



International Covenant on Civil and Political Rights

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List of issues to be taken up in the absence of the initial report of Mozambique

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. What is the status of the Covenant under domestic law? Can provisions of the Covenant be directly invoked before domestic courts in Mozambique? If so, please provide details on all cases in which this was done and the results thereof.
2. Please provide information on the availability of remedies for individuals claiming a violation of the rights contained in the Constitution and the Covenant. Please also provide information as to whether persons have applied to the Constitutional Court for redress, as provided for in article 58 of the Constitution.
3. At what stage is the process of establishing a national human rights commission pursuant to the bill approved by the Mozambique Parliament in May 2009? To what extent have the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), adopted by the General Assembly through its resolution 48/134, been taken into account and complied with in this process? Please indicate whether an ombudsman has been elected in accordance with the Constitution.

Non-discrimination, equality and prohibition of advocacy of national, racial or religious hatred (arts. 2 and 26, and 20)

4. What measures have been taken by the State party to adopt specific civil and criminal legislation on racial discrimination, and to promote the immediate and thorough investigation and sanction of hate speech cases, and racist and xenophobic acts, in particular with regard to employment?
5. Please provide information on measures taken to protect persons from discrimination and violence based on sexual orientation. Please report on the number of people who have been attacked since 2005 based on their sexual orientation, including by police or other security forces, and specify whether perpetrators have systematically been prosecuted and punished. Are legislative amendments foreseen to decriminalize homosexuality?

Right to life and prohibition against torture (arts. 6 and 7)

6. Please provide information on the measures taken to prohibit and prevent unlawful killings, including extrajudicial executions, and excessive use of force by the police, deaths in custody, and acts of torture and other cruel, inhuman and degrading treatment, and to investigate and sanction such cases. Please specify the actions taken to investigate the excessive use of force and firearms by the police during demonstrations, including during the September 2010 demonstrations in Maputo and Manica provinces, which resulted in the death of 14 people, including two children, and at least 400 people being injured.

7. Please specify (a) the number of lynching cases that have occurred in Mozambique in the last five years; (b) the proportion of the cases that have been prosecuted; and (c) the decisions taken in these cases. What measures have been taken to prevent the practice of lynching throughout the country?

8. Please provide information on the measures taken to prevent domestic violence and ensure its effective investigation and sanction. Please also provide information on trainings for judges, prosecutors, police and health officers on domestic violence, as well as awareness-raising campaigns for women on their rights and available remedies. Information should also be provided on: (a) the number of complaints received for such cases; (b) investigations carried out; (c) the types of penalties imposed; (d) compensation awarded to the victims; and (e) the number of safe shelters and any other resources allocated to assist victims of domestic violence.

9. What measures have been taken to ensure that the persons responsible for the harassment and abuse of girls in the educational system are effectively prosecuted and sanctioned, and that girls are supported in denouncing such situations, as recommended by the Committee on the Elimination of Discrimination against Women in 2007?

10. Please comment on the information before the Committee that mutilation commonly occurs in Mozambique and that body parts are forcibly removed from children and adults - causing death or severe disability - mainly to be used in the context of alleged witchcraft or traditional medicine and frequently trafficked between Mozambique and South Africa. What measures have been implemented to counter any such practice?

Equality between men and women (arts. 3 and 26)

11. Please indicate the measures that have been taken to bring an end to all traditional discriminatory practices and stereotypical attitudes about the roles of women and men in the family and society which impair the equal enjoyment of rights by women and men, and which contribute to the persistence of violence against women. Which measures have been adopted to increase the participation of women in decision-making processes, and to promote the rights of women in rural and remote areas in terms of poverty, illiteracy, and access to health and to social services?

12. Please indicate the measures taken to improve the disadvantaged situation of women in the labour market and to enforce the existing equality provisions in labour law, especially with regard to the high number of women in the informal sector, where they lack job security and access to social security benefits.

13. What actions have been taken to improve the social situation of older women, including in terms of their poverty and isolation? Please specify any measures taken to challenge traditional views regarding older women, particularly accusations of witchcraft, and to provide them with identity cards in order to guarantee full access to social services and social protection.

