



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

Distr.: General
18 July 2007

Original: English

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

Summary record of the 784th meeting

Held at Headquarters, New York, on Wednesday, 23 May 2007, at 3 p.m.

Chairperson: Ms. Šimonvić

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Combined initial and second periodic report of Mozambique

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07-35496 (E)



The meeting was called to order at 3 p.m.

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

Combined initial and second periodic report of Mozambique (continued) (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.*

Article 6

2. **Ms. Chutikul**, noting with satisfaction the ratification by the Government of Mozambique of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, said that she would welcome an update on the passage of the anti-trafficking law drafted by an NGO currently under consideration. It was unclear whether the Penal Code had a clear definition of human trafficking in accordance with the Protocol. She asked whether the Government had a specific plan of action to combat the prostitution of women and children and trafficking. Information was needed on how many shelters were operated by the Government and NGOs and whether they protected the victims of human trafficking. It would be useful to have statistics on the number of women and children who were victims of trafficking and on the perpetrators of such crimes. She would like to know about the attitudes of law enforcement officials, including the police, attorneys and judges, towards prostitution and trafficking and whether they worked closely with psychologists and social workers. Information was also needed on how the Government worked with the families of girl children who were victims of trafficking. More detail on the key measures of prevention programmes at the national and local levels would also be helpful.

3. **Mr. Flinterman** said that he shared the concern about prostitution, especially the prostitution of girls. He would like to know whether the recommendations of the Committee on the Rights of the Child contained in its concluding observations (CRC/C/15/Add.172) had been implemented following the submission to that Committee of the initial report of Mozambique (CRC/C/41/Add.11) in 2002. The report had

acknowledged that prostitution had been “frighteningly on the increase” in recent years and had become a concern for health professionals. It was not clear whether that increase was also a concern for the Government itself. He would like to know what measures the Government was taking to address the issue and whether there were any data on the exploitation of women for the purpose of prostitution, whether criminal investigations had been initiated against those who exploited women and whether there were any programmes to provide assistance to women who had been victims of such exploitation.

4. **Ms. Neubauer** said that she was astonished to find in the report that prostitution had increased in Mozambique in recent years. More precise information was needed on the extent of the prostitution of girls and women than was provided in the report. The Government should have an estimate of the number of prostitutes in order to address the problem. She would also like to know about any specific steps to help women and girls involved in prostitution to leave behind the world of abuse and exploitation by clients, families and others who benefited from their earnings. She asked whether there were any outreach campaigns to tackle the problem of demand for the sexual services of children and women.

5. **Mr. Macassar** (Mozambique) said that the draft law on human trafficking had been from the outset an initiative by the Government rather than a non-governmental organization. His Government had worked with civil society, however, to draft a final version of the document, which was currently being fine-tuned and would subsequently be submitted to the Council of Ministers. The law included provisions to protect the victims of trafficking as well as activists who raised awareness about the problem. The Penal Code, which defined human trafficking and provided for mechanisms to combat it, was currently being reviewed to ensure that it covered all trafficking-related crimes. There was no specific law relating to child prostitution. Minors were prohibited by law, however, from entering nightclubs. Although the Government of Mozambique did not yet have shelters for victims of human trafficking, it worked closely with civil society organizations to offer them protection.

6. **Ms. Muthembe** (Mozambique) said that the Ministry of Culture had been making efforts to change harmful cultural practices in schools, including by

means of complete revision of the primary school curriculum, which provided sexual education for children, especially girls. There was also a nation-wide multisectoral project carried out by the Ministries of Education, Culture, Health and Youth and Sports, entitled *Geração Biz* (“Busy Generation”), to educate young persons, especially girls, on sexual and reproductive health. The project was aimed at providing young persons with the necessary information to avoid teenage pregnancy. It advocated abstinence; if that was not possible, however, young people should be aware of available preventive measures and practice safe sex. The school curriculum had also been revised to encourage girls to pursue subjects which were traditionally male-dominated. Efforts were being made to raise awareness of Government policies among teachers, school principals and community leaders and to foster dialogue about abolishing harmful cultural practices while preserving positive ones.

