



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
20 July 2007

Original: English

**Committee on the Elimination of Discrimination
against Women**
Thirty-eighth session

Summary record of the 783rd meeting

Held at Headquarters, New York, on Wednesday, 23 May 2007, at 10 a.m.

Chairperson: Ms. Šimonović

Contents

Consideration of reports submitted by States parties under article 18 of the
Convention (*continued*)

Combined initial and second periodic report of Mozambique

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

07-35490 (E)



The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second periodic report of Mozambique (CEDAW/C/MOZ/1-2; CEDAW/C/MOZ/Q/2 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Mozambique took places at the Committee table.*

2. **Ms. dos Santos Matabele** (Mozambique), introducing the combined initial and second periodic report of Mozambique (CEDAW/C/MOZ/1-2), said that women made up 52 per cent of the Mozambican population and that most of them lived in rural areas. The Constitution of Mozambique enshrined the equal rights of women and men and the promotion of women's involvement in all areas of political, economic, social and cultural life. State institutions and civil society were involved in efforts to implement those constitutional provisions. In addition, the Government had adopted a five-year plan for 2005-2009 aimed at mainstreaming gender in sectoral development programmes, so as to fulfil its obligations under the Convention and other regional and international instruments on gender issues to which it was a party.

3. A number of mechanisms existed in Mozambique for the promotion of equal rights and opportunities. The National Council for the Advancement of Women was responsible for coordinating the implementation of gender-related policies across all sectors. The Parliamentary Commission on Social, Gender and Environmental Affairs was responsible for integrating environmental and gender issues into the work of Parliament. The Forum for Women Parliamentarians fostered links between female members of Parliament and women's organizations with a view to promoting the discussion of gender issues in Parliament. The Network of Female Ministers and Parliamentarians had been launched recently for the exchange of ideas on increasing the participation of women in decision-making processes and national development. Lastly, the Gender Coordination Group brought together representatives of the Government and civil society to discuss gender issues. The purpose of all those mechanisms was to promote gender equality, to ensure the sexual and reproductive rights of women and girls

and to advocate the elimination of traditional practices that were detrimental to women.

4. A number of laws had been introduced or amended with a view to eliminating discriminatory provisions and promoting women's rights. The Family Law of 2004 had introduced measures aimed at eliminating stereotypes and discriminatory practices. The Land Law of 1997 established women's rights with regard to land use, ownership and inheritance. The recently adopted Labour Law enshrined equal rights for women and men in the workplace, including equal pay and equal opportunities for promotion. It also extended the statutory period of maternity leave and provided for additional leave for women with high-risk pregnancies, paternity leave at the time of childbirth and special arrangements to allow working mothers to breastfeed. Employers were prohibited from dismissing women during pregnancy and within the first year after childbirth without a valid reason. Lastly, the Labour Law established penalties for sexual harassment. A number of other existing laws were also under review. In addition, the draft law against domestic violence provided for the punishment of perpetrators and protection and assistance for victims. A law to prevent and combat human trafficking had also been drafted.

5. Efforts were under way to promote the participation of women in political life. The proportion of women parliamentarians had increased from 28 per cent to 37 per cent since 1997, one of the highest figures not only in Southern Africa but in the world as a whole. The current Prime Minister was a woman, and some 24 per cent of Government ministers, vice-ministers and permanent secretaries were women. Two of the country's 11 provincial governors were women. However, the number of women participating in decision-making at the local level remained low. Efforts were being made to improve that situation.

6. With regard to domestic violence, steps had been taken to train the police in assisting victims and to educate them about women's rights in general. Special units and helplines had been set up in police stations for the provision of assistance in domestic violence cases. Counselling services had also been established for victims, and a database on domestic violence had been created, containing gender-disaggregated data for the whole country. Some progress had been made in raising awareness of the problem, but better coordination among the different stakeholders was needed in order to make such efforts more effective. It

had also proved difficult to involve men in efforts to combat domestic violence, owing to the persistence of traditional beliefs and practices.

