
I. PRESENTATION

In 2011, 25 organizations of the Mozambican civil society presented the first shadow report under the Universal Periodic Review Mechanism (UPR) of the United Nations Human Rights Council (HRC) held during the 10th Session of the Working Group, from 24th January to 4th February 2011, which approved 161 recommendations adopted at the 17th Session held in June 2011.

This is the second shadow report to the UPR mechanisms for Mozambique scheduled for the 24th session of the Working Group to take place in February 2016. The document was elaborated by more than 60 national and foreign organizations working in the field of Human rights throughout the country, namely:

Liga dos Direitos Humanos (LDH – *Mozambican Human Rights League*), *Lutheran World Federation* (LWF), Liga de ONG's de Moçambique (JOINT – *Mozambican NGO's Network*), Centro de Estudo e Transformação de Conflitos (JUSTAPAZ – *Fair Peace*), Rede Criança (RDC – *Child's Rights Network*), Centro de Integridade Pública (CIP – *Center for Public Integrity*), Associação Moçambicana dos Mineiros (AMIMO – *Mozambican Mining Workers Association*), Fórum da Sociedade Civil para os Direitos da Criança (ROSC – *Mozambican Civil Society Forum for the Rights of Children*), Associação Mulher, Lei e Desenvolvimento (MULEIDE – *Woman, Law and Development*), Comitê Ecumênico para o Desenvolvimento Económico e Social (CEDES – *Ecumenical Committee for economic and Social Development*), *CARE International*, Associação de Mulheres de Carreira Jurídica (AMCCJ – *Association of Women in Legal Careers*), Associação para o Desenvolvimento da Família (AMODEFA – *Association for Family Development*), Associação para Defesa das Minorias Sexuais (LAMBDA – *Association for Sexual Minorities*¹), Fórum da Terceira Idade (FTI – *Elderly Forum*), Associação da Juventude Moçambicana (COALIZÃO – *Association of Mozambican Youth*), Mulher e Lei na África Austral (WLSA – *Women and Law in Southern Africa*), Associação Cultural para o Desenvolvimento Sustentável (ACUDES – *Association for Cultural Sustainable Development*), Parlamento Juvenil (PJ – *Youth Parliament*), Solidariedade Moçambique (SoldMoz – *Mozambique Solidarity*), Fórum das Organizações Não Governamentais de Gaza (FONGA – *NGO Forum of Gaza Province*), Associação des Pessoas Vivendo com HIV/SIDA (UTOMI – *Association of People Living with HIV/AIDS*), Associação de Educação de Adultos e desenvolvimento Rural (SÊ-RIXILE – *Association of Mature Education and Rural Development*), Associação dos Idosos de Gaza (TXHONGOTELO – *Association of Elderly of Gaza*), Organizações dos Trabalhadores Moçambicanos (OTM-CENTRAL Sindical – *Mozambican Central Trade Union*), União das Associações de Jangamo (UDAJA – *Jangamo Union Association*), Associação dos Paralegais de Inhmbane (API – *Inhambane Paralegal's Association*), Associação das Pessoas Vivendo com HIV/SIDA e Simpatizantes (TINPSWALO - *Association of People Living with HIV/AIDS and Simpatizers*), Associação dos Aposentados de Moçambique (APOSEMO – *Mozambican Retired Association*), Acção Académica para o Desenvolvimento das Comunidades Rurais (ADECRU – *Academic Action for Community Development*), Centro Terra Viva (CTV – *Center of Living Hearth*), Organização Rural da Ajuda Mútua (ORAM – *Rural Organization for Mutual Support*), Acção de Ajuda Cristã (AAJ – *Christ for Action Support*), Associação dos Jovens Contra Droga (DESAFIO JOVEM – *Association of Youth Against Drugs*), Acção para o Desenvolvimento Sustentável (ADS – *Action for Sustainable Development*), Associação de Jovens livres para servir as Comunidades (OJOLISC – *Association of Free Youth to Serve in the Community*), Associação Poder de Deus (*Association Power of God*), Associação Glórias a Deus (*Association Glory of God*), Firme Alicerce (*Firm Foundation*), Associação de Apoio às Comunidades (AMACO – *Association of Community Support*), Associação Juvenil para o Combate as Epidemias (AJUPCE – *Association of Juvenil Fighting Epidemics*), Associação das Mulheres para a Promoção e o Desenvolvimento Comunitário (AMPC – *Association for Promotion of Women in the Community*), Fórum Provincial de ONG's de Sofala (FORPOSA – *Forum of NGO's of Sofala Province*), Associação dos Jovens de SOALPO (JOS-SOAL – *Soalpo Youth Association*), Associação Construindo o Futuro dos Afectados (COFIA – *Association Building the Future of Affected*), Rede Provincial Criança (SOPROC – *Provincial Network of Child's Rights*), Conselho Cristão de Moçambique (CCM – *Christian Council of Mozambique*), Pressão Nacional de Direitos Humanos (PNDH – *National Enforcement for Human Rights*), Fórum Provincial da Sociedade Civil de Manica (FOCAMA – *Civil Society Forum of Manica*), Plataforma da Sociedade Civil de Chimoio (PLASOC – *Civil Society Platform of Chimoio*), Associação do Grupo de Tratamento Anti-retrovirais (AGT – *Association of Anti – Retroviral Treatment*), Associação de Apoio e Assistência

