



MINISTRY OF JUSTICE (MJ)

National Directorate of Human Rights and Citizenship
(*Direcção Nacional de Direitos Humanos e Cidadania -*
DNDHC)

Mid-Term Report on the Universal Periodic Review Action Plan (UPR) (2012-2015)

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List of Initials and Acronyms

List	Meaning of Initials and Acronyms
ACIPOL	Academia de Ciências Policiais Academy of Police Sciences
AR	Assembleia da República Assembly of the Republic
BR	Boletim da República Government Gazette
ACHPR	African Charter on Human and People's Rights
CRC	Convention on the Rights of the Child
CPMW	Convention on the Protection of the Rights of All Migrant Workers and Members of Families
CEDAW	Convention on the Elimination of All forms of Discrimination against Women
CIREL	Comissão Interministerial da Reforma Legal Inter-Ministerial Commission on Law Reform
CM	Conselho de Ministros Council of Ministers
HRC	Human Rights Council
CNDH	Comissão Nacional dos Direitos Humanos National Human Rights Commission
CRM	Constituição da República de Moçambique Constitution of the Republic of Mozambique
HR	Human Rights
GCCC	Gabinete Central de Combate à Corrupção Central Office to Fight Corruption
FAO	Food and Agriculture Organization (United Nations)
HIV	Vírus de Imunodeficiência Humana Human Immunodeficiency Virus
INE	Instituto Nacional de Estatística National Institute of Statistics
LDH	Liga dos Direitos Humanos Human Rights League
M&E	Monitoring and Evaluation
APRM	African Peer Review Mechanism
MDG	Millennium Development Goals
MF	Ministério das Finanças Ministry of Finance
MINED	Ministério da Educação Ministry of Education
MINT	Ministério do Interior Ministry of Home Affairs
MISAU	Ministério da Saúde Ministry of Health

MJ	Ministério da Justiça Ministry of Justice
MMAS	Ministério da Mulher e Acção Social Ministry of Women and Social Action
MNEC	Ministério dos Negócios Estrangeiros e Cooperação Ministry of Foreign Affairs and Cooperation
MOPH	Ministério das Obras Públicas e Habitação Ministry of Public Works and Housing
MPD	Ministério de Planificação e Desenvolvimento Ministry of Planning and Development
UPRM	Universal Periodic Review Mechanism
UN	United Nations
OPCAT	Optional Protocol to the Convention against Torture
CSO	Civil Society Organisations
PAMRDC	Plano de Acção Multisectorial para a Redução da Desnutrição Crónica Multi-Sectoral Action Plan to Reduce Chronic Malnutrition
PARP	Plano de Alívio e Redução da Pobreza Poverty Relief and Reduction Action Plan
UPRAP	Universal Periodic Review Action Plan
PEP	Plano Estratégico da Polícia Police Strategic Plan
List	Meaning of Initials and Acronyms
PES	Plano Económico e Social Economic and Social Plan
PGEI	Política do Género e Estratégia de sua Implementação Gender Policy and Implementation Strategy
AGO	Attorney General's Office
ICESCR	International Covenant on Economic, Social and Cultural Rights
PNAAM	Plano Nacional de Acção para o Avanço da Mulher National Action Plan for the Advancement of Women
PNDH	Plano Nacional de Direitos Humanos National Human Rights Plan
UNDP	United National Development Programme
PRM	Polícia da República de Moçambique Police of the Republic of Mozambique
PQG	Plano Quinquenal do Governo Government Five-Year Plan
UPR	Universal Periodic Review
SADC	Southern African Development Community
AIDS	Acquired Human Immuno-Deficiency Syndrome
SNAPRI	Serviço Nacional das Prisões National Prison Service
SNE	Sistema Nacional de Educação National Education System
SPSS	Statistical Package for Social Sciences

TA	Tribunal Administrativo Administrative Court
ToR	Terms of Reference
ACJHR	African Court of Justice and Human Rights
ICC	International Criminal Court
AU	African Union
UTREL	Unidade Técnica de Reforma Legal Technical Unit for Law Reform

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Executive Summary

This Mid-Term Report on the Universal Periodic Review Action Plan (UPRAP) presents the results of the evaluation of the recommendations adopted by Mozambique under the universal periodic review mechanism established by the United Nations Human Rights Council for the period 2012 – 2015.

The general objective of the evaluation is to identify the implementation level of the UPRAP recommendations included in sector plans and to formulate a basic instrument to guide the Government when establishing its priorities.

The evaluation finds that implementation of the UPRAP is positive and highlights the effect of initiatives with potential for an immediate and significant impact on protecting citizens rights, such as the creation of the National Human Rights Commission (*Comissão Nacional dos Direitos Humanos - CNDH*) and the appointment and work of the Ombudsman. As regards the results of some UPRAP actions, it was concluded that even when targets have been achieved there is still the challenge of performance quality and the greater accountability of sectors at various levels

The assessment highlights the positive fact of Mozambique having rectified the Convention on the Rights of Migrant Workers and Members of their Families (CPMW) and the Optional Protocol to the Convention Against Torture (OPCAT); efforts to ensure the regular presentation of reports to committees of United Nations bodies; the performance of sectors that, in some cases, surpassed the established objectives, helping to guarantee the citizen's civil, political, economic, social and cultural rights.

It also emphasizes the important role of CSOs in promoting and protecting HR, contributing to public debate with critical opinions on the HR performance of certain Government sectors.

The evaluation identified some sectors, such as the police and prisons, with a knowledge deficit about the UPR process. The feelings gathered from various sectors include concern about the delay in ratifying the International Covenant on Economic, Social and Cultural Rights (ICESCR), the relatively limited civic and political participation, especially in elections, domestic violence and Mozambique's position on the assessment of corruption.

The recommendations presented emphasise the need (i) to expand dissemination of instruments that strengthen the promotion and protection of Human Rights, (ii) do advocacy on adherence to the ICESCR and other international HR mechanisms, (iv) do advocacy for Assembly of the Republic approval of the Penal Code, the Penal Procedure Code, the Law on Agriculture, Food Security and Nutrition and the Revision of the Constitution, (v) to strengthen measures to fight corruption, (vi) to approve the Law on Inheritance and (vii) to provide the CNDH and other human rights institutions with resources that enable them to function properly.

Finally, the evaluation emphasizes the need to prepare an updated Action Plan that includes all UPRM recommendations accepted by the GoM, establishing indicators that are consistent with the Government's Monitoring and Evaluation Matrix.

Introduction

This *Mid-Term report on the Universal Periodic Review Action Plan* for the period 2012 – 2013, has the following chapters:

Chapter 1: General observations on the UPRM context, findings, conclusions and previous recommendations.

Chapter 2: General objectives of the UPRAP evaluation, highlighting the specific objectives learning about the causes and effects of the degree to which recommendations have been implemented and identifying the main areas with the greatest deficit of knowledge about the process.

Chapter 3: Presentation of the methodology used in the evaluation, which involved crossing appropriate methods and techniques to obtain results with quantitative and qualitative explanations.

Chapter 4: Analysis of implementation of the UPR action plan, covering causes and effects, areas with the greatest knowledge deficit, feelings, constraints and citizens' participatory added value to the M&E process.

Chapter 5: Analysis of the implementation of UPRAP results, by domain and actions, presenting the level of implementation over the evaluation period.

Chapter 6: Main results and follow-up actions for the subsequent phase.

