and marketing, cultural tourism entrepreneurship and others, between 2021 and 2022, namely 06 training courses in the provinces of Maputo, Inhambane, Sofala, Tete, Nampula, Niassa and Cabo Delgado, having benefited 1,019 people.

361. Further, the government encouraged the creation of space for some communities to hold their religious services and cultural activities, as was the case with the Hindu, Mohammedan and Indian communities, while the creation of several cultural centres was encouraged for the purpose.

362. The Government has privileged the implementation of spaces for cultural activities, among which are the Provincial, District and Municipal Houses of Culture, as well as Cultural Centres, such as the Mozambique-China Cultural Centre, institutions that not only promote culture, but also encourage the generation of revenue and economic development.

Article 23: Right to Peace and Safety

363. Under the Charter, peoples have the right to peace and security at both national and international levels, based on the principle of solidarity and friendly relations implicit in the Charter of the United Nations Organisation and reaffirmed in the Charter of the Organisation of African Unity.

364. The Republic of Mozambique shall pursue a policy of peace and shall only resort to the use of force in cases of legitimate self-defence. 2. The Republic of Mozambique shall defend the primacy of negotiated solutions to conflicts. 3. The Republic of Mozambique shall uphold the principle of general and universal disarmament of all States. 4. The Republic of Mozambique shall advocate the transformation of the Indian Ocean into a denuclearised zone and a zone of peace”.

365. With regard to the right to assistance in the struggle for national liberation, article 17 of the CRM, concerning international relations, enshrines the following: “ *1. The Republic of Mozambique shall establish relations of friendship and cooperation with other States on the basis of the principles of mutual respect for sovereignty and territorial integrity, equality in interference in internal affairs and reciprocity of benefits. 2. The Republic of Mozambique shall accept, observe and apply the principles of the Charter of the United Nations Organisation and the Charter of the African Union*”.

Articles 19 and 20 of the CRM, already mentioned and quoted in the section on the right to sovereignty and self-determination, reinforce this international solidarity for the defence and maintenance of peace.

366. At the legislative level, Law no. 15/92 of 14 October was approved, which grants amnesty for crimes committed against the security of the people and the popular state, as provided for in Law no. 2/79 of 1 March and Law no. 1/83 of 16 March, crimes against the security of the state as provided for in Law no. 19/91 of 16 August and military crimes as provided for in Law no. 17/87 of 21 December. Law no. 2/2020 was approved, which grants amnesty and pardon of sentences within the scope of the measures to prevent the spread of the new Coronavirus and the containment of the COVID-19 pandemic in the country. Law no. 10/2019 - Amnesty Law approved within the scope of the cessation of hostilities between the Government and RENAMO.

367. Laws no. 17 and 18/97 of 7 October are also legal instruments approved by the Assembly of the Republic in which it approves the defence and security policy of the Mozambican people.

Article 24: Right to a Healthy and Sustainable Environment

368. Under the Charter, all peoples have the right to a satisfactory and global environment, favourable to their development.

369. In Mozambique the environment is a constitutionally enshrined right under Article 90, paragraph 1 of which states that *"every citizen has the right to live in a balanced environment and the duty to defend it"*.

370. Article 117 of the CRM provides as follows: "1. The State shall promote initiatives to guarantee the ecological balance and the conservation and preservation of the environment with a view to improving the quality of life of citizens; 2. In order to guarantee the right to the environment within the framework of sustainable development, the State shall adopt policies aimed at: *a) preventing and controlling pollution and erosion;*

b) integrating environmental objectives into sectoral policies; c) promoting the integration of environmental values into educational policies and programmes; d) ensure the rational use of natural resources, safeguarding their capacity for renewal, ecological stability and the rights of future generations; e) promote regional planning with a view to the correct location of activities and balanced socio-economic development”.

371. To materialize this constitutional provision, the Ministry for the Coordination of Environmental Action (currently called Ministry of Land and Environment) was created in 1994, which is the central organ dedicated to the promotion and defence of environmental policies.

372. In 2000 the Environment Fund was created, which is a collective person of public law under the Ministry for the Coordination of Environmental Action, which aims to promote and foster actions or activities that aim to ensure sustainable development.

373. At the legislative and environmental policy level, the highlights are the Environment Law, approved in 1997, the National Environmental Policy, approved in 1995.