7. With regard to women's access to health services, the focus in Mozambique was on reducing the high morbidity and mortality rates by improving primary health care. The average life expectancy for women was 47 years, three years higher than that of men, while the maternal mortality rate had declined from 900 to 408 per 100,000 live births in the past 10 years. A special programme had been introduced for the protection of infant and maternal health. In addition, the strategic plan for the health sector for 2001-2010 was aimed at reducing maternal mortality through the provision of adequate obstetric care, including prenatal and post-natal care, and family planning services. An in-depth analysis of health services had begun with efforts to ensure that men as well as women were provided with adequate reproductive health services.

8. Mozambique had one of the highest rates of HIV/AIDS infection in the world: 16.2 per cent of the population aged 15 to 49 was HIV-positive, of whom 58 per cent were women. The proportion of women among HIV-positive persons aged 20 to 24 was even higher. The Government planned to educate women on the prevention of HIV/AIDS transmission, including mother-to-child transmission, to provide HIV-positive pregnant women with antiretroviral treatment and to offer counselling services to all infected women.

9. The Government and civil society had established a joint programme with relevant United Nations agencies to ensure an effective and coordinated response to the problem of HIV/AIDS, including measures aimed specifically at women, such as campaigns to raise awareness of the impact of the disease on them. The programme would also address broader issues such as violence against women, education, and inheritance and property issues.

10. Despite the efforts being made to improve health services, many problems remained. There were not enough health units and most people lived far away from their nearest unit. Most units provided only primary health care and lacked the expertise to provide appropriate obstetric care in the event of complications during childbirth. Fewer than half of health units provided prenatal care and only 20 per cent of them provided diagnosis and treatment of sexually transmitted infections. Lastly, health workers were

concentrated in urban areas and most of them lacked the appropriate level of education.

11. Men still outnumbered women in most employment sectors. However, women were increasingly participating in the workforce, particularly through self-employment initiatives in urban areas. Most working women were in non-salaried jobs in the informal sector.

12. The Government's strategic plan for education was focused on expanding access to education through the reduction of regional and gender inequalities, improving the quality of education and building institutional capacity. Gender units had been set up in all the provincial education directorates with a view to promoting gender equity in education. Quotas had been established for the number of women taking up places at teacher training institutions. Annual targets for girls' enrolment in school had been set, and counselling services had been established with the aim of preventing girls from dropping out of school. Informal education was being promoted as an alternative means of educating girls. Gender and human rights issues and civil education had been incorporated into the secondary school curriculum.

13. As a result of the measures taken, the primary school enrolment rate for girls had increased from less than 25 per cent in 1997 to almost 60 per cent in 2006. There was an increased awareness of gender issues in schools as a result of changes that had been made to teacher training programmes. A national literacy strategy had been put in place and the organization of the education system had been improved. Adult education programmes were also being stepped up.

14. However, progress was not consistent across the whole country, and disparities persisted. The dropout rate among girls was still too high. Students had to walk long distances between home and school. Lastly, the quality of teacher training needed to be improved, since the general standard of teaching was still low.

15. Much progress had been made in improving the situation of women in Mozambique. However, huge challenges remained. Further efforts were needed in order to increase the participation of rural women in decision-making processes. In addition, amendments to national laws needed to be matched by changes in cultural attitudes and practices. For example, the Land Law had established the equal rights of women and men with regard to land use, but in practice men

usually controlled the use of the land, in accordance with tradition. Women still lacked adequate awareness of their rights and there was a need to build capacity for the promotion of gender issues. However, despite the problems it faced, Mozambique was fully committed to achieving a just society free of discrimination.

Articles 1 and 2

16. **Mr. Flinterman** said that his even though, the Convention had become part of the State party's domestic legal order, the primacy of constitutional laws over all others could lead to inconsistencies in the application of the Convention. What steps had been taken to ensure that domestic law was in conformity with the Convention and that the judiciary applied its provisions? He noted that women in Mozambique did not have easy access to the courts, owing to shortcomings in the judicial system, and enquired how the Government was planning to remedy the situation. It would also be useful to have more information about the scope, mandate and membership of Mozambique's community tribunals and the laws that they applied.