Chapter 7: Lessons learned and the opinions of the various sectors about the universal periodic assessment process.

Chapter 8: Analysis of the main constraints that contribute to delaying or weakening the implementation process.

Chapter 9: Analysis of the prospects that could help strengthen the strategies and methods adopted in order to guarantee quality results.

Chapter 10: Conclusions and recommendations arising from the findings of this UPRAP evaluation.

1. Context

1.1. Background and General Observations

The Republic of Mozambique (RM) is an independent, sovereign, democratic and social justice State¹. The RM is a multi-party State comprising three sovereign, independent bodies, namely, the legislature, the judiciary and the executive. The Constitution of the Republic of Mozambique (CRM) was first revised in 1990 and the most recent revision was in 2004, strengthening the individual rights of citizens. A constitutional revision process is under way and a Constitutional Revision Commission has been established in Parliament. The revision process has resulted in various debates about the need to adapt the Constitution to the new context of strengthening the democratization of the country. The range of Presidential powers is one of the aspects under review, and also the balance of power between the sovereign bodies.

The justice system in Mozambique has been through a reform process led by an Interministerial Law Reform Commission (*Comissão Interministerial da Reforma Legal* - CIREL) and supported by an implementation unit, the Law Reform Technical Unit (*Unidade Técnica de Reforma Legal* - UTREL). The reform process has pushed the justice system forward, helping to promote and protect citizen's human rights.

The 1990 revision of the Constitution permitted the introduction of a multi-party system. Since then the country has held four (4) presidential and legislative elections and four (4) local elections including two for Provincial Assemblies. The last local elections were held in November 2013 and faced challenges at various levels.

Although the Government and the National Elections Commission (*Comissão Nacional de Eleições* - CNE) organized elections in all municipalities, some political parties alleged fraud. Once again, the largest opposition party, Renamo (that did not agree with the election package and the criteria for the CNE representativity), did not participate and in some cases there was a relative fall in participation by the electorate.

As regards lessons learned, in particular there is the constant concern about rigorous observance of the election law that led, for example, to the electoral processes in Nampula and Gúruè municipalities being annulled by the CNE and the Constitutional Court, due to irregularities detected during the electoral process, as well as the electorate's growing perception of the importance and value of the vote. These lessons could contribute to improving transparency in electoral processes and reducing mutual distrust among political actors in the search for greater political legitimacy.

¹ Constitution of the Republic of Mozambique, Art 1, Text approved by the AR on 16 November 2004

The recent politico-military tension between Renamo and the Government around the electoral package and representativity issues somewhat tarnished the political environment during the last local elections. This tension, that caused the deaths of innocent citizens, was not what might be expected of a country with 20 years of peace.

1.2. The Universal Periodic Review Mechanism

Mozambique, a member of the United Nations, has signed and ratified important human rights instruments that oblige it to comply with the international commitments inherent to the Universal Periodic Review Mechanism (UPRM) established by the Human Rights Council (HRC).

This is the context for Mozambique's first review in February 2011 in Geneva, which culminated in the acceptance of recommendations that were included in a Universal Periodic Review Action Plan (UPRAP)².

The UPRAP includes recommendations adopted by Mozambique and contains a list of 8 recommendations that were not accepted. The accepted recommendations were included in the GoM's sector plans, presented in a Progress Matrix (attached) and are part of the object of this mid-term review.

According to the Terms of Reference (ToR) for this study, the UPRAP translates the recommendations into concrete actions that make it possible to detect the institutional alignment with Government Plans. The ToR also clarify that the review cycle is every four years, but the internal process is measured by a mid-term and a final evaluation of implementation of the recommendations.

With technical and financial support from the UNDP project "Strengthening Access to Justice, the Rule of Law and Protecting Human Rights" the Ministry of Justice, through the National Directorate of Human Rights and Citizenship (*Direcção Nacional de Direitos Humanos e Cidadania* - DNDHC), decided to establish parameters for this mid-term review of the UPR.

One of the purposes of the review is to identify the implementation level of the recommendations and improve the human rights situation, guiding the Government of Mozambique towards validating the priorities set and the methodologies adopted.

1.3.1. Previous Findings

The UPRAP implementation level is encouraging and in particular the effects of certain initiatives have the potential for immediate and significant impacts on protecting citizens' rights, such as the creation of the National Human Rights Commission (Comissão Nacional dos Direitos Humanos - CNDH) and the appointment and work of the Ombudsman.

² Ministry of Justice (2011) – Universal Periodic Review Action Plan (2012-2015)

Accession to and ratification of the main Human Rights instruments has contributed to a positive image of Mozambican justice abroad, and has also helped to consolidate the foundations of the Rule of Law, with full enjoyment of the citizen's rights.

The following international instruments have been ratified by Mozambique over the last few years:

- ✓ International Covenant on Civil and Political Rights
- ✓ International Convention on the Rights of Persons with Disabilities and its Optional Protocol
- ✓ Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- ✓ United Nations Convention on the Rights of the Child
- ✓ Convention on the Elimination of all Forms of Discrimination against Women
- ✓ United Nations Convention on Protection of the Rights of All Migrant Workers and Members of their Families;
- ✓ Optional Protocol to the Convention against Torture;
- ✓ International Convention on the Elimination of All Forms of Racial Discrimination.

1.3.2. Previous Conclusions

The process for coordinating the actions presented in the UPRAP can be improved to ensure greater efficiency. It can, however, be concluded that Mozambique has made an effort to promote and protect the citizen's HR in all three domains established by the universal periodic review mechanism. *There has been a laudable effort in the field of legal and institutional reform, although there are still challenges in the implementation of laws and public policies.*

In addition, the important role of CSOs in promoting and protecting HR should be noted. CSOs have made a laudable contribution to public debate, presenting critical opinions on the HR performance of certain Government sectors.

1.3.3. Previous Recommendations

The creation of an Interministerial Commission, with clear terms of reference, to coordinate matters related to Human Rights, will permit greater accountability, giving the necessary authority to actions by the working group coordinated by DNDHC (in the Ministry of Justice), avoiding the current situation where implementation of the recommendation is diluted within the sector.

2. Objectives of the Evaluation

According to the Terms of Reference, the mid-term report has the following objectives:

General

- I. To guarantee an impartial analysis and evaluation of progress in implementing the recommendations arising from the review and translated into an Action Plan i.e. to monitor implementation of the recommendations arising from the UPR;

- II. To formulate a basic instrument to guide the Government, MJ, in setting its priorities and methodology for implementing the remaining recommendations by the time of the final evaluation in 2015 and participation in the new cycle in 2016.

Specific

- a) To identify the causes and effects of the level of implementation of recommendations by the various implementing institutions;
- b) To identify the main areas with the greatest knowledge deficit about the process, as well as recommendations for the Universal Periodic Review in the various institutions;
- c) To capture the various actors' feelings about the process;
- d) To assess follow-up actions to disseminate the UPRAP at central and provincial level;
- e) To listen to institutions about the constraints of the UPRAP as a method for monitoring UPRM recommendations;
- f) To look for the citizens' participatory added value in monitoring and evaluating the process.

3. Methodology

3.1. Analysis Methods

The methodology involved crossing techniques and methods appropriate for an objective analysis of results using qualitative and quantitative instruments.

It should be noted that this mid-term evaluation is limited to an analysis of the immediate or intermediate results. The analysis of the medium-term results and long-term impact will be contemplated in the final evaluation report.