374. Law No. 16/2014 of 20 June on the Protection, Conservation, Restoration and Sustainable Use of Biological Biodiversity in Conservation Areas. This Law is governed by the principles of ecological heritage, sovereignty, equality, citizen participation in management and benefits, environmental responsibility, development, public-private partnerships, precaution and informed decision and international cooperation. The Act offers hope for the conservation and sustainable use of biological diversity.

375. Decree No. 54/2015 Approving the Regulation on the Environmental Impact Assessment Process.

376. Mozambique has performed well in terms of developing "response systems" - legal and regulatory standards, natural resource management and human environment programs. Also in the wake of this point, an assessment by the Canadian government concluded that Mozambique "has excellent environmental legislation and policies" but "lacks the capacity to implement this legislation" (CIDA 2004), which is a fact, despite efforts that have been made to minimise this finding.

377. According to the Ministry of Land and Environment, in 2018, native forest occupies an area of about 32 million hectares, corresponding to about 40 % of the total area of the country. This shows a reduction of 11% when compared to the 2005/2007 National Forest Inventory report.

379. The Justice Sector is working hard to protect the environment. To this end, the Public Prosecutor's Office has filed 3,819 cases of environmental crimes and 187 of public health crimes.

379. In the main cities and coastal areas such as Maputo city, Matola, Nampula, Mossoril, Tete, the Public Ministry suspended the attribution of spaces located in partial protection zones.

380. The approval of the Territorial Planning and Land Use Planning Policy and Law (LOT) in 2007 and its regulation in 2008, as well as the integration of the spatial component in the District Strategic Plans of 40 Districts, which were expected to be concluded in 2009, allows for a certain optimistic perspective of reducing the population living in degraded human settlements and substantially reducing the risks of environmental degradation (this also includes the commitment of municipal authorities).

381. At present, the country has the following environmental concerns:

- Soil and Coastal erosion;
- Deforestation and consequent desertification as a result of the unsustainable exploitation of this natural resource;
- Destruction of biodiversity;

- Inadequate sanitation;
- Pollution (noise, air, sea and soil) in urban agglomerations.

382. The major challenges that arise in this context are:

- Ensure sustainable development;
- Ensure the preservation of a healthy environment;
- Strengthen surveillance of the exploitation of natural resources;
- Promote transparent and democratic management of natural resources.

Article 25: Right to Social Security

383. The right to social security is guaranteed to every Mozambican citizen by art. 95 of the fundamental law, which is the Constitution of the Republic. In 2017, Decree no. 51/2017 approved the regulation of Mandatory Social Security. In 2021, the Government approved Law no. 8/2021 establishing the Legal Regime of Mandatory Social Security for State Employees and Agents. This law observes the principles of equality, proportionality, sustainability, solidarity, universality, transparency and deconcentration.

384. At the same time that this requirement is imposed, the mechanisms for material assistance to the worker in situations of lack or decrease of capacity for work are defined through the Social Security Law, Law no. 5/89 of 18 September, which includes a legislative package, such as Decree no. 17/88 of 27 December, which creates the National Institute of Social Security, Decree no. 46/89 of 28 December, which defines the legal framework of the Social Security System, thus guaranteeing the material subsistence of workers in the event of illness, accident, invalidity, maternity and old age, as well as the survival of their families, Decrees no. 4 and 5/90, all of 13 April, which fix the contribution rates of workers and their employers to the social security system, and Ministerial Order no. 45/90 of 9 May, which approves the application rules and procedures of the Regulation of the Social Security Law.

PART III

Articles 27 to 29: Duties

385. The duty to guarantee the fundamental rights of the community falls especially to the State, with the respective collaboration of the individuals that compose it. Articles 55 and 56 of the Constitution of the Republic of Mozambique refer to the family, stating that it is the basic cell of society. In other words, it is in principle from the family that the fundamental principles for the development of social relations based on respect for human dignity should start.

386. Also in correlation to this duty, women are also included as an integral part of the family, the Constitution of the Republic in its article 57 states that the State should promote and support the emancipation of women and encourage their growing role in society.

387. The individual integrated in the society, also has the duty to respect, to have respected and to consider his fellow men without any discrimination and to strengthen mutual respect and tolerance, one of the fundamental rights enshrined in a democratic state, such as the principle of equality before the law, non-discrimination, legality and other fundamental freedoms.

