



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

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**Committee on the Elimination of Discrimination
against Women**
Seventy-third session

Summary record of the 1692nd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 3 July 2019, at 10 a.m.

Chair: Ms. Gbedemah

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Combined third to fifth periodic reports of Mozambique

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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 third to fifth periodic reports of Mozambique (CEDAW/C/MOZ/3-5; CEDAW/C/MOZ/Q/3-5 and CEDAW/C/MOZ/Q/3-5/Add.1)

1. *At the invitation of the Chair, the delegation of Mozambique took places at the Committee table.*
2. **The Chair** said that, at the invitation of the Committee, some members of the delegation would be speaking via video link from Maputo.
3. **Ms. Pateguana Pinto Romão** (Mozambique), introducing the combined third to fifth periodic reports of Mozambique, said that her Government embraced the principle that all women should be able to enjoy their rights free from discrimination. Reiterating the information contained in the State party's report, she said that the Government had taken a series of measures to bring national law into line with the Convention and to ensure respect for women's rights. Progress had been made in tackling discrimination and promoting the advancement of women; raising awareness of women's rights; challenging gender stereotypes; combating human trafficking; ensuring equal rights for men and women in education and employment; and guaranteeing full access to health-care services. As the only representative of the State party in the room, she would be assisted in the dialogue by colleagues taking part in the dialogue via video link, from Maputo.

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4. **Ms. Chalal** said that she wished to know whether the State party planned to amend the national legislation in order to incorporate a broad definition of discrimination that would cover all forms of political, economic, social and cultural discrimination, whether direct or indirect, as prohibited under the Constitution. She would be interested to hear whether the Government intended to remove legal provisions that discriminated against women and whether a mechanism would be established to ensure the proper implementation of new provisions. She asked whether there were any plans to enhance data collection, noting that the lack of data disaggregated by gender had prevented the Committee from assessing the effectiveness of laws promoting gender equality and combating discrimination. It would be of interest to the Committee to find out what measures would be introduced to guarantee women's rights to inheritance, given that widows were often prohibited from inheriting their deceased husbands' property under customary law. She asked how the Government would provide free legal aid in regions where it was still unavailable and how long it would be before full coverage was achieved. Would a pool of translators and interpreters be created to facilitate full access to the legal aid system?
5. She would be interested to learn more about the functioning of the National Human Rights Commission, especially in view of the fact that the Human Rights Committee, in its concluding observations (CCPR/C/MOZ/CO/1, para. 7), had expressed concern regarding the Commission's lack of independence. Was the Commission competent to hear cases relating to discrimination and violence against women? How many such complaints had it received? She asked whether the fund set up by the Government to finance programmes and projects to help achieve the Sustainable Development Goals had been allocated sufficient human and financial resources and whether there was a specific programme with to fulfil Goal 5, on gender equality and the empowerment of all women and girls.
6. **A representative of Mozambique** said that a number of legislative provisions had been enacted to protect women and to guarantee their right to equal treatment under the law. Mozambican labour legislation contained a general provision protecting female public servants. The Land Law of 1997 had established equal rights for men and women with regard to land use and ownership. The revised Penal Code would decriminalize the voluntary interruption of pregnancy, as unsafe abortion had been recognized as a public health problem, and would penalize persons engaging in sexual intercourse for the purpose of transmitting a disease, including HIV/AIDS. The national action plan on women and peace and security for the period 2018–2022 had recently been adopted and a special government office for families

and children had been established. The office had created an integrated mechanism for assisting victims of domestic violence and had helped to ensure that domestic violence issues were addressed in the curriculum of the police training academy.

7. **A representative of Mozambique** said that the Government was aware of the growing number of cases of domestic violence in the country. In order to ensure that victims of that phenomenon had access to justice and legal assistance, the Institute of Sponsorship and Legal Assistance provided services in 147 districts, covering more than 90 per cent of the country. Efforts were being made to reach and assist all female victims of domestic violence, especially those living in districts not yet covered by the Institute. Judges and other legal professionals had received training on how to handle cases of domestic violence and on how to protect female victims.