17. **Ms. Saiga** asked about the current status of the bills on domestic violence and trafficking in women and children referred to in the responses to the list of issues and questions (CEDAW/C/MOZ/Q/2/Add.1, pp. 2 and 10). The State party needed to undertake a comprehensive review of its legislation in the light of its obligations under the Convention; otherwise, it would be limited to an ad hoc approach. Such a review could be coordinated by the Ministry of Women and Social Action and should draw on inputs from all line ministries. She referred to the statement in the periodic report concerning the need for women to fight for their rights (CEDAW/C/MOZ/1-2, p. 22). That was not enough: the Government had to adopt a proactive policy and men had to be involved in that fight, alongside women.

18. **The Chairperson**, speaking as a member of the Committee, asked whether the Convention, as a directly applicable law, ranked higher or lower than other laws in the country and whether it was used directly by the courts. Under article 2 of the Convention, State parties were required to adopt a policy on the elimination of discrimination against women; that meant that all laws had to be in harmony with the provisions of the Convention. The Committee would appreciate further information about the

preparation of the report, in particular whether NGOs had been consulted in the process and whether it had been submitted to the Parliamentary Commission on Social, Gender and Environmental Affairs.

19. **Ms. dos Santos Matabele** (Mozambique) said that the Government, having ratified the Convention, took it into account in preparing legislation, and that discrimination was also prohibited by existing domestic laws. As for the need to involve men in ongoing efforts to improve the status of women, ensure gender equality and combat violence against women and children, that had indeed been recognized and acted upon. In response to the question regarding a comprehensive review of legislation, she said that the Ministry of Justice had put in place a legislative review committee whose members included representatives of several ministries, including the Ministry of Women and Social Action. The periodic report had been prepared with the participation and financial assistance of NGOs concerned with women and gender issues. As for the two draft laws referred to, they had been finalized and would be submitted for approval to Parliament at its next session.

20. **Mr. Macassar** (Mozambique), taking up the question of the applicability of the Convention, said that once an international instrument had been ratified and published in the official gazette, it had the same status as domestic law. While it was generally binding, however, specific implementing legislation needed to be developed, especially with regard to penalties. Under local law, community tribunals were established by the Ministry of Justice, on the basis of a proposal made by provincial committees, if it was felt that they were warranted by the size of the community concerned. The judges appointed to them were selected on the basis not only of their professional competence and repute, but also of their knowledge of traditional culture. Formal law had to be reconciled with custom, and women must be involved in that process, particularly in view of their sensitivity to such matters as family conflicts.

21. **Ms. Buque Armando** (Mozambique) said that, under the Constitution, international laws to which Mozambique was party had the same status as domestic law, which they helped to shape. The Convention could therefore be invoked directly by the courts and, in addition, was paralleled in several significant respects by the Family Law, as could be seen from an article-by-article analysis of the two.

Article 3

22. **Ms. Chutikul** said that the lack of an institution to monitor the implementation of the Convention and to carry out the recommendations of the Committee (State party's responses, p. 4, para. 6) gave great cause for concern. That seemed to suggest that the Committee's recommendations and concluding comments would vanish without trace. She wondered whether the Ministry of Women and Social Action could not assign to the National Council for Advancement of Women a coordinating responsibility for action under the Convention. The Council was well suited to serve such a purpose since it was chaired by the Minister for Women and Social Action and included a number of other Ministers among its members, as well as representatives of NGOs and civil society. There would then be no need to set up another interministerial body. She wondered whether an evaluation had been made of the National Plan for the Advancement of Women and what the relationship was between that Plan and the Government's five-year plan.

23. **Ms. Dairiam** said that she had the impression that, at Government level, implementation of the Convention was seen as a separate exercise and not as a framework for an integrated process. If a holistic approach was adopted, many of the elements under discussion would fall into place. She asked whether the members of the community tribunals received any training in respect of the provisions of the Convention. The Committee also wished to know whether the women's access to justice was monitored, with particular reference to the number applying to the courts and those benefiting from legal aid.

24. **Ms. Gaspard** emphasized the importance of political will and strong institutional machinery for there to be any real progress in people's enjoyment of civil and family rights. She requested additional details on the material and financial resources of the Ministry of Women and Social Action and the training given to the gender focal points, particularly in regard to their knowledge of the Convention. It would also be useful to know how often the National Council for the Advancement of Women met and whether NGOs were associated with its work. More information about the network of female ministers and parliamentarians would likewise be welcome.