¹ In a process of legal recognition

Jurídica das Comunidades (AAAJC – *Association of Legal Assistance of the Communities*), Associação Nacional de Extensão Rural (*National Association of Rural Extension*), Organismo para o Desenvolvimento Socio - económico Integrado (KULIMA – *Organism for Integrated sócio-economic Development*), Fórum das associações da Sociedade civil de Cuamba (FORASC – *Forum of Civil Society Associations of Cuamba*), Instituto para a Cidadania e Desenvolvimento Sustentável (FACILIDADE – *Institute for Citenzenship and Susteainable Development*), Plataforma provincial das OSC de Nampula (PPOSE – *Provincial Platform of NGOs of Nampula*), Amigos da Criança e Boa Esperança (ACABE – *Child Friends and Good Hope*), Fortalecimento das Comunidades através da Programação Integral (SCIP – *Enforcement of Community by Integrated Pragramming*), Associação das Mulheres Domésticas da Zambézia (AMUDZA – *Association of Domestic Women in Zambezia*), Observatório de Meio Rural (OMR – *Observatory of Rural Envirnment*), União Provincial dos Camponeses (UPC – *Provincial Union of Peasants*), Associação de Apoio ao Desenvolvimento (NANA – *Association of Development Support*), Conselho Islâmico de Mocambique (*Muslin Council of Mozambique*), Grupo da Dívida (*Debt Coalition*), Comissão Arquidiocesana de Justiça e Paz de Nampula (*Archdiocesan Commission for Justice and Peace of Nampula*), Fórum Terra (FT – *Land Forum*)), Rede das Organizações para Ambiente e Desenvolvimento Sustentável (RODS – *Network for Envirnent and Susteainable Development Organizations*), Namati Mozambique, e Associação Visibilidade, Inclusão, Direito e Acesso à Saúde (VIDAS – *Association Visibility, Inclusion, Law and Health Rights*).

II. SUMMARY AND METHODOLOGY

This document is the culmination of a joint process that included associations and organizations operating in different thematic human rights in the South, Central and North regions of the country. Thus, they identified five (5) topics that will be developed below, showing for each of them the national and international legal framework, institutional framework, concerns and recommendations.