The evaluation process includes the following:

- **Desk study:** review of official documents, progress reports; monitoring reports; strategic documents, international literature on human rights and publications.
- **Interviews:** semi-structured interviews with key informants in the Ministry of Justice, partners' representatives, civil servants and civil society.
- **Questionnaire:** a survey to obtain quantitative and qualitative data. The survey covers all UPRAP areas stipulated in the ToR. The survey complements the semi-structured interviews with the different actors at the different territorial levels through a representative sample.
- **Internet search:** searching for information on Human Rights in Mozambique on the Internet and in official statistics.

3.1.1. Meetings

There were meetings with the National Directorate of Human Rights and Citizenship, Parliament, the Mozambican Human Rights League (*Liga Moçambicana dos Direitos Humanos - LDH*), Ombudsman, CEDE, LAMBDA, *Coalizão* and with different United Nations Agencies and Provincial Directorates in Nampula and Sofala. There was a seminar to present the preliminary report on UPRAP attended by Government Partners and various civil society organisations and programme support partners.

3.1.2. Field Work

As regards geographical coverage, there were meetings with Government institutions and civil society organisations in Nampula, Beira and Maputo.

3.2. Information base

3.2.1. Information Collection

- 1) The implementation of recommendations was reconfirmed;
- 2) The degree of implementation by domain, by areas and the overall plan was estimated;
- 3) A survey was prepared, covering:
 - a) Analysis of the survey results
 - b) Relationship between the survey results and the estimated value for the degree of overall implementation.
- 4) Reports, publications and articles accessed through the Internet were analysed. The reference bibliography is attached.

3.2.2. Complementary analysis

There was a critical analysis of actions, as follows:

- (i) For actions not concluded, to what extent they compromise structural and structuring changes in certain domains.
- (ii) For concluded actions why, in certain cases, is their impact the opposite of what was expected from implementation of the Action Plan.
- (iii) For partially concluded actions, what are the reasons for the slow achievement of the expected impact.

3.2.3. System for Analysing the Information Gathered

The information gathered was analysed and processed in line with the methodology adopted for the objectives of the mid-term report. The information obtained was also processed and interpreted in order to identify (i) the cause and effect of the degree of implementation by the different institutions; (ii) areas with the greatest knowledge deficit; (iii) feelings about the process in the various sectors; (iv) constraints of UPRAP as a method for monitoring the URPM and (v) citizens' participatory added value in

monitoring and evaluating the process. IT packages, SPSS and Excel were used to systematise and analyse survey data.

3.3. Difficulties encountered during the study

1. Excessive bureaucracy when setting up meetings;
2. Some officials were reluctant to fill out the survey form;
3. Reluctance to share official information.
4. Limited time given the variety and complexity of the subjects.

4. Programme Implementation

This chapter analyses the 3 domains, namely; (i) Promoting and Protecting Human Rights, Civil and Political Rights and (iii) Economic, Social and Cultural Rights. The first domain covers 2 areas, the second of May covers 5 areas and the third domain covers 8 areas. All told there are 15 areas. Each area covers various recommendations with a total of 122 recommendations in the Operational Matrix of the UPR Action Plan – Mozambique 2012-2015. The list of recommendations is in the Universal Periodic Review Mechanism Action Plan 2012-2015 and is mentioned in the attached Progress Matrix.

This chapter analyses the recommendations accepted by the GoM but it does not refer to those that were not included in the UPR Action Plan. These will be subject to a subsequent review as recommended by the seminar to consider this report with partners on 30 January.

4.1. Promoting and Protecting Human Rights

National Human Rights Commission (*Comissão Nacional dos Direitos Humanos - CNDH*)

Law 33/2009 of 20 December created the CNDH with the mandate of promoting and protecting human rights in Mozambique. This independent body started work in September 2012, after the commission's eleven (11) members took office.

The CNDH has taken some important actions, namely, contributions to the Assembly of the Republic regarding the revision of the Constitution, preparation of the CNDH Action Plan (PACNDH), various kinds of capacity building in HR subjects and training on the Right to Food, demonstrating the Commission's interest in addressing Economic, Social and Cultural Rights.

Nevertheless, the CNDH has operated with difficulty and it is *still not been possible to obtain a copy* of its first annual activity report. The CNDH should present an activity report to the AR every year. The CNDH's work is limited because there are no internal regulations and no administrative structure with national coverage³.

The real causes of the CNDH's situation must be reviewed otherwise this body, that has the crucial mandate of promoting and protecting HR in Mozambique, will be sidelined.

³ Civil Society Report on implementation of the ICCPCR, October 2013

There is a feeling that it is of the utmost importance that, during their mandate, CNDH members be persons of the utmost integrity who know how to safeguard the position of respect for the right to privacy and the dignity of the human person, without any kind of discrimination⁴.

Ombudsman

The Ombudsman was elected by the Assembly of the Republic in May 2012. His function is to “guarantee the rights of citizens, the defence of legality and justice in the actions of Public Administration”. This State body has appropriate installations and operates with 12 collaborators. The Ombudsman’s Office receives State Budget funds and resources from cooperation partners.

In April this year he prepared his first annual report and presented information to the Assembly of the Republic. The report was published in the Government Gazette⁵ and includes details on activities, prospects, challenges, conclusions and recommendations.

The Ombudsman’s annual report to the AR stresses that “many citizens have come to present their grievances, petitions and complaints. In the period between June 2012 and March 2013 249 case files were opened, 161 were concluded and 88 were ongoing”.

The recommendations presented include “limited number of collaborators, lack of vehicles for travel to distant places and lack of premises”. Although in the report, this last recommendation has been resolved.

International Mechanisms for Protecting HR

Mozambique has made a considerable effort to assert itself as a State “party to international mechanisms for protecting Human Rights in the justice field”. The country has signed the Protocol creating the ICC⁶ and consultations are underway with a view to ratifying it.

Another laudable effort was Mozambique’s accession to the ACJHR; all that remains is for the Government to proceed with the Declaration that allows citizens and groups to present their complaints. Mozambique has also ratified the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CPMW) and the Optional Protocol to the Convention against Torture (OPCAT).

Mozambique has also made a great effort to put its reporting to specialist United Nations and African Union bodies in order. Reports on the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture were resolved with their presentation to the respective committees in Geneva in October. The report on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) has been submitted to the respective committee and the country is waiting for it to be placed on the agenda. The report to the Committee against all Forms of Racial

⁴ Contributions of the seminar to discuss the UPRAP preliminary report

⁵ Boletim da República, I Series, Number 54 of July 2013

⁶ MJ (2012) – Relatório de Progresso do Plano de Acção do Mecanismo de Revisão Periódica Universal (PARPU 2012-2015

Discrimination is in the final stages prior to submission. Nevertheless, there is a need to ensure that Civil Society Organisations are more involved in the preparation of the Government's reports.

4.2. Civil and Political Rights

Political Parties and Elections

The introduction of the multi-party democratic system has matured through phases, requiring more effectiveness and efficiency on the part of political parties in their relations with the electorate, as well as better compliance with electoral laws. The country has already held four (4) presidential and legislative elections and four (4) municipal ones, including the most recent that were held last November. On the whole, there is less civil and political participation by citizens in the country's electoral processes. Failure to fulfil promises made during campaigns appears to be *one* of the main reasons for the high abstention rate. CSOs⁷ feel that abstention is very much linked to electoral fraud and other irregularities.