388. In the Republic of Mozambique this duty is enshrined in articles 6, 53, 96 and 106 of the Constitution of the Republic, which uphold the defence and promotion of human rights and equality before the law, the building of a society of social justice and that the individual liberties of citizens should only be temporarily suspended in accordance with the law.

389. Still concerning duties, the individual also has additional obligations towards the community, such as the duties based on article 69 of the CRM, which punishes any act against national unity, and article 73 of the same law, in which individuals have the duty to participate in the process of expansion and consolidation of democracy.

390. The Constitution of the Republic also makes reference in its article 84, the duty of participation in the defense of the independence, sovereignty and territorial integrity of all Mozambican citizens, which is written in paragraph 3 of article 29 of the Charter.

391. Similarly, paragraph 7 of Article 29 of the Charter refers to work, where also the Constitution of the Republic of Mozambique in its article 88, states that work is a right and a duty of every citizen. From the principle of national unity emerging from paragraph 4 of the Charter, the Constitution of the Republic of Mozambique in its article 85 alludes that all citizens have the duty to respect the constitutional order, where any act contrary to it shall be sanctioned under the terms of the law.

IV. Terrorism situation in Cabo Delgado

392. Since October 2017, the northern province of Cabo Delgado has been affected by armed conflicts characterised by attacks on state institutions, economic and social infrastructures and terrorisation of local populations through the macabre practice of assaults using firearms, knives, machetes and axes.

393. In 2018, attacks intensified and spread to more districts in Cabo Delgado. The immediate result of these attacks has been massive population displacement resulting in internally displaced persons in the country.

394. On 15 April 2018, a group of individuals armed with firearms, attacked the Village of Ncumbe, Locality of Mute, District of Palma, where they took the life of a citizen, set fire to 1 residence and destroyed property of the population.

395. On 20 April 2018, under identical circumstances, a group attacked the Village of Muangaza, Administrative station of Olumbe, District of Palma, where they murdered a 14-year-old minor. In the same administrative station, another attack occurred, in which 10 people were murdered, destroyed homes and other property of the population.

396. In relation to these facts, a total of 19 processes were opened, with 339 defendants, men and women, of which 275 were in preventive detention and 64 were released on bail, with a term of identity and residence. In 12 cases charges were filed and referred to the Judicial Court of Cabo Delgado Province.

397. As these are acts that violate the right to life and other fundamental rights and liberties, as well as the right to peace and security of the State, involving both national and foreign citizens, it is urgent to adopt effective mechanisms for prevention and repression, in order to guarantee the tranquillity, territorial integrity and sovereignty of our State.

398. In order to address these situations, the Public Prosecutions Office has supported and collaborated, in accordance with the law, in defining strategies for preventing and combating crime, together with the other bodies responsible for maintaining law and order, security and public tranquillity. In the same context, we have strengthened our cooperation with the United Republic of Tanzania and other countries in the region, in order to ensure effectiveness in our prevention and combat actions.

399. The intensification of attacks led the Government of Mozambique to request international military support. Thus, in 2021, military contingents from the Republic of Rwanda and SADC arrived in Mozambique.

400. The joint effort of the Mozambican army and its Rwandan and SADC allies has resulted in the destruction of the main insurgent bases and the re-establishment of law and order in districts that had been taken over by the insurgents, particularly Mocimboa-da-Praia, Palma, Muedumbe, Nangade, Macomia.

401. Both Mozambican and foreign troops act with respect for Human Rights in mind. This is demonstrated by safeguarding the human rights of insurgents captured in combat as well as those who surrender.

402. With the aim of defining the guiding principles and procedures for the management of internally displaced persons (IDPs) resulting from socio-economic, natural and human factors, the Government approved the Policy and Strategy for the Management of Internally Displaced Persons through Resolution No. 42/2021 of 8 September.

V. Conclusion

403. This report presents the main achievements of the government of Mozambique in the implementation of the 1981-1986 African Charter on Human and Peoples' Rights. It makes mention of Civil and Political Rights, Economic, Social and Cultural Rights, Peoples' Rights, Duties and Situation of Terrorism in Cabo Delgado in the period between 2015 and 2021.

404. Based on the previous periodic report, this report presents the main actions undertaken by the Government of Mozambique regarding the observance of human rights and fundamental freedoms of the citizens, among others the right to equality, non-discrimination, opportunities between men and women relevant to gender equality. Despite various constraints, the report shows significant progress in several fields.