A public consultation within civil society organizations has been through regional seminars in the North Region, that included (4) provinces: Niassa, Cabo - Delgado, Nampula and Zambezia; Central Region, that included (3) provinces: Manica, Tete and Sofala; and finally in the South Region, that included (4) provinces: Inhambane, Gaza, Maputo province and Maputo City. It was organized also a launching seminar in Maputo in the begging of the process and a final seminar of validation in Maputo both. The results of these methodological seminars of consultation and information gathering were organized primarily by the working groups (Commission of Rapporteurs) at local level formed by the above the members of some organizations above in accordance with the thematic areas in which they operate and after that compiled by a Central Secretariat created for this purpose based in Maputo.

The organizations endorsing this document are intended to contribute the passage of Mozambique through the Universal Periodic Review Mechanism is made based on a real and wide diagnosis of the human rights situation in the country, and hopes that this exercise will result in objective recommendations to assist in promoting and defending the constitutional desideratum and universal human rights in Mozambique, taking into account the previous report.

It is important to note that several concerns and recommendations contained in the previous exercise of 2011 remain valid, however, this report took into account the new political, economic and social environment expressed in the legal and institutional developments

I. THEMATIC ANALYSES

RIGHT TO ACCESS TO JUSTICE

A) Legal Framework:

- i. In Mozambique, the Constitution of the Republic states in Articles 62 and 63, the principle of Rule of Law and Social Justice. The country is a signatory of the United Nations Charter and the Charter of the African Union and the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.

- ii. Since July 1, 2015, is in place, the new Penal Code, replacing the 1886, constituting a breakthrough for the justice administration system. However, the effective implementation of this Code is subject to amendment and approval of the new Code of Criminal Procedure, which is still under review. On the other hand, the need for a new Legal Costs Code that suits the guarantee of the rights and freedoms in the Constitution and in international human rights instruments to which Mozambique is part remains relevant.
- iii. The country still not party of the International Convention on Economic, Social and Cultural Rights nor the First Optional Protocol on Civil and Political Rights - mechanisms for presentation of petitions in the international system. Also is not part of the International Pact of Cultural and Social Economic Rights and the Rome Protocol (Adhesion to International Court).

B) Institutional Framework:

- i. Expansion courts, the prosecutors and Legal Aid Institute and Sponsorship judiciary, building courthouses that add such institutions is a step forward but does not yet cover all districts and persisting problems of human and material resources.
- ii. In 2007, was created the Superior Courts of Appeal that are already in place at provincial level, which in theory decongest the other courts regarding the application of sentences.
- iii. The expansion and operation of the Administrative Courts by the regions of the country.
- iv. The creation and functioning of the National Human Rights Commission and the figure of the Ombudsman, institutions recommended by the 2011 UPR, however, its effective operation needs strong institutional, human and financial capacity support.
- v. The installation of Mediation and Conflict Arbitration Centers in the provinces, which represents an improvement in terms of informal mechanisms of conflict resolution, speed and restorative justice practices;

C) Concerns of the Mozambican civil society organizations:

- i. Despite the relevant developments in the administration of justice system, the system continue to register high rates of procedural delays, and with respect to the cases of crimes, this sluggishness has implications for the overcrowding of prisons with disastrous consequences for the rehabilitation of prisoners, violation of terms and rights of pre-trial detainees, deterioration of prison conditions and human rights violations.
- ii. Pending the approval of the new Code of Criminal Procedure, has implications in the laws applicable in criminal justice because they have become maladjusted to reality, constituting a cause of injustice and limitation of access to justice and promotion of police violence. The League of Human Rights in Gaza province, Chibuto District, reported in the first six months of 2015, six (6) cases of torture, of which the author has already been convicted in Case No. 127/015 by the Judicial Court of Chibuto. Also in Gaza, Bilene District, LDH noted the summary execution of two citizens, namely Fabião Maposse and Roberto Machava; and arbitrary arrests of seventy (70) persons with expired probation periods that are reported all over the country.
- iii. The overcrowding in prisons remains high. In general, the last four years, the prison condition has improved little and no records of glaring cases of cruel and inhuman treatment has been reported, contributing to it, the compliance of the memorandum signed in 2008 between the Ministry of Justice and the LDH. However, there remain problems of access to health care and adequate food. Overcrowding continues, and is expected to reduce with the adoption of the Criminal Procedure Code regulating the effectiveness of the new Penal Code in force since July 1st, 2015, where about 30% of inmates will have access to alternatives to imprisonment.