CSOs also feel that politico-military tension and non-participation by Renamo, the biggest opposition party, in the last local elections have influenced the declining participation by citizens in the electoral process.

Police

The Academy of Police Sciences (*Academia de Ciências Polícias - ACIPOL*) was created to build the institutional capacity of the Police of the Republic of Mozambique (PRM), creating conditions for them to carry out effectively their mandate of maintaining order, tranquillity and public safety. The PRM continue to be heavily criticized in the media, particularly with regard to the treatment of detainees in police stations, petty corruption in the streets and their involvement in kidnapping.

The PRM have been working to improve the quality of the services they provide, introducing hotlines for the public and responding with disciplinary proceedings that, in some cases, have culminated in the expulsion and detention of corrupt officers.

In some cases that have received considerable media coverage, for example the "Costa do Sol" case, all the PRM officers identified were brought to court and sentenced. The other was the "Alfredo Tivane" case, where the victim was shot in T3 neighbourhood and a police officer has been charged and is awaiting trial.

The main challenges in this sector continue to be recruitment criteria, training, performance assessment and involving the public in denouncing cases of corruption, as well as taking strong measures against offenders. CSOs also feel that stronger measures, especially for senior officers, are also one of the big challenges facing the corporation.

⁷ Comments by CSOs in the seminar to present the preliminary UPRAM report, Hotel Rovuma, Maputo, on 30 January 2014.

The police sector also faces difficulties in terms of limited resources, poor pay, a shortage of working materials including vehicles and instruments for protecting the citizen.

This is an area with a deficit of knowledge about the Universal Periodic Review process, especially for the police officer with basic training, where an integrated approach to overcoming constraints is needed.

Prisons

Although it is recognized that there has been some progress towards reducing its effects on the Human Rights issue, the prison sector has been considered the “Achilles heel” of the justice administration system in Mozambique.

The Government of Mozambique has approved initiatives⁸ to ensure compliance with fundamental constitutional principles for the creation of a Rule of Law that meets international standards.

CSOs feel that extreme overcrowding in prisons, failure to observe detention periods, weak observation of principles on separating adults and adolescents in prisons as well as the shortage of human and material resources have contributed to rising abuse and human rights violations. CSOs note that the introduction of alternatives to prison sentences in the Penal Code, currently being revised, could help to reduce extreme overcrowding in prisons.

This is another area with a certain knowledge deficit about the Universal Periodic Review process requiring constant institutional interaction.

Corruption and Transparency

Fighting corruption is one of the Government of Mozambique's priorities and the Central Office to Fight Corruption (*Gabinete Central de Combate à Corrupção - GCCC*) has a crucial role in ensuring greater transparency and integrity. Approval of Law 15/2012 is of particular note as it “establishes mechanisms to protect the rights and interests of victims, informants, witnesses, claimants, or experts in penal procedure” and also Law 16/2012 (Law on Public Probity). The creation of a central Victim Protection Office and an Ethics Commission to verify cases of conflict of interest are important measures to strengthen the fight against corruption.

As the corruption rates reported by Transparency International are still very high the strategy needs to be revised and actions taken to make the tough fight against corruption effective. Recent cases with strong media coverage involving the Ministry of Education (MINED) and the Administrative Court demonstrate the urgent need to improve inspection of the system, including the inspection bodies themselves.

⁸ Prison Policy and its Implementation Strategy (Resolution. 65/2002); Creation of the National Prison Service (SNAPRI) – Decree 7/2007 of 17 May.

The Attorney General's annual report (2013) states that 148 corruption cases were processed in 2012. The theft of State funds or goods involved 104 accused and an amount totalling 62.930.984,77 MZM.⁹

This is another area where there is a certain knowledge deficit about the Universal Periodic Review process, requiring an integrated approach to address constraints.

Gender

The principle of gender equality is established in the Constitution¹⁰ and is the basis for the Gender Policy Implementation Strategy. Mozambique has signed the Beijing Action Platform and the respective Action Plan as well as regional initiatives (SADC Gender Declaration, Solemn Declaration on Gender Equality in Africa, Optional Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa) that reaffirm priority for including gender in various governance policies, strategies and programmes. The resolution approving the National Action Plan for the Advancement of Women (*Plano Nacional de Ação para o Avanço da Mulher - PNAM*) is one of the main instruments for accelerating the process of gender integration and equality.

Mozambique has made a big effort in the field of women's empowerment, especially with regard to representation in Parliament where it has reached the exemplary figure of 39% women and 61% men (98 women + 152 men = 250 deputies) in the current legislature (2009 – 2014).

Despite these figures and the approval of laws and policies on gender, discrimination against women is still one of the big challenges. Many women, especially the elderly, are accused of being involved in witchcraft and are victims of violence. Moreover, some police in the Offices for Assistance to Women and Children have been criticized for allegedly being somewhat tolerant towards the aggressors¹¹.

There is also the challenge of approving the law on inheritance, which does not discriminate against the wife if the husband dies, as is currently the case, and she loses all rights to property acquired jointly during his life.

In this respect, a recent analysis of the state of the Millennium Development Goals (MDG) shows that Mozambique will not achieve targets that could help to counter gender inequalities and inequities, especially in the education field¹².

The reports on the PES 2012 and the 1st semester 2013, which also analyse the MDGs, demonstrate this tendency. The following table shows the evolution of the goal on gender equality and women's empowerment.

⁹ AGO (2013) . Annual Report by the Attorney General to the AR, May 2013 - Table 4 and Table 5.

¹⁰ Constitution (2004) – Art 36

¹¹ Help Age Association

¹² The DHS report also notes that some social indicators have fallen.

Table 5: Millennium Development Goal

GOALS/ TARGETS	1997	2007/8	2010	2015
GOAL 3: Promote gender equality and empower women				
Target 3.1: eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015	0.71	0.89		1.0

Source: MPD, UNDP

The analysis in the reports on the PES 1st semester 2013 refers to positive growth over 11 years (1997 – 2008) and anticipates that, if this pace continues, 0.97 will be achieved, close to the MDG target of 100% in 2015. This result only refers to the first level of primary education whereas the target refers to all education levels.

4.3. Economic, Social and Cultural Rights

Development (PARP)

Mozambique has an estimated population of 23 million inhabitants¹³ with some 80% of the population surviving on rainfed agriculture in rural areas. The last Household Budget Survey (HBS) by MPD¹⁴ indicates that 54.7% of the population is living in extreme poverty i.e. below the poverty line.

Due to its geographical location the country has been battered by natural disasters and this has aggravated the poverty of the communities affected.

However, over the last ten (10) years Mozambique's Gross domestic product (GDP) has grown at an average 7.6%¹⁵, one of the strongest in Africa and the world, creating a basis for improving citizens' living conditions. In addition, recent discoveries of large mineral reserves and incentives for private investments are opening up encouraging prospects for speeding up development processes and the citizen's well-being.