8. **A representative of Mozambique** said that the National Human Rights Commission had a mandate to respond to any and all complaints filed against the Government, whether at the local, district or national level, and to conduct investigations and monitor violations, as appropriate. However, as the Commission had not yet been fully accredited by the international community, it could not make its reports public. The Commission reported directly to the President of Mozambique, from whom it had received its mandate. The delegation would submit written information on the Commission's budget in due course.

9. **Ms. Chalal** said that it would be useful to know whether the State party intended to incorporate into its domestic legislation a definition of discrimination against women that was consistent with the Convention. Noting that the Government had accepted only 10 of the 32 recommendations made by the Office of the Ombudsman, she asked how the State party planned to strengthen the powers of that institution so that its recommendations had a greater impact.

10. **A representative of Mozambique** said that the Constitution provided a definition of gender-based discrimination. There were plans to revise the Family Law, which addressed gender issues directly.

11. **A representative of Mozambique** said that the Government was greatly concerned about the high rate of child marriage in the country, especially in rural areas where girls lacked access to education and where cultural stereotypes were often the most entrenched. It had adopted a multisectoral approach to combating child marriage, with the involvement of all government ministries. The Ministry of Gender, Children and Social Action was responsible for coordinating all related activities and was working to collect gender-disaggregated data as a means of monitoring and assessing the effectiveness of existing policies, programmes and strategies. He was pleased to report that the combined efforts of the Government, civil society and other partners had led to a reduction in the number of cases of child marriage.

12. **Ms. Chalal** said that the information in the Committee's possession pointed to an absence of effective law enforcement in the country. She asked whether the State party intended to introduce a mechanism to monitor the application of the ambitious new laws that it had adopted and what punishment would be meted out to persons who violated those laws.

13. **A representative of Mozambique** said that child marriage was considered a crime and that robust measures were being taken to bring perpetrators to justice. It was customary for the Mozambican justice system to make a public example of such persons. Steps were also being taken towards establishing child marriage as a separate crime in the country's criminal legislation. Under the Penal Code, any crimes related to sexual abuse were to be considered gender-based crimes and were punishable.

14. **Ms. Bethel** said that she had been pleased to learn that the activities of the National Council for the Advancement of Women had been extended to cover 128 of the country's districts. It would, however, be helpful to know how many districts remained without coverage. The Ministry of Gender, Children and Social Action appeared to be well placed to implement effective public policies designed to promote substantive equality between women and men, to mainstream the gender perspective in the activities of all ministries and to reinforce gender policies at the national level. Noting that, within that Ministry, there were two departments, respectively responsible for the promotion of women and gender issues,

she asked to what extent those departments cooperated with the National Council for the Advancement of Women. She would also like to receive more information on the respective structures, mandates and oversight functions of those departments and the National Council and to hear more about the role that they played in coordinating multisectoral efforts to address gender inequalities and to bridge gender gaps.

15. Noting that major concerns had been raised about the effectiveness of the work of the National Council for the Advancement of Women, she asked whether the human and financial resources allocated to it were sufficient to enable it to operate effectively, implement its policies and programmes in both urban and rural areas and meet its other gender-related commitments. It would also be useful to know whether the impact of the Third National Action Plan for the Advancement of Women had been assessed and, if so, whether the outcome of the assessment had informed the content of the current National Action Plan.

16. The delegation should also describe the other legal, policy and social protection measures in place to promote and protect women's rights in all sectors and provide an assessment of the effectiveness of the gender focal points serving within the different government ministries. She would like to know what results had been achieved thus far in promoting substantive equality between men and women and to hear more about how the gender focal points, the National Directorate of Gender, the National Council for the Advancement of Women and the Ministry of Gender, Children and Social Action worked together to fulfil the State party's gender-related commitments and to achieve gender equality. She asked what measurable results the various gender strategies listed in paragraph 39 of the report had yielded and what gender-related targets had been met by the Directorate, the National Council and the Ministry.