D) Recommendations suggested by civil society organizations to be made to Mozambique UPR:

- i. Promote continuous and regular training programs for judicial and Public magistrates, and allocate sufficient resources and better working conditions.
- ii. Ensure the swift adoption of the Criminal Procedure Code.
- iii. Improve the mechanisms for selection and recruitment of candidates for members of the police with regard to ethics, in addition to the permanent presence of prosecutors in police stations nationwide.
- iv. Humanize the prison services through the improvement of prison conditions, training of prison personnel, including managers of the prison system, and the accountability measures for violations of human rights.
- v. Comply with the principles applicable to pretrial detainees.

- vi. The National Human Rights Commission (CNDH) now established as recommended by the last report, to be more interventionist in matters pertaining to the defense and promotion of human rights.
- vii. The Ombudsman should be more active and make it known to citizens.
- viii. Adopt measures for the approval of the Law of Popular Action proposed to the National Parliament in 200.
- ix. Create conditions to ensure the implementation of the Act No. 04 / CC / 2013 of September 24, of the Constitutional Council, regarding the preventive detention.
- x. Ensure registration of LAMBDA (Association for Defense of Sexual Minorities), refused for eight years, in breach of Articles 51 and 52 of the Constitution of the Republic of Mozambique which guarantees freedom of association and demonstration.

2. SEXUAL REPRODUCTIVE RIGHTS, PEOPLE LIVING WITH DISABILITIES AND SEXUAL MINORITIES

A) Legal Framework:

- i. The CRM does not explicitly enshrine the right to sexual and reproductive health, addressing implicitly when referring to the right to health, Article 116.
- ii. There are some legal instruments such as the Law No. 5/2002, on non-discrimination of workers living with HIV; Law No. 12/2009 on combating stigma and discrimination of People Living with HIV / AIDS and the Law No. 23/2007, which combined with the Labor Law addresses the promotion and protection of rights relating to sexual and reproductive health.
- iii. It was approved the National Family Planning Strategy.

B) Institutional Framework:

- i. With regard to sexual and reproductive health in the country there is a National Council to Combat AIDS and the Ministry of Health created the Department of Community Health.
- ii. The Minister of Woman and Social Affairs addresses policies and support for people living with disabilities through the National Institute of Social Affairs (INAS).

C) Concerns of the Mozambican civil society organizations:

- i. The discrimination against women remains special in the rural areas.
- ii. The discrimination against sexual minorities and people living with albinism.
- iii. Rising tide of trafficking in organs and body parts, as well as people living with albinism.
- iv. The absence of a specific law that punishes trafficking in organs and body parts, as well as people living with albinism.
- v. As for the rights of people with disabilities, the issue of education is essential, despite the policy that the school must be adapted to the need of child with a disability, what happens is that the child does end up having to adapt to school, which makes it less attractive to families affected to send their children to school, making consequently, people with disabilities less educated. There are several barriers, from the architectural (access to the buildings) to information technology because it does not train teachers to deal with children or people with disabilities. There is also an exaggerated protectionism exposure of children to normal room, then retracts the potential thereof. The political environment is, contrary to what use to advocate, unfavorable and not taking real steps to improve the implementation of the Convention; thus the problem in transport and accommodation remains a big challenger, ie, access to water is difficult for people with disabilities. The political system also excludes the disabled person, not involving them in decision-making process and does not consider the quota system that would ensure inclusion in employment where stands the issue of education levels.
- vi. Non effective implementation of the Disability Act regarding the ease of access to public places in safety.