The Constitution lays down economic, social and cultural rights¹⁶ that, based on its capacity, the government has been incorporating into the Absolute Poverty Reduction Action Plan (*Plano de Ação para Redução da Pobreza Absoluta - PARPA I e II*) and the PARP an instruments that is made operational through the Government Five-year Plan (*Plano Quinquenal do Governo - PQG*) and the respective annual Economic and Social Plans (*Planos Económicos e Sociais – PES*). The PQD is aligned with the Millennium Development Goals (MDG) and strengthened by the African Peer Review Mechanism (APRM)

¹³ INE – Population Census Projections

¹⁴ MPD (2010) – Household Survey – Poverty and Well-being in Mozambique: Third National Assessment

¹⁵ GoM (2011) – Poverty Reduction Action Plan (PARP) 2011-2014, Maputo, 3 May 2013

¹⁶ Constitution of the Republic of Mozambique, 2004, Chapter V

The main objective of the PARP 2011-2014 is to reduce the incidence of food poverty¹⁷ from the current 54.7% to 42% in 2014.

In this context, every year there is a report on the PES based on sector indicators established in the PARP M&E strategy.

Mozambique needs to continue strengthening actions to reduce poverty, in particular malnutrition and illiteracy.

The first MDG is a reduction in the population living below the poverty line from 54.7% in 2010 to 40% in 2015.

The most recent health survey shows that 43% of children under five years of age suffer from chronic malnutrition and 20% from serious chronic malnutrition¹⁸. In 2010 Mozambique approved the Multisectoral Action Plan to Reduce Chronic Malnutrition 2011-2015 (*Plano de Acção Multisectorial para a Redução da Desnutrição Crónica 2011-2015 – PAMRDC*)¹⁹, a key initiative for the nutrition subsector in the country. Approved in September 2010, the objective of PAMRDC is to reduce chronic malnutrition in children under five from 44% in 2008 to 30% in 2015.

This initiative, involving collaboration with various cooperation partners, donors and United Nations agencies, will make a substantial contribution to reversing the current scenario. It should be noted that in 2011 Mozambique became part of a group called “Early Riser Countries”, led by the President of the Republic and aimed at expanding the nutrition programme.

Work is under way to include food security and nutrition aspects in the revised Constitution and also in the Law on Agriculture, currently being drafted, to help guarantee the right to food.

Education

One of the great achievements of the education sector in the last two years has been the expansion of the school network throughout the country and with a certain incidence in rural areas. The enrolment rate has risen and the average distance travelled by pupils has been reduced. Statistics also show a growing reduction in the percentage enrolment difference between girls and boys, which is moving towards equilibrium.

One aspect that should be mentioned is the introduction of the subject “civic and moral education”, including education on human rights, that is also included in the teacher training programme.

However, one of the big challenges continues to be the need to improve the quality of education and retaining pupils in the system²⁰. Other challengers include *reducing the teacher/pupil ratio*, the need to create middle level institutes and more work to improve the literacy rate.

¹⁷ According to the Household Survey 2008/2009 food poverty refers to what an individual consumes in terms of food or non-food items

¹⁸ DHS (2011) – Mozambique Demographic and Health Survey – Chapter 11, pg 153,

¹⁹ GoM (2010) – Multi-sectoral Action Plan to Reduce Chronic Malnutrition 2011-2015 (2020)

²⁰ MINED (2012) – Education Strategy 2012-2016

Children

Some 46% of the Mozambican population is 0 to 14 years of age²¹ and most live in low income households. The high poverty rate affects vulnerable groups of women and children in particular, with a heavy concentration of street children and child prostitution in urban and peri-urban areas.

This evaluation found that there is a positive effort to coordinate initiatives to create conditions that improve the well-being of children, but a shortage of material and financial resources has been a major constraint for action in this area by the Ministry for Women and Social Action (*Ministério da Mulher e Ação Social - MMAS*). Institutional capacity to assist children in difficult circumstances, including victims of violence, is still much less than desired.

Approval of a Law Against the Sexual Abuse of Minors is one of the UPRAP recommendations that has not been implemented and is still awaiting interventions by MMAS and the AR. Some laws that have been approved, such as the Law Against Child Labour and the Law Preventing Minors from Entering Nightclubs (Law 6/99 of 2 February) must be monitored effectively in order to protect minors and punish offenders severely.

Births are registered by the Ministry of Justice (MJ). Better ways of expanding coverage need to be identified, involving MMAS, MISAU and civil society organisations.

Other challenges in this area include fighting trafficking children and responses to the street children dilemma. It is also noted that it is important to ensure the “domestication” of the international conventions ratified to guarantee protection for children.

Water and Sanitation

Considerable work has been done under the Water and Sanitation Sector Strategy. It is estimated that 50% of the population has access to potable water. The target for 2015 is to reach 70% of the population²². It is estimated that around 40% of the population has access to sanitation and the target for 2015 is 50%.

There appears to have been substantial progress in this area and it is recommended that work should continue in order to surpass the 2015 targets. It is expected that when the National Water Supply and Rural Sanitation Programme (*Programa Nacional de Abastecimento de Água e Saneamento Rural - PRONASAR*) is launched, this will drive the sector even more.

However, it will be important to take into account the context of each province as some have more needs than others, such as Nampula, where coverage was 32.6% in 2012, below the national average. In order to improve coverage, Nampula needs to open 900 water sources a year, roughly double the current figure. According to the SADC standard (300 people per water source), coverage by the water supply network in Nampula was 52.6% in 2012 and fell to 35.9% in 2013²³.

²¹ Population Census, INE

²² Government Five-Year Programme 2010 - 2014

²³ Nampula Provincial Directorate of Public Works and Housing, 10 December 2013

One of the main constraints is that contractors in the water sector have no technical capacity and there are no technical courses for the water and roads area in technical and vocational education.

The expansion of sanitation infrastructure is also a big challenge for provincial governments.

Housing

The Strategic Housing Plan includes a component on promoting housing and support for populations by providing projects free of charge (plans, the descriptive document, estimate of costs, list of materials etc) and assistance for self construction. Although it has limited funds, the Housing Promotion Fund has also been financing the construction of new houses. In Maputo, the *Intaka* project plans to build 5.000 houses and in Nampula the Promotion Fund plans to build 1.500 houses. One of the major constraints is the limited availability of financial resources.

Health and HIV & AIDS

On the whole, the data obtained for the period in question continue to confirm the results of the III Demographic and Health Survey (DHS) in 2011 that “show extra ordinary progress in the population’s health and the challenges to be faced in the coming years”.

The PES 2012 Report shows that the health network has grown in urban and rural areas and notes in particular the rise in the number of health units with model maternity units, that has help to improve access to health. However, the ratio of inhabitants per health unit can only be improved through the continued construction of more health units.

The doctors, nurses and technicians who graduate and are assigned to the sector have helped to improve the ratio per inhabitant but needs continue to be high. The number of health technicians trained in 2012 is over 100%²⁴.

According to reports on Nampula and Sofala, health education programmes have helped to reduce transmissible diseases and death, namely, cases of diarrhoea.

The mother and child health programme has also improved, with a rise in institutional birds in particular. The fight against malaria, involving the distribution of impregnated mosquito nets, household spraying and intermittent preventive treatment for pregnant women, have helped to reduce substantially the number of cases and deaths.

The HIV & AIDS prevalence rate in the country as a whole “among adults aged 15-49 years is 11.5% and among women in the same age group is 13.1%²⁵”

The main constraints include the shortage of specialist human resources, lack of medical material and equipment, limited health network coverage, the high chronic malnutrition rate and the lack of vehicles. There are no specialist doctors to treat the elderly, geriatric specialists for example.