405. Thus, with regard to the ratification of legal instruments, during the period under review, Mozambique ratified seven legal instruments, including the appointment of Members of the National Human Rights Commission; Report on the Investigation of the Human Rights Situation in Cabo Delgado, Manica and Sofala Provinces; Protocol to the African Charter on Human and Peoples' Rights on the Rights of the Elderly in Africa, adopted by the Twenty-sixth Ordinary Session of the Conference held on 31 January 2016, in Addis Ababa-Ethiopia; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, adopted by the Thirtieth Ordinary Session of the African Union Conference, held in Addis Ababa on 29 January 2018; Marrakesh Treaty, signed in Marrakesh, Morocco, on 27 June 2013.

406. Regarding the stage of Civil and Political Rights, Mozambique registers significant progress with the approval of legal instruments and policies aiming at ensuring the Right to Life, Prohibition of Torture, Slavery and Trafficking of Human Beings. Progress has also been registered in the Right to Freedom and Personal Security, although there are some challenges linked to kidnapping, terrorism and others. Freedom of conscience, profession and religion also registers notable progress as attested by the growth of registered religious institutions.

In the area of Freedom of Expression, there is a growth of private radio and television stations and there are more private printed and electronic newspapers. Freedom of Association and of Assembly gained more space with the approval of new legal instruments that facilitate the establishment of political parties and social organisations, such as the unionisation of the civil service. In this period, Mozambique stood out as a country that welcomes people seeking political asylum. This is due to the creation of a favourable environment for the Right to Free Movement. The Right to Participate in Public Life is also significantly advanced through the implementation of public sector reform that brings service delivery closer to citizens. In summary, the major advances in this component include, the revision of the Penal Law, the approval of the Code for the Execution of Alternative Penalties to Prison Sentence, the Revision of the Succession Law, the consecration of the Family Law on marriageable age, the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities and the Elderly; the adoption of the Law on Combating and Preventing Premature Unions; the development of the level of Basic Social Protection; Criminal Protection on gender age discrimination article 191 of the Criminal Code 2019 and the establishment of the National Human Rights Commission. Also worthy of attention is the implementation of the provisions of the Constitution of the Republic of Mozambique on the recognition, respect and protection of Human Dignity Rights; the revision of IPAJ's Organic Statute; the dissemination of IPAJ's activities; Creation of the Integrated Centre for Assistance to Victims of Gender-based Violence; the introduction of human rights into the Defence and Security Forces School; the provision of legal assistance at country level; the creation of the Inter-Ministerial Committee on Human Rights and International Law; the implementation of legal instruments on human rights; the guarantee of protection of civil and political rights in areas of armed conflict; the protection of religious freedom; the right to vote; the revision of electoral legislation.

407. In the field of Economic, Social and Cultural Rights, great progress has been made in combating discrimination against women in the economic sphere, and the Revision of the Family Law and Succession Law opened up space for women to inherit property, including land.

Difficulties persist in the provision of housing for young people in urban areas, but urban land management policies have been approved and the role of the Housing Promotion Fund has been resized. The level of coverage of access to water is improving, however, in rural areas the level of coverage is relatively low. The Charter guarantees the Right to work. Regarding this right, Mozambique still has high unemployment rates, especially among youth. To respond to this challenge, the government created the Secretariat of State for Youth and Employment. Parallel to the encouragement of private initiative, the Government encourages professional technical training initiatives and the distribution of self-employment kits. In the civil service, openness to unionisation opens up space for negotiating better working conditions and remuneration. In the field of Health, access to treatment in public hospitals continues to be subsidised by the State. The policies in this sector pay more attention to chronic diseases such as HIV, Tuberculosis and endemic diseases such as malaria. In general, there are improvements in relation to the period covered by the previous report but the outbreak of the pandemic of COVID-19 in 2020 brought some setbacks in the sector. Despite the pandemic and natural disasters, the health network tends to grow at national level. The Presidential initiative "One District, One Hospital" is benefiting an increasing number of citizens. This initiative aims to expand access to quality health care in rural areas. With regard to education, the Government has continued with the policy of universal basic schooling and expanded state-subsidised compulsory education to ninth grade. The Government's policies in the education sector pay more attention to girls and people with disabilities to ensure that no one is left behind. Furthermore, in Education, the Government enacted legal instruments and designed policies against violence and sexual abuse of girls. The family sphere also registered improvements, with emphasis on the aforementioned laws of succession and family law. In this respect, the marriageable age was extended to combat early marriages and women now enjoy legal protection in the inheritance of patrimony. The Rights of the Child have also been ensured through laws and policies aimed at their protection. In the period under review, the rights of the elderly have also improved.

The ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, adopted by the Twenty-sixth Ordinary Session of the Conference on 31 January 2016 is one example of Mozambique's commitment to ensuring that older persons enjoy their constitutional rights.

Mozambique has also taken significant steps towards combating discrimination against people with disabilities. Within this framework, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, adopted by the Thirtieth Ordinary Session of the African Union Conference, was ratified and Multisectoral Action Plans were designed to respond to the limitation of the enjoyment of human and peoples' rights by persons with disabilities, including albinism. In summary, the major gains in this period include the approval of the Law on Media and Right to Information, the revision of the Law on Associations, free health and education systems up to grade 9 and inclusion regarding special schools and adult education and the girl's retention mechanisms; the establishment of the Ministry of Gender, Children and Social Action, guaranteeing the welfare of people living in extreme poverty; the revision of the Gender Policy; The preparation of the Multisectoral Action Plan for People with Albinism; the Action Plan on Business and Human Rights; the Adoption by the State of Principles of Volunteering; the adoption of the National Plan for the Prevention and Combat of Gender-Based Violence; the creation of the National Plan on Women, Peace and Security; the Adoption by the Government of Mechanisms to Retain Girls in School; the Establishment of Community Committees on the Rights of the Child; the ratification of the International Convention on Economic, Social and Cultural Rights; the design of the proposed Sovereign Wealth Fund; the revision of the Labour Law; the expansion of electricity to all districts in the country; the introduction of the National Youth Institute; and the implementation of projects to strengthen national production. The attainment of gender equality goals in the composition of the government and the appointment of women as president of the Assembly of the Republic, Constitutional Council, Administrative Court and Office of the Attorney General are other major achievements during this period.

408. Regarding Peoples' Rights, Mozambique recognises the equality of peoples. Within this framework, Mozambique has diplomatic relations with several member States of the United Nations and is in solidarity with all peoples who fight for freedom.

At a national level, the Government recognises the effort and dedication of citizens who fought for independence and for the defence of sovereignty. The continuity of the Ministry of the Combatant is an example of Mozambique's commitment in this area. Significant progress has also been made on the Right to Economic, Cultural and Social Development; peace and security; and a healthy and sustainable environment.

In terms of peace, in its history of cycles of military conflict, the government of Mozambique has ruled by amnesty for crimes committed during the conflict. In the environmental area, there is increasing concern about managing resources in a sustainable way. The Ministry of Land and Environment has been working with national and international organisations to achieve this goal. The approval of compulsory social security in Mozambique is a major achievement towards protecting citizens who have lost their jobs and many who work in the informal sector.

409. Regarding duties, the Mozambican State has committed itself to guaranteeing the fundamental rights of the community, including individual liberties and respect for the rights of others or collective security.

410. On the situation of terrorism that has plagued the provinces of Cabo Delgado and Nampula since 2017, the Government is making progress in restoring law and order. Contrary to the brutal actions of terrorists, the Government has been guided by scrupulous respect for human rights in its response to terrorism. People suspected of involvement in terrorist acts are brought before the courts and those who surrender voluntarily are granted amnesty. Territories now occupied by insurgents are being reclaimed and local populations are returning to their homes with assistance from government and charitable organisations.

411. This is the summary of the general framework of the situation of Human and Peoples' Rights in Mozambique for the period between 2015 and 2021. The synthesis shows that significant advances have been made, but some challenges remain, such as:

- Resource scarcity;
- climate change
- International financial crises;
- COVID-19 and the implementation of the Presidential Measures to Combat COVID-19;
- Delay in National Land Policy Review;
- Increase in violence against women during COVID-19;
- The need for greater dissemination of the Charter to the Mozambican people in general;

- The need to strengthen the implementation of legal instruments;
- The need to accelerate the ratification, domestication and implementation of treaties;
- The need to diversify the language of communication and interaction communication with society;
- The creation of mechanisms to monitor and systematically collect data on the implementation of the Charter;
- The creation of a database on the human rights situation disaggregated by gender and other vulnerability categories;
- Capacity building of technicians and focal points for the elaboration of international and thematic reports on human rights and crosscutting issues disaggregated by gender;
- Strengthening of studies on the African Charter on Human and Peoples' Rights and its Optional Protocols