17. She also wished to know whether the national action plan on women and peace and security for the period 2018–2022 was consistent with the positions espoused by the United Nations Security Council, particularly in resolution 1325 (2000) and subsequent resolutions. Did the plan include a legal and policy framework to guarantee women's rights in conflict prevention and in conflict and post-conflict situations? How did the plan guarantee the participation of women and civil society organizations in peace and security processes, and what human and financial resources had been allocated for its implementation? Was there a specific mechanism in place to monitor its implementation? Lastly, the delegation should describe the measures taken to assist and provide access to justice for women and girls affected by the ongoing violence in Cabo Delgado, including those who had been internally displaced.

18. **Ms. Nadaraia** said that, while the Committee welcomed the significant presence of women in political decision-making positions, the judiciary and the diplomatic service, which had been achieved through the introduction of a voluntary 40 per cent quota several decades previously, it noted with regret that the same level of progress had still not been achieved in employment, despite the Committee having urged the State party in its previous concluding observations ([CEDAW/C/MOZ/CO/2](#)) to adopt temporary special measures to that end.

19. It was regrettable that the report provided no examples of the successful use of temporary special measures to accelerate the achievement of substantive equality between men and women in education or employment, particularly in the extractive industries, the personal service sector and veterinary medicine. The report was also silent on cases in which temporary special measures had been used to counteract the disadvantages faced by female victims of multiple discrimination, including female heads of household, rural women, older women, refugee and asylum-seeking women and women with disabilities. It would therefore be helpful to receive information on any temporary special measures that had been adopted in those sectors, any awareness-raising campaigns that had been conducted to promote understanding of the importance and non-discriminatory nature of such measures and any related incentives or time-bound strategies envisaged to encourage their use.

20. **A representative of Mozambique** said that, in pursuing gender equality, the Government had focused its efforts on the health and education sectors, having already raised health-care coverage from below 30 per cent to above 60 per cent in rural areas and taken steps to reduce dropout rates among female students. While the primary school enrolment rate for girls stood at between 90 and 98 per cent, the corresponding retention rate remained

below 50 per cent. It was hoped that the introduction of enrolment quotas would help to increase the retention of female students, which, in turn, could lead to a reduction in the number of early marriages. The Government would continue to work with political parties and civil society in order to achieve gender parity in the country's parliament.

21. Regarding the inclusion of women with disabilities, awareness-raising activities had been carried out and a bill encouraging their inclusion was due for adoption before the country's parliament. In 2017, Mozambique had about 728,000 persons with disabilities, 555,000 of whom were women. The country had ratified the Convention on the Rights of Persons with Disabilities and had consequently adopted legislation to address discrimination against women with disabilities. One significant challenge was to provide persons with disabilities with training in order to promote their employment and to build their capacity and self-esteem. For that purpose, the Government worked with organizations of persons with disabilities and other associations, and it specifically included women in those efforts. Its strategy was centred on the retention of girls in school, the provision of better health coverage for women in all segments of society, the inclusion of women with disabilities and the adoption of all international agreements on the rights of persons with disabilities.

22. The National Council for the Advancement of Women was responsible for the intersectoral coordination and monitoring of activities carried out by the State in respect of women and gender issues. Based on that monitoring, it produced an annual report that the Minister for Gender, Children and Social Action submitted to the Council of Ministers. The purpose of the report was to disseminate information on the activities that the National Council had undertaken with a view to receiving guidance from the Council of Ministers. The National Council received a specific allocation from the State budget. It had designated gender focal points in all government ministries, and they played an important role in addressing gender issues. In coordination with the Ministry of Economic Affairs, the National Council advised the different government services on gender mainstreaming in their plans and in planning and budgeting processes. It also identified legislation and practices that discriminated against women, and in response it proposed amendments and solutions, as well as measures to prevent and combat gender-based violence. It worked with the Ministry of Agriculture and Food Security to promote women's empowerment through strategies for their inclusion and access to land. Other efforts included the ongoing development of a gender policy in relation to extractive industries and awareness-raising on the needs of women in the event of their displacement and resettlement in other regions.