²⁴ PES (2012) - 5.1.6. Health

²⁵ Report on PES I Semester 2013 – MDG – fighting HIV/AIDS, malaria and other diseases, p.16

5. Analysis of Implementation of the UPRAP Results

5.1. Promoting and Protecting Human Rights

Table: 1 – Promoting and Protecting Human Rights – Implementation Level

Ref.	Domain/Action Area	Result	Indicator	Period				Implementation Level		
				1	2	3	4	Concluded	Partial	No
I	Domain							(C)	(P)	(N)
	Promoting and protecting human rights	Respect for human rights fostered								
1.1.	Action area									
	Strengthening mechanisms that protect HR	The main HR instruments ratified:	Nº of accessions and ratifications	X						
		CPMW			X					
		CESCR			X					Red
		OPCAT			X					
		OPDCP			X					
		Functional CNDH	Swearing in of Commissioners Inauguration of Installations	X						
		PNDH approved	Approval by Government Adoption by the CNDH	X						Red
1.2.	Action area									
	International Cooperation	Mozambique as a State party to international mechanisms for protecting HR in the International Justice domain	Nº accessions							
			ICC	X	X					Red
			ACJHR	X	X					Yellow

		Delays in presenting reports to specialist HR Commissions resolved:	Nº of reports submitted Positioning of Commissions							
	PIDCP		X X X X							
	CAT		X X X X							
	CEDAW		X X X X							
	Convention on the Elimination of All Forms of Racial Discrimination (Racism)		X X X X							
	OPCAT (Torture)		X X X X							
	Rights of the Person With Disabilities		X X X X							
	Mozambique assessed by Special Rapporteurs	Mechanisms requested Missions accepted and done	X X X X							

Legend: Level of Implementation

Concluded	61
Partially implemented	17
Not started	22
Total	100%

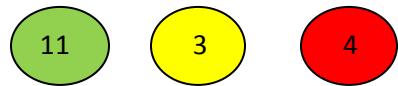


Chart 1: Promoting and Protecting HR



5.2. Civil and Political Rights

Table: 2 – Civil and Political Rights – Implementation Level

Ref.	Domain/Action Area	Result	Indicator	Period				Implementation Level		
				1	2	1	2	Concluded	Partial	No
2	Domain							(C)	(P)	(N)
	Civil and political rights	Full enjoyment of civil and political rights by citizens								
2.1.	Action area									
	Political Parties and Elections	More civil and political participation by citizens in electoral processes	Revisions done and approved	X	X					
2.2.	Action area									
	Police	Police services at the service of citizenry	Achievement	X	X	X	X			
			Budget lines assigned	X	X	X	X			
			HR training courses given	X	X	X	X			
			Police officers trained in HR	X	X	X	X			
			Teachers / Trainers specialised in HR	X	X	X	X			
			Hotlines	X						
			Nº users							
			Cases denounced							
			Inspections done	X						
			Way to channel cases detected							
			Neighbourhoods covered by Community	X	X					

			Policing Committees						
2.3.	Action area								
	Prisons	Prison services reformed and in line with International standards	Laws revised or produced	X	X				
			Regulations adopted	X	X				
			Prison Overcrowding Rate	X	X				
			Effective separation of adults and children in conventional prison establishments		X	X			
			Missions held	X	X	X	X		
			Cases detected with exemplary punishment	X	X	X	X		
			CSO with programmes in prison establishments	X	X				
			Nº partnerships	X	X				
			Prisoners integrated in programmes	X	X				
			Nº establishments rehabilitated and built from scratch	X	X	X			
			Prison conditions	X	X	X			
			Amount of own revenue generated	X	X	X			
			Rehabilitation and social reintegration programmes adopted	X	X	X			

			Cases of arbitrary action and misconduct by prison staff	X	X	X					
2.4.	Action area										
Corruption and Transparency	Ensuring the fight against corruption at all levels and promoting a stronger culture of transparency in society	Nº cases denounced		X	X	X	X				
		Nature of cases		X	X	X	X				
		Nº of cases tried and convictions		X	X	X	X				
		Audit reports published		X	X	X	X				
		Budgets published		X	X	X	X				
		Adoption of the Code (Law on Public Probity)		X							
		Law revised (in Law on Public Probity)		X							
		Innovative articles		X							
		Nº articles propose		X							
		Innovative elements or articles proposed In the revision		X							
		Sources published		X	X	X	X				
		Budget allocated		X	X	X	X				
		More staff		X	X	X	X				
		Training and capacity building done		X	X	X	X				
		Cases taken to court		X	X	X	X				
2.5.	Action area										
	Gender	Gender-based	Gender-based	X	X	X	X				

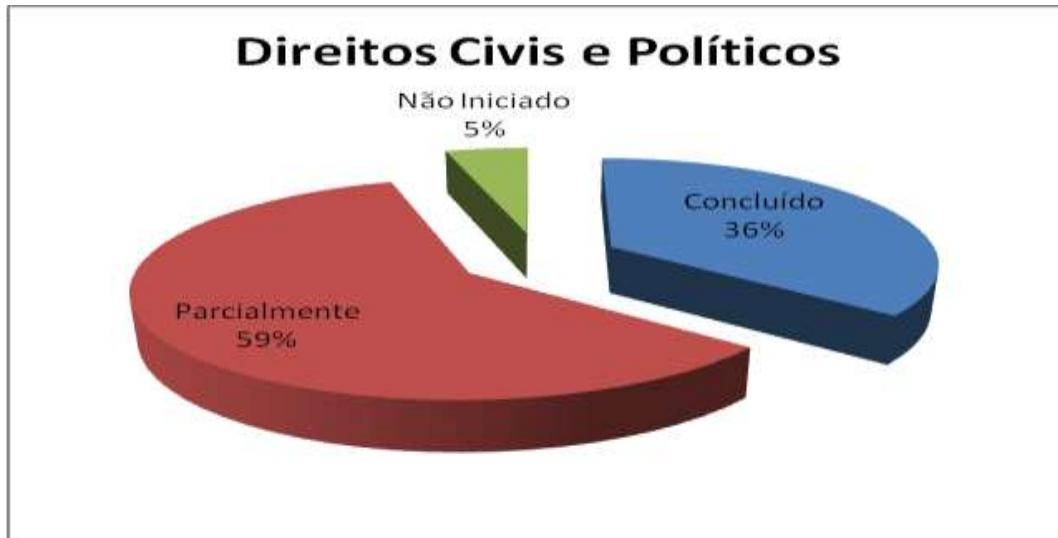
		inequalities reduced	indicators									
			Policy Instruments, strategies and programmes with a gender approach	X	X	X	X					

Legend: Implementation level

15 25 2

<i>Concluded</i>		36
<i>Partially implemented</i>		59
<i>Not started</i>		5
Total		100%

Chart 2: Civil and Political Rights



5.3. Economic, Social and Cultural Rights

Table: 3 – Economic, Social and Cultural Rights – Implementation Level

Ref.	Domain/Action Area	Result	Indicator	Period				Implementation Level		
				1	2	3	4	Concluded	Partial	No
3	Domain							(C)	(P)	(N)
	Economic and cultural rights	Citizens' well-being improved								
3.1.	Action area									
	Development	Foundations for sustainable development aimed at citizens' well-being strengthened	Sector indicators based on PARP M&E strategy	X	X	X	X			
			PARP M&E Plan	X	X	X				
			Monitoring mechanisms developed based on assumption of triangulation	X	X	X				
3.2.	Action area									
	Education	Right to access to universal education for all protected	Schools built and operational	X	X	X	X	Green		
			Number of admissions	X	X	X	X			
			illiteracy rate							
			Differences in enrolment of boys and girls	X	X	X	X			
			Pupil retention rate by sex	X	X	X	X			
			Conclusion rate for each education cycle by sex	X	X	X	X			
			Training centres created	X	X	X	X			