7. **Ms. dos Santos Matabele** (Mozambique) said that her delegation did not have statistical data on child trafficking and prostitution. Data were currently being collected, however, and should be provided in future reports. Law enforcement officials were aware of and knowledgeable about the situation of human trafficking and legislation to combat it. They adopted a multisectoral approach. The border police had been trained to deal with the crime. Since the best way to combat prostitution was to address extreme poverty, her Government gave priority to eliminating poverty through education and job creation as well as programmes to promote women entrepreneurs. The shelters for children who had been prostituted by adults had been successful in rehabilitating them. There were also shelters for children and women who were victims of domestic violence.

Articles 7 and 8

8. **Ms. Zou Xiaoqiao**, noting from the responses that the quotas which had increased the representation of women in Parliament were based on political will rather than the law, said that it was also very important to have a legal basis for them. It was not clear whether the Government had a plan to formulate special legislation or policies on a quota system to promote and guarantee women’s participation in politics and public life. Women were still underrepresented in public administration, the foreign service and the

judiciary as well as local government. She would therefore like to know what steps would be taken to improve the current situation. Information was needed on any plans for the introduction of temporary special measures, including quota systems for those areas. She failed to understand the statement in the report that the presence of women in positions of power did not always translate into access to and control of resources and decision-making. If that meant that women in power still lacked leadership abilities, details were needed on any other obstacles facing such women and the initiatives taken or planned to offer leadership training for women who were already in positions of power so that they might perform their duties effectively.

9. **Ms. Belmihoub-Zerdani** expressed the hope that Africa would follow the example of Mozambique’s high proportion of women in Parliament and the fact that it had a woman Prime Minister. She said that there was a need, however, to ensure that women were better represented at the local level, as they would be future parliamentary deputies. She encouraged the delegation to act as an advocate for draft legislation relating to the difficult daily lives of women, including on inheritance, HIV/AIDS, poverty, employment and many other issues. The developed countries’ solemn pledge to devote 0.7 per cent of their gross national product to official development assistance represented small retribution for what had been taken from developing countries in the past and should be honoured.

10. **Ms. dos Santos Matabele** (Mozambique) said that the quota system was not in fact legally binding. Quotas were established by statute, however, within the FRELIMO party. Therefore, there were many women in Parliament and public life. As other parties in the country had not demonstrated the same political will as FRELIMO to enforce the quotas, there was a need for the Government to ensure that they were implemented within political parties and at other levels. There were statistical data showing significant change in several areas of activity between 1997 and 2007, which her delegation could make available. Her Government was concerned not only with quantitative change but qualitative change as well. The presence of women in power and at the head of non-governmental organizations indeed showed that such change had taken place. Furthermore, the Office of Women Members of Parliament and the Women’s Forum, a

network of non-governmental organizations, were working to harmonize activities relating to women and gender issues. Thanks to the efforts of such organizations, in 10 years there would be an even greater representation of women, with enhanced capacity and authority.

11. **Ms. Zandamela** (Mozambique) said that the Government was considering the Optional Protocol and would probably ratify it between 2007 and 2008.

Article 9

12. **Ms. Gaspard** noted that, under article 26 of the revised Constitution, men and women could acquire the nationality of their spouses without discrimination. However, the report said that there were difficulties in revising that article. She wanted to know whether the article had indeed been revised and whether it complied with both paragraphs of article 9 of the Convention.

13. **Ms. Buque Armando** (Mozambique) said that, under the Constitution, there were three methods for acquiring Mozambican nationality: marriage, naturalization and affiliation. There was no discrimination between men and women because the right for foreigners to acquire the Mozambican nationality of their spouses was available to both men and women. With regard to naturalization, any foreigner could be granted citizenship upon meeting specific conditions outlined in the Constitution. Concerning affiliation, the children of foreigners who had acquired Mozambican nationality could also be granted citizenship.