23. **A representative of Mozambique** said that many projects and programmes were being implemented with the participation of women's associations for women's economic empowerment in rural areas. For example, one innovative project had helped rural women to establish rotating savings and credit associations, which had empowered them to engage in income-generating activities without first having to turn to a traditional bank. Participants were trained in the use of information and communications technology and used their mobile telephones to make transfers electronically, with the result that the associations were now handling significant financial flows. Furthermore, a national programme for the economic empowerment of women had been developed with the participation of the Ministry of Industry and Commerce, the Ministry of Agriculture and Food Security and the Ministry of Land, Environment and Rural Development. The programme was expected to launch soon and would include specific actions to ensure access to land and to finance, which were important mechanisms for the empowerment of women.

24. **Ms. Bethel** said that she was particularly interested to know what specific gender targets had been met as a result of the National Action Plan for the Advancement of Women and whether the budget allocated to the National Council for the Advancement of Women was sufficient to cover its activities in all districts. She would also be grateful for information on access to justice for women in Cabo Delgado Province and for internally displaced women.

25. **A representative of Mozambique** said that the National Council for the Advancement of Women monitored activities in the priority areas of health, education, employment and agriculture. Its annual report to the Council of Ministers detailed all activities undertaken during the year, and the Council of Ministers discussed the report and assessed the progress made. In terms of gender targets that had been achieved as a result of

the National Action Plan for the Advancement of Women, it was noteworthy that, at the political level, women now held 38.7 per cent of seats in the Assembly of the Republic (the country's parliament), and that the speaker of the Assembly and the leaders of all three parliamentary groups were women. Significant progress had also been made in keeping girls in school.

26. The National Council did not have a centralized budget; funding was allocated at different levels, including the provincial level, for the implementation of its activities, and it received funding from partners, as well as from the State budget. Similarly, the National Action Plan for the Advancement of Women did not have a single budget provided by the Council of Ministers. Rather, activities were carried out under the sectoral plans of each ministry and were funded from the ministries' respective budgets.

27. She was unable to provide specific information on women's access to justice in Cabo Delgado; however, in general, women in Mozambique had access to all areas of the justice system. All women victims of violence could count on the support of the Institute for Legal Assistance and Representation. The State's priority was to protect women victims of violence, to convict perpetrators and to ensure that women had access to justice, irrespective of their situation.

28. **Ms. Tisheva** said that she commended the State party for acceding to the Optional Protocol to the Convention without any declarations or reservations and for adopting legislative and policy measures aimed at combating violence against women. She noted that the Penal Code had been amended so that sexually abused women and children would not be forced to marry their aggressors and she welcomed the adoption of the National Plan to Prevent and Combat Gender-Based Violence (2018–2021).

29. While legislation was a useful tool, women and girls in Mozambique were still the victims of widespread violence, and harmful traditional practices and stereotypes generated and reproduced violence and confined women to inferior positions in society and in the family. Domestic violence was a major problem that remained largely underreported or unreported, either because solutions were often sought through the extended family, because acts of violence were not considered to be serious or were considered private, or because victims feared retaliation. Rape and incest, commonly perpetrated against young girls, were even more of a taboo subject. Rural women, widows, older women, women with albinism, women with HIV/AIDS, women in conflict areas and women in sex work, among other vulnerable groups, were all affected by severe forms of violence. The Committee had seen reports of serious sexual violence in schools and of women being forced to trade sex for food in the aftermath of Cyclone Idai. Moreover, the Government had still not effectively tackled child marriage through legislation, despite its commitment to end the practice by 2020 and the fact that Mozambique had the seventh highest prevalence of child marriage in the world. She asked the State party to provide information on the steps it had taken to eradicate harmful practices that perpetuated discrimination and violence against women, including polygamy, child marriage, forced marriage and beliefs in witchcraft, and to promote a positive and non-stereotypical portrayal of women and men in the media and in school curricula. She wished to know whether sufficient financial and human resources had been allocated to implement the National Plan to Prevent and Combat Gender-Based Violence and whether the Plan included reliable indicators and targets. She was also interested to know when the Government planned to adopt and implement legislation and measures to tackle the problem of child marriage and how many times early and forced marriages had been challenged before the courts, and with what outcomes. She would be grateful for information on measures taken to address beliefs in witchcraft that perpetuated violence against women. The Committee had received information that witchcraft accusations and the resulting attacks were a modern phenomenon, closely linked with political power struggles. She asked whether the Government had duly criminalized all forms of sexual violence and abuse, including marital rape. Lastly, she asked whether the Government planned to repeal the amendments to the Penal Code that introduced the crime of domestic violence but ran contrary to the provisions of the Act on Domestic Violence against Women. She expressed concern that victims might be deprived of the special protection measures envisaged under the Act if judges chose to apply the Penal Code instead.