			Teachers trained formed	X	X	X	X			Yellow	
			Curricular innovations	X	X	X	X			Yellow	
			Books produced and distributed free of charge, per year	X	X	X	X	Green			
			Strategy developed	X	X			Green			
3.3.	Action area										
	Children	Children's well-being improved	Children assisted							Yellow	
			Offices created (territoriality)							Yellow	
			Nº centres created								Red
			Nº child boarders								Red
			Child repeat offence rate		X	X					Red
			Establishments Charged/processes	X	X	X	X				Red
			Campaigns organised	X	X			Green			
			Children registered					Green			
			Adoption of law		X			Green			
			Nº cases processed	X	X	X	X	Green			
			Dissemination activities	X	X	X		Green			
			Number children covered					Green			
			Places covered					Green			
3.4.	Action area										
	Water and Sanitation	Access to potable water and basic sanitation services expanded	Nº water sources	X	X	X	X	Green			
			m³ produced	X	X	X	X	Green			
			Families with water sources	X	X	X	X	Green			

	Housing	Increased capacity to provide proper housing for citizens	Nº plots demarcated	X	X	X	X			
			Nº houses promoted	X	X	X	X			
3.5.	Action area									
	Health and HIV&AIDS	Network for access to quality health expanded	Evolution of number of health units and service coverage	X	X	X	X			
			Evolution of doctor/inhabitant and nurse/inhabitant ratio	X	X	X	X			
			Mortality prevalence rate for these diseases	X	X					
			Infant mortality, maternal mortality and prevalence rates for malaria, TB and HIV&AIDS	X	X	X	X			
			Percentage of population covered by primary health care	X	X					
		Indices of HIV & AIDS reduced	Targets achieved % of population who know how to prevent HIV							
			% of population attending ATS	X	X	X				
			% of HIV+ with anti-retroviral treatment	X	X					

21

12

4

Legend: Implementation Level

Concluded		57
Partially implemented		32
Not started		11
Total		100%

Chart 3: Economic, Social and Cultural Rights



6. Complementary Analysis

- (i) As regards actions not concluded, of the instruments not ratified ICESCR is of particular note as its impact affects structural and structuring changes in the Economic, Social and Cultural Rights domain. The covenant has not yet been ratified to complement the Covenant on Civil and Political Rights that has been.
- (ii) As regards concluded actions the case of CNDH, created a year ago, is a good example. Its limited resources have affected implementation of its action plan and this has had an impact different to that initially expected²⁶.
- (iii) As regards partially concluded actions, it should be noted that this is a mid-term assessment of the Universal Periodic Review Mechanism with a further two years to go before it ends.

²⁶ Civil Society Report on implementation of the ICCPR, October 2013

7. Main Results

As not all the partially implemented actions could be carried out during the period of this evaluation, the general level of implementation is considered positive.

The Government's effort to ensure ratification of some important instruments for promoting and protecting Human Rights warrants special mention. Also laudable is the performance of sectors that achieved and in some cases surpassed the objectives, helping to guarantee the citizen's civil, political, economic, social and cultural rights.

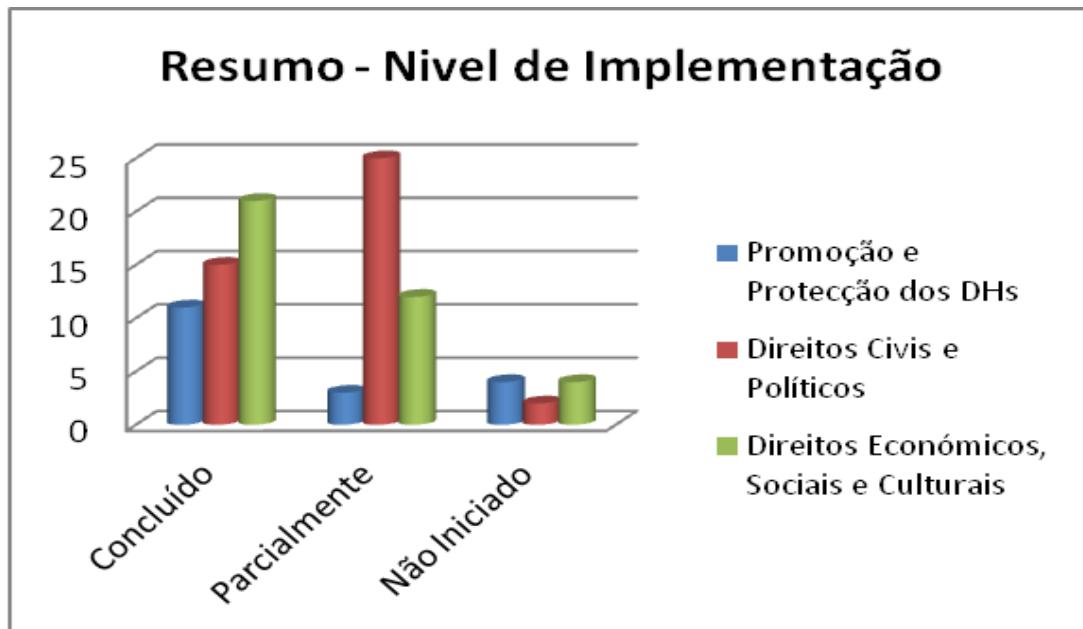
The following table summarises the level of implementation by domain.

Table 4: Summary - Level of Implementation

Nº	Domain	Concluded	Partial	Not started	Total
1	Promoting and Protecting HR	11	3	4	18
2	Civil and Political Rights	15	25	2	42
3	Economic, Social and Cultural Rights	21	12	4	37
	Total	47	40	10	97
	Percentage	49%	41%	10%	100%

Overall, 49% of actions were completed, 41% ongoing 10% still have to be started.

Chart 4: Summary - Level of Implementation



8. Lessons Learned

8.1. Promoting and Protecting Human Rights

- a) The CNDH needs adequate material and financial resources in order to function;
- b) Accession to and ratification of international HR instruments is rapid when duly integrated into the Constitution.

8.2. Civil and Political Rights

- a) Keeping promises made during previous election campaigns is important in order to increase citizens' civic and political participation in electoral processes;
- b) Lack of transparency and poor accountability affect the confidence of the citizen and public institutions.

8.3. Economic, Social and Cultural Rights

- a) The poor quality of education affects the citizen's effectiveness and efficiency and his/her contribution to the country's accelerated development;
- b) The discovery of large mineral resources does not guarantee immediate revenue to address the great financial requirements of the country's human development.