25. **Ms. Neubauer** said that it would be interesting to learn whether the organizational structures of the

Ministry of Women and Social Action reflected its responsibilities to improve gender equality, promote gender mainstreaming, design policies and strategies and coordinate intersectoral activities. She enquired about its interactions with related services in other ministries and whether its officials were given training in the principles and goals of the Convention. The Committee would also be glad to know about the main outcomes of the National Plan for the Advancement of Women 2000-2006.

26. **Ms. Nhantumbo** (Mozambique) said that the National Council for the Advancement of Women was a consultative body with a technical staff and an executive secretariat that advocated and monitored the implementation of gender policies in various sectors in all parts of the country. The Council met periodically to discuss gender and development, especially issues relating to education, health and public administration. It organized training on gender issues, including domestic violence and human rights. It had also prepared the National Plan for the Advancement of Women, which was assessed yearly, and the Gender Policy and Implementation Strategies.

27. **Mr. Macassar** (Mozambique) said that efforts were under way to improve women's access to the legal system and to strengthen gender training in the judiciary and gender awareness among community leaders. Discrimination was the subject of two articles in the Constitution, namely, article 35 on the equality of all citizens before the law and article 36 on the principle of gender equality, although the articles did not seek to define discrimination.

28. **Ms. Buque Armando** (Mozambique) said that there was a process by which all new laws were reviewed in the light of international principles and obligations, including non-discrimination.

29. **Ms. dos Santos Matabele** (Mozambique) said that the Council had a broad-based membership that included representatives of Government, civil society, religious institutions and the private sector. It worked quite harmoniously with the Government, filling in where the Government could not manage alone because of financial and staffing shortages. An important aspect of the protection of women's rights was the larger struggle against poverty and for social justice, which was a primary focus of the Government, and, in particular, the Ministry of Women and Social Action. The Ministry had departments dealing with,

inter alia, women's issues, social action, street children and orphans, HIV/AIDS, human rights. Women in Parliament and Government service had formed a somewhat informal network to monitor and coordinate activities in all those areas.

Article 4

30. **Ms. Tavares da Silva** pointed out that article 4 of the Convention provided for two distinct sorts of special measures, namely, temporary special measures to accelerate the achievement of gender equality and special measures to protect maternity. She urged the delegation to review the Committee's general recommendation No. 25 in that connection with a view to expanding the use of such measures and providing them with a legal basis.

31. **Ms. dos Santos Matabele** (Mozambique) welcomed the suggestion with regard to special measures and said that a legal basis for such measures would have to be explored.

32. **Ms. Muthembe** (Mozambique) said that quotas, a kind of temporary positive discrimination, had been established in teacher-training programmes to encourage women, especially rural women, to become teachers. Enrolment in teacher training was an area in which the Ministry had reliable gender-disaggregated data.

Article 5

33. **Ms. Simms** said that Mozambique was to be commended on its efforts to further women's rights. Women and children were especially vulnerable but also constituted the majority of the population. Article 5 of the Convention urged governments to strive to change harmful traditional and customary practices. Were Mozambique's efforts in that regard having an impact? Women in Mozambique were still seen as property and men benefited from those beliefs, e.g. the tradition that a woman needed her husband's permission in order to work or the belief among women that men had a right to beat them. The Government should take additional measures to guarantee women's rights.

34. **Ms. Maiolo** noted in the State party's responses that girls in Mozambique could be married at age 16 "for reasons of public interest". What were those reasons? Could the delegation provide further details about the circumstances under which women could act

as "representatives of the family"? Could it elaborate on the practice of polygamy, which was prohibited but apparently tolerated? She wondered whether polygamy was punishable by imprisonment, and what rights were enjoyed by second or third wives.

35. **Ms. Arocha Dominguez** said that it was important to change practices and prejudices against women but the report of Mozambique gave a limited account of what was being done in that regard. Did Mozambique have concrete programmes in place to change cultural practices? It was true that countries should value their traditions, but not to the detriment of women's rights. She would appreciate further details on action taken to enhance the status of women through education. What steps were being taken to involve men as well in the fight for women's rights, which was everyone's fight?