Article 10

14. **Ms. Simms** commended the Government for its efforts to increase school enrolment for girls, but expressed concern about the imbalance in the number of boys and girls at the elementary level as well as the high rate of sexual abuse within the school system. Despite community education and other efforts, teachers themselves were sometimes abusers of young girls, who became prostitutes and were demonized in the community. She wanted to know what the Ministry of Education was doing to put an end to such atrocities.

15. **Ms. Gabr**, after expressing satisfaction with the answers and the vision presented by the Government in the area of education, asked for its thoughts about using non-traditional means to solve the problems

associated with female education. She also wished to know what budgets had been allocated for non-traditional schemes such as vocational training, distance learning and other incentives to encourage female school enrolment. She also sought the delegation's views on night schools, which held high potential for sexual exploitation and afforded little protection for girls. Finally, she wondered why the Government had not ratified the United Nations Educational, Scientific and Cultural Organization's Convention against Discrimination in Education, even though its Constitution recognized the right to education for all without discrimination.

16. **Ms. Muthembe** (Mozambique) said that there was no imbalance between boys and girls at the elementary level, but that there were some regional problems which school boards and gender units were working hard to address. With regard to sexual abuse in elementary and secondary schools, the Ministry of Education was aware of the problem and was trying to expand the school network to bring schools closer to the homes because abuse often occurred as children walked back to their homes after school. In addition, teachers who were found to have abused young girls were suspended without pay. Other initiatives were being undertaken with community leaders to have them report all cases of abuse.

17. **Ms. dos Santos Matabele** (Mozambique) said that distance learning was being gradually introduced in the country and would be expanded as electrification reached some of the most remote areas. Furthermore, even though night schools represented a source of danger for young pupils, they were a necessity because the country did not have enough resources to provide schooling for all pupils during the day.

Article 11

18. **Ms. Patten**, after commending the Government for extending maternity leave to 60 days in its new labour law, asked whether the law also prohibited discrimination on grounds of marital status, family responsibilities and pregnancy. She sought clarification about the delegation's assertion that, in case of high-risk pregnancy, working women had prenatal leave which did not prejudice their maternity leave and that it was forbidden to dismiss a worker without just cause during pregnancy and up to one year after childbirth. Not indicating what would happen after one year was tantamount to allowing employers to dismiss female

workers on the ground of family responsibilities. If that was the case, then the law would actually be a step backward.

19. She also asked whether the law contained any provisions on working conditions for women, such as occupational safety and social security and whether there were any sanctions in case of violation. She asked whether there was a labour directorate in the country, whether measures were in place to ensure implementation by the private sector and whether the Government had any plans to raise women's awareness of the new labour law. Even though the Government said that it had enacted a decree recognizing the right to collective bargaining, independent reports suggested that there were severe limitations on those rights for Government employees and that union officials were being dismissed or transferred indiscriminately. She wanted to know what efforts were being made to promote the election of women as trade union officials and to ensure that they had job security and protection in discharging their functions.

20. **Ms. Shin** asked whether there had been any evaluation of the national five-year plan for the advancement of women, which focused on poverty and employment. Although the country had ratified the International Labour Organization's Convention (No. 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, the previous labour law referred only to the principle of equal pay for equal work. She asked whether it could be expanded to include work of equal value. Moreover, the principle of equal remuneration seemed to apply only in the case of salaries, because housing allowances and medical expenses were primarily constructed around patriarchal structures. For example, women did not receive housing allowances because they lived with their husbands or their fathers, and male workers were helped to cover the medical expenses of their wives and children whereas women were aided only for their children. She wondered whether the 60-day maternity leave paid by the employer could be changed, because it made it less interesting for employers to hire women. Finally, she asked whether the provisions of the labour law on the employment of young workers for a maximum period of 10 years could also be revised, because young women were becoming better educated and would be prejudiced if they were guaranteed work for only 10 years.