- vii. The contraceptives are free in the National System of Health but there constant break of stock due the deviation to outside market where they are sold creating a huge number of unsafe abortions because large proportions of women are poor.
- viii. Imposition of certain contraceptive violating freedom of information and choice.
- ix. Constant rupture medicines stocks in the National System of Health.
- x. Poor knowledge of attribution procedures of contraceptive methods.
- xi. Rising number abortion that occurs outside of the hospitals.

D) Recommendations suggested by civil society organizations to be made to Mozambique UPR:

- i. Strengthening the appropriate legal framework to discourage the practice of early marriage and be placed on top of the national agenda of the governance and poverty reduction.
- ii. Train health providers to address the needs of sexual minorities.
- iii. Ensure the effective exercise of freedom of association to all citizens without distinction of any kind and in particular of sexual orientation.
- iv. Approve the Law against Trafficking in Organs and Human Body Parts, as well as people Protection of Living with Albinism.
- v. Supervise and monitor the full compliance of the Disabled Persons Protection Act, as well as, their safe access in public places.
- vi. Increase the fight against AIDS and, as well as, protections actions for people living with HIV/AIDS.
- vii. Increase the accountability mechanisms for the health personnel against bribery, illegal selling of contraceptives that should be free and medicines, and discriminatory practices.
- viii. Strengthening the mechanism of control and distribution of contraceptives.
- ix. Since abortion was decriminalized, create safe abortion services.
- x. Continuously educate the health workers in matters of sexual reproductive rights.
- xi. Enter matters of sexual and reproductive health in the education curriculum so teachers and students better know those issues and conduct civic education in communities.

3. CHILDREN'S RIGHTS, WOMEN AND ELDERLY

A) Legal Framework:

- i. The Constitution of the Republic of Mozambique (CRM) establishes in its Article 121 the rights of the child; Law n. 7/2008 Law of Promotion and Protection of the Rights of the Child; Law n. 8/2008, Law of Guardianship of Minors Organization; and Law No. 6/2008 Law against Trafficking in Persons especially Women and Children, and the country is part of the Convention on the Rights of the Child (CRC) and its Protocols.
- ii. The Constitution (CRM) provides in Article 122, the rights of women; Law No. 29/2009, the Domestic Violence Act. The country is state party of the CEDAW and other relevant protocols and regulations.
- iii. The CRM guarantees the right to family in Article 119 and approved the Law 10/2004, of 25 August, the Family Law.
- iv. The CRM provides special protection to the elderly (art. 124) and approved the Law No. 3/2014, to promote the Law and Protection of the Rights of Senior Citizens, regulated by Decree No. 79/2014 and Law No. 52/2012 Law Social Security, approved the National Policy for Older Persons by resolution 84/2002.

B) Institutional Framework:

- i. The Ministry of Gender and Social Welfare and the National Institute of Social Action (INAS) have a responsibility to promote and coordinate programs aimed at the exercise of women's rights, children and the elderly.
- ii. Mozambique has a Ministry of Youth and Sports, whose activities is to promote and protect the rights to youth that is complemented by other public institutions, namely, the National Youth Institute and the National Youth Council and private such as various international, national and local associations.
- iii. National Council of Children's Rights, established by Decree No. 8/2009 and running since 2010.

C) Concerns of the Mozambican civil society organizations:

- i. High infant mortality rates
- ii. High rates children absenteeism and dropout in schools
- iii. The feminization of poverty
- iv. Premature marriages
- v. Domestic violence against women
- vi. discrimination of women in many fields of life in particular in the access to their rights of heritage and succession
- vii. gender imbalances in many fields of life
- viii. discrimination against elderly
- ix. Poor mechanisms of elderly protection
- x. Domestic violence against elderly.