Prohibition of slavery and forced labour (art. 8)

14. Please provide information on steps taken to combat and prevent trafficking of persons, including through the implementation of the Trafficking Act. What concrete measures are in place to protect and rehabilitate victims of trafficking, and to address the root causes of trafficking? Please provide information on the provision of training to judges, prosecutors and police officers on the identification, investigation and prosecution of trafficking cases, and whether such training adopts a victims-based approach.

Security of person, protection against arbitrary arrest, and treatment of persons deprived of their liberty (arts. 9 and 10)

15. Please comment on the information before the Committee according to which disciplinary processes are rarely instituted against the police for arbitrary arrests and detentions, despite the Mozambique Police Disciplinary regulation which provides that the police have the duty to abstain from carrying out arbitrary arrests and detentions. What measures have been taken to prosecute all police officers known to have carried out arbitrary arrests or detentions, and to give the victims access to compensation for such violations?

16. Please provide information on the framework of police custody and pretrial detention, specifying how long a person can be held without access to a lawyer, and before appearing before a judge and being remanded in custody. Detailed statistics on the number of people held in pretrial detention and on the duration of and reasons for such detention should be provided.

17. Please indicate the measures taken to address the problem of deteriorating prison conditions, overcrowding, the lack of medical care, and deaths in prison. To what extent has the State party used alternative measures of detention such as bonded bail, suspended sentences and community service as options to address the overcrowding in prisons and detention facilities?

18. Please comment on the allegations received by the Committee that treatment contrary to article 7 of the Covenant is used in prisons, including in the cases of 12 prisoners who died of asphyxiation in Mogincual District Jail in 2009 and in the cases of torture that took place in Machave Central Prison and Maximum Security Jail between April and May 2010.

19. Please provide information on the conditions of detention in prisons run by the Ministry of Interior, in particular with regard to the right of detainees to receive visits and to be in contact with their lawyer, and to have access to medical services.

Freedom of movement (art. 12)

20. What measures have been taken to balance the Government's obligation to protect the lives of persons displaced by natural disasters, and the right of such persons to move freely and to choose their place of residence? Please specify to what extent consultation processes are carried out with the populations concerned so that they can fully participate in decision-making affecting their lives.

Right to a fair trial and access to justice (art. 14)

21. Please provide information on the measures that have been taken to improve access to justice for the population, and to provide the Ministries of Justice and the Interior with

sufficient financial and human resources for them to comply with their obligations. Also specify the steps taken to strengthen the coverage of the Free Legal Aid (IPAJ) department throughout the country.

22. Please provide information on the measures taken to improve citizens' access to justice by means of more effective police services, including through guaranteeing that the police are provided with sufficient human and material resources.

Freedom of opinion, expression, assembly and association (arts. 19, 21 and 22)

23. What measures have been taken to promote and protect the right of access to information? Does the State party intend to adopt legislation to guarantee the full enjoyment of the right of information for all?

24. Please comment on allegations that public assemblies are frequently prohibited and on the conditions under which, and before which authority, the denial of an authorization can be appealed.

Protection of children and prohibition of torture and ill-treatment (arts. 24 and 7)

25. What steps have been taken to put an end to physical punishment in all settings, including through the revision of the Child Protection Law to explicitly prohibit such practices? What measures have been taken to encourage non-violent forms of discipline as alternatives to corporal punishment, such as public information campaigns to raise awareness about its harmful effects?

26. Please provide information on the steps taken to expressly prohibit compulsory military recruitment and mobilization of persons under 18 years, even in time of war.

27. Please provide information on the progress made to enable the National Council on Child Rights (NCCR) to work effectively, with the necessary financial and human resources. What kind of work has the NCCR developed to date?

28. Please comment on the information before the Committee that 22 per cent of children between 5 and 14 are involved in child labour at the national level, reaching 25 per cent in the rural areas, despite the prohibition of child labour and any form of work for children under 15 years of age under the 2008 Children's Act. What measures have been taken to prevent and sanction this phenomenon?

29. What steps have been taken to implement a free and sustainable birth registration system available throughout the country?

Rights related to marriage and family (art. 23)

30. Please indicate the measures that have been adopted to prevent the persistence of harmful traditional practices such as early or forced marriage and polygamy in some areas, despite their prohibition under the Family Law of 2004.

Dissemination of the Covenant and of the Committee's concluding observations (art. 2)

31. Please provide information on the steps taken to disseminate information on the Covenant and its Optional Protocols, and on the forthcoming examination of the State party by the Committee in the absence of a report.