21. **Ms. Buque Armando** (Mozambique) said that employees were permitted to attend union meetings, provided that those meetings were held outside normal working hours. Employees could not be dismissed for attending union meetings and were entitled to file for compensation in the event that their employer dismissed them on those grounds. The principle of equal pay for equal work had been established by law and women could take their case to court in the event that employers paid men a higher wage for performing similar duties.

22. The Labour Law of May 2007 had extended maternity leave from 60 to 90 days and had established that fathers were entitled to paternity leave following the birth of a child. The Government had established that paternity leave could be taken only every two years in order to encourage men to have children with one woman and to dissuade men from fathering children with greater frequency. Pregnant women who were deemed to be at risk during pregnancy were entitled to take leave without being penalized. Alternatively, those women were entitled to request a transfer to less physically demanding work.

23. **Ms. dos Santos Matabele** (Mozambique) said that the Labour Inspectorate was working to ensure that workers' rights were respected and the Government had plans to establish a union of State employees.

24. **Ms. Nhantumbo** (Mozambique) said that the National Council for the Advancement of Women was carrying out an evaluation of activities with a view to updating the National Plan for the Advancement of Women. One of the aims of the government plan for 2005-2009 was to contribute to the advancement of women through the eradication of poverty. That five-year plan would also provide support to the gender strategies being implemented in the areas of education, culture and health.

25. **Ms. dos Santos Matabele** (Mozambique) said that efforts were being undertaken to promote adult literacy and women were being specifically targeted in literacy programmes.

26. **Ms. Zou Xiaoqiao** said that it would be interesting to know which programmes and policies included components on HIV/AIDS and that more information should be provided on the annual budget for HIV/AIDS. In particular, it should be clarified whether there were any HIV/AIDS programmes that

targeted young women and whether HIV/AIDS issues had been incorporated into the school curriculum.

27. **Ms. Dairiam**, referring to the maternal mortality rate, said that it would be interesting to know the Government's priorities for different regions and groups of women. It had been reported that 24 per cent of women in the 15-19 age group had at least two children. It should be clarified whether there were any data on the number of forced marriages and the maternal mortality rate for that age group. It would also be interesting to know the minimum marriage age. More information should be provided on the results of the programme that had been established to provide care to young people and adolescents. It would be interesting to know more about the influence of culture and tradition on the use of contraception and about the Government's plans to address that issue. It should be clarified whether any research had been carried out on the link between illegal abortions and maternal mortality and whether the Government had taken measures to ensure that teenage mothers were able to attend school.

28. **Ms. Arocha Domínguez**, referring to the low life expectancy of women in Mozambique, said that it would be useful to have additional information on comprehensive women's health programmes. It was clear that maternal mortality and HIV/AIDS were largely responsible for low life expectancy. However, it would be useful to know more about the other causes of low life expectancy and to have a breakdown of the data for rural and urban areas.

29. **Ms. Begum** asked what provisions had been made to provide adequate care to orphans and whether there were any plans to legalize abortion or provide safe abortion facilities. It would be useful to know whether the Government intended to increase the number of health centres in rural areas or to send more physicians and nurses to those areas. Additional information should be provided on services to treat fistula and promote awareness of HIV/AIDS and sexual education.

30. **Ms. Pimentel** enquired about the efforts to increase the distribution of retroviral medicine to pregnant women and to improve health care for elderly women. Further information should be provided on the initiatives that were being undertaken to promote health care throughout the country, particularly in those

areas in which most women were treated using traditional medicines.