30. **Ms. Gabr** said that the Committee had received information indicating that human trafficking and prostitution continued to pose threats to Mozambican society and that domestic servitude and forced labour were still significant problems. Despite progress made in recent years, the State party evidently still struggled to identify and assist victims and to collect data on those practices. She asked when the Government intended to finalize an action plan and regulations for the implementation of the Trafficking in Persons Act of 2008. She would be grateful for information on the number of trafficking cases in which perpetrators had been arrested, tried and convicted, and on cases in which officials had been prosecuted for corruption. Did the Government plan to amend the Trafficking in Persons Act to bring its definition of trafficking in persons into line with the definition set forth in international human rights law? She would also welcome information on the State's cooperation with non-governmental organizations in operating shelters for victims of such practices and clarification concerning reports that some 145,000 people were living in slavery in Mozambique. The delegation might also comment on the claim that the regulations on domestic work did not adequately protect the human rights of domestic workers. What efforts were made by the border and security forces to combat the smuggling of undocumented migrants? Information might also be provided on cases in which persons involved in human trafficking and smuggling for the purpose of organ removal or for prostitution had been arrested and prosecuted. What solutions did the State party provide for women wishing to leave prostitution, and what forms of protection were provided to the victims of trafficking?

31. **A representative of Mozambique** said that gender-based violence was closely related to the issue of early marriage, which posed a considerable challenge and was unlikely to be eradicated in the short term. She recalled that such marriages were often the result of poverty in rural areas and of social norms that allowed families to arrange them against the brides' will. To address the problem, in 2015, the Council of Ministers had approved the National Strategy to Prevent and Combat Early Marriage in Mozambique (2016–2019), which was led by the Ministry of Gender, Children and Social Action, under the responsibility of the Office of the First Lady. Under the strategy, the Government focused on girls' education, with the aim of ensuring that the girls themselves understood the disadvantages of early marriage. The Government also aimed to reduce the rate of early marriage through an amendment to the Family Act that would remove the dispensation for girls to marry at the age of 16 with their parents' consent. Awareness-raising was equally important and was implemented by a network of State and civil society actors, with the participation of community and religious leaders.

32. Gender-based violence was defined as a crime in the national legislation and convictions had been handed down against perpetrators. Victims did not always report cases, owing to threats made against them. Initiation rites, which marked girls' readiness for marriage and were often performed in schools, partially accounted for girls' dropout rates. Efforts were being made to ensure that initiation rites were performed during the holiday period, which decreased the likelihood of girls dropping out. The school curricula were revised to ensure all material was age-appropriate.

33. The Ministry of the Interior oversaw the implementation of the national action plan to combat trafficking in persons. Although monitoring was in place, reducing human trafficking remained a major challenge. The Trafficking in Persons Act of 2008 was being reviewed to ensure that legal support and protection would be provided for child victims of trafficking. Children were often trafficked for employment purposes with their families' acquiescence, and measures were being taken to make families aware that such acts constituted crimes.

34. **A representative of Mozambique** said that national campaigns were launched, in cooperation with various relevant associations, to prevent and combat violence against women and children, and that men and local community leaders were encouraged to play an active role in activities to combat gender-based discrimination. Training to prevent trafficking was provided for relevant stakeholders, particularly migration, customs and border security officers, and campaigns were launched against discrimination and trafficking of persons with albinism. A social protection programme had been established for women and children in situations of particular vulnerability. It inter alia covered child heads of households who had lost their parents through HIV/AIDS and who were particularly vulnerable to trafficking, and it offered credit schemes to women in vulnerable situations.