8.4. Feelings of the Various Sectors

The various sectors' feelings about the process include:

- a) The reasons for the delay in ratifying the International Covenant on Economic, Social and Cultural Rights are not understood, as the country has positive achievements in this field;
- b) Guaranteeing the human rights of all citizens without any kind of discrimination.
- c) Declining civic and political participation, especially in elections;
- d) Mozambique's classification as one of the most corrupt countries and the need to introduce more rigorous measures to address the situation.
- e) The poor quality of education and its implications for the country's future;
- f) Domestic violence and violence against girls in schools; changing attitudes and strict application of the law;
- g) The premature marriage situation;

9. Main Constraints

9.1. Promoting and Protecting Human Rights

- a) Information, education and the citizen's limited knowledge of his/her rights, which is aggravated by the low literacy level;
- b) insufficient dissemination of instruments that strengthen the defence and protection of Human Rights;

9.2. Civil and Political Rights

- a) Delays due to excessive bureaucracy;
- b) Corruption and poor accountability;

9.3. Economic, Social and Cultural Rights

- a) Few financial, material and specialist human resources to guarantee greater coverage and quality in the sectors; poor coverage by the health network, water and sanitation, provision of proper housing etc.;
- b) Infrastructure not very appropriate to facilitating and accelerating the achievement of targets to improve the citizen's well-being;
- c) Low literacy rate, particularly among women, affecting full enjoyment of rights;
- d) Higher rates of chronic malnutrition, high prevalence of HIV & AIDS and other major endemic diseases;
- e) Heavy dependence on external aid;

9.4. Constraints on UPRAP as a measure for monitoring UPRM

- a) No specific monitoring and evaluation mechanisms with clear and consistent indicators;
- b) No people responsible for accountability for each UPRAP action;
- c) Shortage of resources to guarantee the successful implementation of each recommended action.

9.5. Area with the greatest knowledge deficit about the UPRAP process

Information on the implementation level and the results of the survey indicate that the following areas have the biggest deficit of knowledge about the process:

As the body that must guarantee public order, safety and tranquillity through the PRM and observance of aspects of legality and the protection of rights, MINT needs to show improvements in protecting the citizen and the treatment of detainees in police stations. Similarly, through the Penitentiary Services the MJ must guarantee better treatment of inmates in prison establishments. The involvement of PRM officers in recent kidnapping cases has not been to its credit. Petty corruption involving police officers in the street does not dignify the corporation.

10. Prospects

The recent discoveries of major reserves of mineral resources, especially coal and natural gas, will continue to attract investors and drive the growth and economic development of Mozambique. It seems that there are growing expectations that if Mozambique were to adopt a more balanced economic model of the Botswana kind, for example, it could follow a path of more rapid growth and more equitable income distribution. With such a prospect, the emerging environment would make an effective contribution to consolidating institutions that promote greater participation by the citizen in democratic decision-making and accountability processes.

In this context, it is important to take effective measures to address the areas with the greatest deficit of knowledge about the universal periodic review process in order to guarantee the country's balanced inclusion in the concert of nations, permitting sustainable development that has a significant impact on improving the citizen's well-being.

The implementation of actions and initiatives must move more quickly in order to improve competitiveness and benefit from Mozambique's comparative advantages, while at the same time the development process becomes more enveloping and focused on the citizen.

11. Conclusions and Recommendations

11.1. Main Conclusions

The following Main Conclusions are based on the set of recommendations included in the Universal Periodic Review Mechanism Action Plan 2012-2015, using the implementation level measurement method that considered what had been concluded, partially concluded or not concluded.

It should be emphasised that there could be different opinions about the weight of some aspects associated with the recommendations. However, as this is a mid-term assessment of an ongoing process, there is room to validate possible valuation differences during the final evaluation process.

The main conclusions are as follows:

- a) The results are encouraging. Of all the actions, 49% have been concluded, 41% partially implemented and only 10% appear not to have started.

- b) The analysis of the implementation level shows that the largest percentage of concluded actions, 47%, was in the Economic, Social and Cultural Rights domain, followed by 32% in the Civil and Political Rights domain with 32%, and finally the Promoting and Protecting Human Rights domain with just 21%.
- c) The results achieved to date also reflect the concerted effort of the Ministry of Justice with regard to accountability and its coordination of the UPRM report preparation process.

11.2. Survey Results Conclusions

- On the whole, all respondents agree that the issues raised in the domains are relevant: (i) Promoting and Protecting Human Rights, (ii) Civil and Political Rights and (iii) Economic, Social and Cultural Rights;
- There was considerable consensus on the Promoting and Protecting Human Rights domain in its two sub-variables (creation of the CNDH and Mozambique's accession to international mechanisms). It received more "Agree Completely" votes , than the remaining variables/issues in the other domains;
- In the Civil and Political Rights domain there was strong agreement on the variables/issues of Transparency and Accountability, Gender Policy and its implementation strategy, and also Electoral Legislation. There is consensus that in this domain they are the areas where more should be invested.
- The largest consensus in the Economic, Social and Cultural Rights domain concerned variables/issues relating to the inclusion of Children's Rights in Government plans and expansion of the health network. Respondents agree that these areas have the greatest influence in this domain.

11.2. Recommendations

- a) Empower the current Interministerial Working Group to coordinate HR matters effectively, strengthening multi-sectoral work in support of HR and their implementation and in particular Economic, Social and Cultural Rights;
- b) Expand the dissemination of instruments that strengthen the promotion and protection of human rights;
- c) Advocacy to accelerate ratification of the Covenant on Economic, Social and Cultural Rights (CESCR);
- d) Continue with advocacy for accession to and ratification of international HR mechanisms such as the ICC and the Declaration on the ACJHR;
- e) Continue with advocacy on the conclusion and approval by the Assembly of the Republic of the Penal Code, Penal Procedure Code, Law on Agriculture, Food and Nutrition Security and the Revision of the Constitution;

- f) Continue to strengthen measures for the fight against corruption;
- g) Provide the CNDH and other human rights institutions with sufficient resources for them to work;
- h) Strengthen the operation of the **CNAC**, giving it greater autonomy and transferring MMAS oversight to the Prime Minister's Office;
- i) Accelerate the construction of centres for juvenile offenders that permit the separation of adults and minors in prison establishment; juvenile courts in the provinces;
- j) Continue with advocacy for measures to reduce congestion in prison establishments, helping to eliminate cases of HR violations;
- k) Advocacy for effective implementation of the Law Banning Minors from Nightclubs and Decree Law 20/99 of 24 June requiring infrastructure with ramps for access by persons with disabilities;
- l) Adopt measures to ensure that the legislative package on Children's Rights approved in 2008, has regulations that ensure its effective application;
- m) Strengthen measures for the application of the Law against Domestic Violence and violence against girls in schools;
- n) Advocacy for the creation and approval of a Law Against the Sexual Abuse of Minors;
- o) Preparation of an updated UPRAP proposal, including commitments accepted by the Government in the UPR mechanism that were not included in the current UPRAP, including indicators for the Justice area in the Civil and Political Rights domain (Code numbers 89.43; 89.44; 89.45; 89.46 e 89.47).
- p) Continue to strengthen monitoring and evaluation instruments for actions in order to permit the timely correction of deviations from plans;
- q) Ensure greater CSO involvement in drafting the reports that the Government submits to specialist UN and AU bodies;
- r) Continue to increase efforts to reduce poverty, malnutrition and illiteracy;
- s) Continue to introduce and implement programmes and measures to improve conditions that guarantee the right to education, the right to health and the right to food;
- t) Pay special attention to the agriculture sector, including subsistence agriculture, in the context of the next Poverty Reduction Plan;

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Annexes

1. Explanatory notes on activities in the Recommendations Matrix
2. Survey Results
3. Questionnaire
4. Terms of Reference
5. Workplan