E) Recommendations suggested by civil society organizations to be made to Mozambique UPR:

- i. Develop the Law against Premature Marriage to consider the complexity of the phenomenon and criminalize not only the parents, the man who marries a child, but the accomplices as legal witnesses (godparents) and other family members, for example.
- ii. Criminalize premature marriage as a serious violation of human rights and particularly the rights of children and Mozambican girls.
- iii. Harmonize the laws, policies and customary and religious practices in order to determine the minimum age of marriage for the 18-year-old in all circumstances, in accordance with Articles 2 and 21 of the Charter and to introduce mechanisms to reduce the incidence of child marriages / Premature.
- iv. Promote effective mechanisms to fight against absenteeism and dropout of children in the primary schools.
- v. Accelerate the development of the regulation for the protection of women victims of domestic violence.
- vi. Adopt effective measures to punish vigorously all kinds of violence against children, women and elderly.
- vii. Ensure the dissemination and compliancy of Law n. 3/2014 on the promotion and protection of elderly rights and their implementation.
- viii. Ensure the dissemination and compliancy of Law n. 52/2012 about social security, regarding the Elder, as well as monitor their implementation.

4. RIGHT TO EDUCATION, HEALTH, LAND ACCESS AND ENVIRONMENT PROTECTION OF RURAL COMMUNITIES

A) Legal Framework:

- i. The Constitution guaranties access to education (art.113 and 114), but still no constitutional provisional that guaranty it as an obligation and free of charge; access to health (art 54 and 94); and access to land (art.).

- ii. The Constitution enshrines the right of all citizens to a balanced environment and the duty to protect it (Art. 90). Approved the Law No. 20/97, (Environmental Law), Law No. 16/91, (Water Law), Law 10/99 (Law of Forestry and Wildlife) and Law No. 19/97 (Land Law).
- iii. The CRM states in Articles 109, 110 and 111 the right of land as state property and universal means of wealth creation and social welfare, use and enjoyment of land is the right of all Mozambicans.

B) Institutional Framework:

- i. The Ministry of Education and Human Development created under the new Government formed as a result of the general elections of October 2015, is in charge of education policies from primary and college level. The Ministry of Health is responsible to conduct the policies to promote the right to access to health for all citizens in Mozambique.
- ii. The Ministry of Land, Environment and Rural Development, established by Presidential Decree under the new Government established in January 2015, at central level, is the authority that oversees the environmental sector and issues.

C) Concerns of the Mozambican civil society organizations:

- i. The quality of education stills high concern in Mozambique
- ii. The number of schools increased but the students are still seating on the floor
- iii. Reform in the education system is needed to improve not only quantity but also quality.
- iv. The health system needs reform as all
- v. Lack of control mechanisms to fight against bribery and corruption in the health system
- vi. Deviation of medicines and break of drugs and medicines stocks constantly as a result of poor prevision
- vii. Increase of deaths from cancer and diabetes
- viii. With the discovery of natural resources there has been a massive investors such as VALE, in Tete, WAMBAU, MAI, TWIN - CITY in Massingir in Gaza Province, RIO TINTO exploring a heavy sands project in Jangamo, in Inhambane Province, ProSavana in Nampula Province and other related companies, which acquired exploration permits without assessing the environmental, social and cultural impact. In the same context occurred illegal expropriations, land grabbing communities, violation of the right to participation in Community Consultations and decision right of communities in matters of public interest, violation of agreements with the community by investors in the context of Social Responsibility Corporate and resettlement, degradation of living conditions of communities, including environmental pollution of rivers with negative consequences for health and nutrition;
- ix. Resettlements are carried out without taking into account the living and economic conditions of the communities. In Topuito for example, people who have good living conditions, now have water delivered by trucks in the resettlement areas. On days when the truck does not appear, there is no water in the community;
- x. There are cases of people who have lost their land, they moved to the mountains and are desperate to have land for themselves and their children. This is the case of NIQUEL company - Dutch capital - operating in the town of Gruja, District of Buzi, in Sofala province, whose its operating practices are equivalent of modern slavery; and now Lúrio Green in Mecuburi, whose action affected 169 families displaced in Gurue; The emergence of several mega projects in Mozambique has highlighted that although the Land Law in force to protect the rights of local communities with regard to land ownership, economic interests, lack of local community information and false promises accompany most of these projects lead to the consultation, public participation and rea - leasing of local communities are opaque and mostly lead to conflicts, for example in the case of resettlement of communities when granting 4,900 hectares of arable land by the Chinese Government Company in the districts of Xai-Xai and Chibuto in Gaza province, where those lands were a source of livelihood of some 112,000 rural poor, mostly single mothers;