Regional anti-trafficking instruments were being aligned with international protocols, taking into account the local context. The Government was aware of the challenge involved and the importance of giving effect to the Trafficking in Persons Act.

35. **Ms. Gabr** said that the Committee would appreciate further information on the action plan to combat trafficking in persons. She asked whether the new amendment to Trafficking in Persons Act ensured that the national law would be aligned with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), and would strengthen protection of trafficking victims and witnesses.

36. **Ms. Tisheva** asked whether the Government envisaged repealing the contradictory provisions in the Penal Code in order to give full effect to the victim protection measures set forth in the Act on Domestic Violence against Women. She would like to know whether the National Plan to Prevent and Combat Gender-Based Violence provided for measures to combat stereotypes and harmful practices.

37. **A representative of Mozambique** said that the Government was raising awareness of the problems associated with early marriage of girls with a view to criminalizing the practice. Such work proved challenging, as the families of the girls in question supported the practice, because they believed that it was for the girls' own protection. The fact that just under half of the girls who had been victims of early marriage had been reintegrated into school following awareness-raising in the community was evidence of progress.

38. **A representative of Mozambique** said that the Act on Domestic Violence against Women was aligned with the relevant international instruments. The National Plan to Prevent and Combat Gender-Based Violence set out monitoring procedures and measures to deal with all aspects of violence against women. The delegation would send statistics on the number of convictions that had been handed down for violence against women. No convictions had been handed down for early marriage, but the Government was committed to raising awareness of the need to avoid that practice. Efforts were made to address all forms of violence, including against men, and to build a peaceful and stable society.

39. **Ms. Gabr** said that she would like further information on the amendments to the Trafficking in Persons Act, convictions related to corruption and protection for trafficking victims.

Articles 7 to 9

40. **Ms. Manalo** asked what hindered greater representation of women in political positions and when the first women had been appointed to the various prosecutors' posts mentioned in paragraph 64 of the report. She asked what incentives had been introduced to increase women's representation in the judiciary, whether any women held positions as judges, and what had been done to encourage girls and women to study law. She would also like to know whether the 30 per cent quota for women on the District Consultative Councils had been filled and what plans were in place to overcome the obstacles, including lack of transport and childcare, to women's appointments to positions on the Councils. What was the Government doing to redress the lack of quotas for women in the diplomatic service and in the electoral law? How many women were in the police force and how were they encouraged to join? Were women entitled to enlist in the armed forces? The Committee would appreciate it if the delegation could provide the relevant statistics.

41. **A representative of Mozambique** said that gender equality was a priority for the Government. Women accounted for 32 per cent of the members of the executive branch and 39 per cent of the legislative branch. Around 27 per cent of provincial governors and 54 per cent of provincial permanent secretaries were women. Around 11 per cent of municipality presidents, 50 per cent of municipal assembly presidents and 37 per cent of municipal council members were women. While women occupied around 27 per cent of positions in the armed forces, none of those positions were high-ranking. In the diplomatic field, four of the 42 Mozambican diplomats were women, and increasing those numbers remained a challenge. Women accounted for 20 per cent of councillors. The Attorney General of Mozambique was also a woman.

42. **A representative of Mozambique** said that the national action plan on women and peace and security for the period 2018–2022 was being implemented in consultation with women and with the support of the Governments of Iceland and Norway. Activities under the plan were being carried out in seven provinces. The activities included involvement by women who had experienced armed conflict, civil society organizations and representatives from various government ministries and public bodies. Efforts were being made to help women to gain access to higher positions in governmental ministries.

43. **Ms. Manalo** asked whether there was a core of human rights defenders in the country.

44. **A representative of Mozambique** said that the National Human Rights Commission, which was answerable directly to the President, worked with the Ministry of Justice to monitor respect for human rights and provided protection for human rights defenders and witnesses of violations.

The meeting rose at 1 p.m.