36. **Ms. Pimentel** noted that certain harmful cultural practices, such as polygamy and early marriage, were apparently tolerated in Mozambique. What was being done to combat them? She enquired about the draft law's prospect for adoption, kinds of violence covered by the draft law against domestic violence, as well as government measures to protect the victims of violence. Since violence was often shielded by a culture of silence, what steps were being taken to make women more aware of their rights? Was there discussion in the schools about violence against women? Was Mozambique envisaging the adoption of a law to protect the rights of older women?

37. **Ms. Begum** said that 5.3 per cent of Mozambique's population consisted of older persons, 63 per cent of whom were women. They were still experiencing violence and were sometimes denied their rights due to lack of documentation or registration. It would be useful to know whether Mozambique had a database regarding the numbers of older persons, whether it was conducting a campaign to combat harmful traditional practices and stereotypes, and what was being done to prevent women with disabilities from being stigmatized and neglected. She would also appreciate information on measures to do away with gender stereotypes, e.g. in school textbooks, and to eliminate the practice of bride price. In pursuing those aims, was the Government seeking assistance from NGOs and civil society?

38. **Ms. Coker-Appiah** said that Governments had an obligation under the Convention to strive to change

society and alter patterns of conduct. Mozambique seemed to have delegated that task to civil society. What initiatives did the Government itself intend to pursue? With regard to the link between culture and violence, did the Government plan to undertake any studies in order to corroborate that link, since data were a necessary basis for policies? With regard to violence against older women characterized as “witches”, it was deplorable that women who had worked long years to help their families should face such mistreatment. What action did the Government intend to take to combat such violence?

39. **Ms. Shin** asked what approach the Government planned to take to change traditional beliefs and stereotypes. What steps was it taking to combat such discriminatory proverbial notions as the belief that men should always have the last word or the belief that men beat women because they loved them? After all, Mozambique’s Prime Minister was a woman, which provided an excellent opportunity for Mozambique to promote women’s rights. The Division for the Advancement of Women had published a valuable book illustrating the cost of violence. The State party should consult that book and seek to calculate the cost of violence against women in Mozambique, bearing in mind that violence was an obstacle to development.

40. **Ms. Tavares da Silva** said that, according to information from civil society, the conservative view that advancing the human rights of women undermined the country’s traditions was increasingly being voiced, including in the press. What was Mozambique doing to combat such views? The Government should make it clear that upholding traditional values could not be pursued at the expense of human rights.

41. **Ms. dos Santos Matabele** (Mozambique) said that it was the policy of the Government of Mozambique to provide assistance to elderly women, who were a source of experience and wisdom. Older women were sometimes victimized as a result of prejudices about “witchcraft” or “evil spirits” and blamed for such ills as infertility, but such prejudices were often rooted in poverty and could be combated by fighting poverty. The Government was encouraging the general public and community leaders to change their ways of thinking, notably by working with small groups and associations and offering them incentives — just as it did with regard to disabled persons — to make elderly women feel useful and to prevent discrimination against them. Educating and

sensitizing was hard work and could not be accomplished by decree. However, crimes against elderly women had to be punished. It was hoped that the draft law against domestic violence would come before the Assembly of the Republic at its next session. The Ministry of Women and Social Action was following the issue and working on it with NGOs and women’s organizations. Shelters for abused women were being created. To offset the country’s shortage of resources, the United Nations Development Programme (UNDP) was providing some help.

42. She welcomed Ms. Begum’s suggestion on taking a census of elderly. Such a study had been carried out in 2004. The Government did conduct campaigns to combat violence against women, such as the “Sixteen Days against Violence” that had recently taken place. In combating the notion that violence against women could be an expression of love, or that women liked to be beaten, women had to stand firm and unite against it. Women were creatures of peace. While priority should be given to educating women, it was also necessary to educate men. In evaluating the cost of violence, Mozambique was receiving assistance from organizations such as the United Nations Children’s Fund (UNICEF), UNDP and the United Nations Population Fund (UNFPA).

43. As for the traditionalist opinions and articles mentioned by Ms. Tavares da Silva, contending that upholding women’s rights undermined traditions, those authors had a right to their opinions, but the 18 to 19 million people of Mozambique likewise had a right to theirs. The Government would continue working to reach its goals for Mozambican society and would surely be victorious. Education began at home.

The meeting rose at 1 p.m.