- xi. Access to water is considered a basic right, however only 43% of Mozambicans have access to potable drinking water, of which only 26% live in rural areas and 72% in urban areas. Water resources are under constant pressure by the increasing of population, economic activity and the growing competition between different water users;

D) Recommendations suggested by civil society organizations to be made to Mozambique UPR:

- i. Speed up with the reforms in the education system
- ii. Train more teachers and continuously
- iii. Improve quality of education access of education in rural areas
- iv. Fight against the bribery and corruption in the Health System
- v. Increase the measures for prevision of drugs and medicines stocks
- vi. Increase the number of hospitals
- vii. Pay special attention to the rising cases of death by cancer and diabetes related diseases
- viii. Consider the urgent adoption of a specific law against environmental crimes;
- ix. Publish the contracts between the government and the mega-projects with regard to environmental impact;
- x. Respect the right to information and participation of communities within the allocation of DUATS investors.
- xi. The Government should monitor compliance with the compensation plans, resettlement and agreements between communities and investors;
- xii. Establish written agreements of social responsibility to allow its monitoring;
saw. Ensure that the exercise of land rights is not conditioned only to possession of a DUAT but, value the other ways that the law calls for the use and ownership of land;
- xiii. Review the time of exploitation of the land, from 1 year to 5 years and after 5 years it's lifetime (validity of DUAT);
- xiv. Ensure transparency and ease of DUATs allocation process, especially women and the elderly.

5. POLITICAL PARTICIPATION AND DEMOCRATIC, GOVERNANCE, INTEGRITY AND TRANSPARENCY

A) Legal Framework:

- i. Chapter IV of the CRM establishes the rights, freedoms and guarantees of political participation, as a means of exercising political power; however, Mozambique has not ratified the African Charter on Democracy, Elections and Governance adopted in 2007 to ensure that the elections take place in a more transparent way in terms of government legitimacy.
- ii. Approval of the new Electoral Law (2014) as a result of consensus among the main political forces.
- iii. Approval of Agreement (signed into law) Assignment of Hostilities which ended the armed conflict between the government and Renamo and consequently the spectrum of civil war.
- iv. Adoption of the principle of Political Dialogue for the preservation of peace in the seat of Conferences Joaquim Chissano Centre between the government and Renamo.
- v. Mozambique ratified the United Nations Convention against Corruption, the Community Protocol for the Southern African Development (SADC) Against Corruption and African Union Convention against Corruption. There's the Law on Fighting Corruption, Law No. 6/2004.
- vi. Entry into force of the Law on Public Probity Law No. 16/2012 of 14 August. In 2014 Mozambique adopted the Public Probity Law and set up its Commission of Ethics.
- vii. Under the Right to Information, was approved the Law No. 34/2014 of 31 December.

B) Institutional Framework:

- i. Under the Constitution Mozambique is a multiparty with separation and independent of powers in legislative, executive and judicial branch. There are regular free elections and is presidential system.
- ii. The National Electoral Commission is the legal organ that supervises the electoral process with member appointed by the main parties and others elected from the Civil Society.
- iii. The Office for Combating Corruption, under the General Attorney command, is the central institution that investigates and accuses all acts related to the corruption.
- iv. The Commission of Ethics and Probity is the institution created in 2014 to implement the Law on Public Probity.

C) Concerns of the Mozambican civil society organizations:

- i. Political - military instability that the country has lived since 2013 translated in constant armed clashes;
- ii. Lack of information about the armed clashes between government forces and residual forces of Renamo;
- iii. The escalation of election violence;
- iv. lack of criminal liability of moral and perpetrators of political violence and electoral fraud;
- v. Absence of a standard that regulates the funding of political parties (Financing Law on Political Parties);
- vi. The Anti-Corruption Law, however, does not show harmonized with international legal instruments ratified by Mozambique, such as the United Nations Convention Against Corruption, the Community Protocol for the Southern African Development (SADC) Against Corruption and African Union Convention Against Corruption;
- iv. The Central Office for Combating Corruption was created by n. ° 1 of Article 19 of Law no. 6/2004. This organization is not autonomous because, in the article referred stipulates that the cabinet works within the Attorney General's Office and reports to the Attorney General's Office. The Director of the secretariat is appointed by the Attorney General of the Republic, which under the Constitution is appointed by the President which creates a near subordination to political power;
- v. The Law n. 6/2004 confers powers to the Anti-Corruption Central Office to investigate crimes of corruption and economic participation in business, leaving aside other crimes related to corruption as the misuse of state funds, embezzlement, abuse of office or function, embezzlement, influence peddling, etc;
- vi. In regard to the Access to Information Act, although largely publicly debated at different levels, there is a tendency to deviate from the basic issue of public access to documents and matters of public interest, especially in taxpayer perspective and citizen needs to monitor and inquire about the fate that is given to the various assets of the State or to the procedures and opportunities that are carried out by organizations and public institutions in the conduct of life and public affairs. There is a wide lack of accountability by the State and lack of access to documents that accompany such deals or decisions under excuse of “state secrecy”.
- vii. As for the Law on Public Probity Law No. 16/2012 of 14 August; the supervisory bodies are inept, in the case of the prosecution, reporting directly to the political power, directly influenced by the wishes of the ruling party and the legal sanction for violations often ceases to application.
- viii. Lack of transparency in the management of public goods.

E) Recommendations suggested by civil society organizations to be made to Mozambique UPR:

- i. Respect and effective implementation of the assignment of Hostilities Law by both signatory parties;
- ii. Independent investigation allegations of abuses and human rights violations against defenseless populations during the 2013 to 2014 military confrontation between the government and Renamo in Sofala and Manica and Tete province in 2015.
- iii. Greater transparency in electoral processes;
- iv. Promotion of true political, economic and social inclusion in Mozambicans without excluding any order;
- v. Immediately ratify the African Charter on Democracy, Elections and Governance adopted in 2007 to ensure that the elections take place in a more transparent way in terms of government legitimacy; as well as the African Protocol on transparency in elections;
- vi. Criminalize the use of public property for political purposes and in election campaigns;

- xi. Greater transparency in public asset management;
- xii. Implement the recommendations on the need for better control of public spending and close supervision to ensure that the funds obtained from debt relief are effectively used to meet the needs of the most vulnerable sectors of the population;
- xiii. Effective implementation of the Public Probity Law;
- xiv. Enter the Access to Information Act, standards for effective access to state matters and public accounts that allow for real accountability from politicians and public managers
- xv. Adopt measures for the approval of the Popular Action proposal endorsed to the Parliament Act in 2001.

6. SPECIFIC SUBJECT: MINERS MOZAMBICANS IN SOUTH AFRICA AND EX – WORKES OF EAST GERMANY (GDR)

A) Concerns of the Mozambican civil society organizations:

- i. Mozambican miners are hired to work more than 15 years in South Africa, discounting the IRPS (individual income tax); upon returning to the country the miners do not benefit from any social benefit.
- ii. The Mozambican workers in the former eastern German are still not paid.

B) Recommendations suggested by civil society organizations to be made to Mozambique UPR

- i. Repeal the 1964 and 2007 Agreements on Labor Mozambicans Miners in South Africa due the fact that is out of scope of the reality and does not answer the needs of social protection of miners.
- ii. Integrate miners in the National Social Security System of the National Institute of Social Security (INSS).
- iii. Develop a strategy for reintegration of miners in the country and ensure the commitment of its materialization in the context of the new economic ventures in the area of extractive industry.
- iv. Solve the problems of the former employees from former GDR.