31. **Ms. dos Santos Matabele** (Mozambique) said that the National Council against HIV/AIDS comprised representatives from government departments, youth movements, civil society and religious groups. The Government had taken several measures, including public campaigns, aimed at preventing HIV/AIDS infection. A national emergency had been declared and the President had also launched an initiative. However, those measures had not achieved the desired results and the Government was working to change the way it disseminated information on HIV/AIDS, particularly to women and young girls. With respect to vertical transmission, the Government was taking active steps to provide retroviral treatment in all 128 districts in the country. In addition, it was trying to ensure that patients undergoing treatment had adequate nutrition. The Ministry of Women and Social Action had established a plan to raise awareness about HIV/AIDS within the Ministry and throughout society.

32. The number of orphans was increasing because of HIV/AIDS and many orphans lived with their extended family. The Government had established measures to provide aid to those extended family networks and to establish shelters for orphans. The Government had taken measures to ensure the basic education and health care of orphans. With respect to the number of elderly people who could not receive medical treatment because they lacked identity documents, the Government was trying to establish ways of providing health services to those people and to ensure that they were given documents. It was also trying to reduce the number of teenage pregnancies through educational programmes and to change the attitudes of some religious groups towards contraception. It was carrying out a study on abortion in cooperation with civil society. The Government hoped to increase the number of physicians in rural areas and was training other employees to provide basic health-care services. In order to reduce maternal mortality, the Government had taken measures to provide better prenatal and post-natal services.

33. **Ms. Muthembe** (Mozambique) said that, with a view to preventing teenage pregnancy and sexually transmitted diseases, girls and boys could attend after-school programmes on sexual and reproductive health. The Ministry of Health had taken steps to ensure that

pregnant teenagers who had no access to hospitals were attended by midwives.

34. **Ms. Coker-Appiah**, noting that 84 per cent of Mozambique's workforce was employed in the informal sector, enquired as to the mechanisms in place to ensure that informal workers enjoyed the same benefits as those in the formal sector. She also wished to know whether the State party had a national health insurance scheme and, if so, whether informal workers could participate.

35. In its responses to the list of issues and questions (CEDAW/C/MOZ/Q/2/Add.1), the State party had described a number of programmes designed to provide economic support to female heads of household. She would be grateful to know whether those programmes had already been implemented and, if so, how many women had benefited from them.

36. **Ms. Patten** asked whether efforts had been made to assess the impact of the measures set out in the five-year programme (1999-2004) on women working in the agricultural sector. She would also like to know whether the Integrated Agricultural Programme included specific policies and strategies geared towards women. Had the Government reviewed those projects and programmes to ensure that a higher proportion of resources reached women in rural and remote areas?

37. It would be useful to know more about the steps taken by the State party to eradicate poverty by, inter alia, setting up employment schemes and improving access to food. In that connection, she enquired as to the pricing and distribution policies in place. How were rural women being encouraged to participate in decision-making?

38. Lastly, stressing the link between poverty and environmental degradation, she enquired as to the measures adopted to promote women's involvement in environmental management policies and to provide them with the relevant training and skills.

39. **Ms. Tan** noted that, according to the State party's report, land rights were governed by both civil and customary law. She wondered whether the Constitution indicated which legal regime took precedence in cases of conflict. She also wished to know whether the Government had developed or planned to develop any schemes to assist returning refugees and internally displaced persons to reclaim their land.

40. The State party should clarify the relationship between the National Directorate of Rural Extension and the Ministry of Agriculture and Rural Development and indicate whether the National Directorate had regional offices in rural areas. According to the report, most of the National Directorate's employees were male. Given the important role played by women in the agricultural sector, were there any plans to increase the number of female employees?

41. She was concerned that rural women were not represented within the Government and enquired whether any measures had been taken to promote their participation in decision-making bodies. She was also interested to know whether the five-year programme had led to any improvement in rural women's quality of life.

42. **Ms. Gabr** requested additional information about agricultural land rights, insurance and microcredit programmes for rural women. She wished to know how the Government was encouraging women to apply for microcredit and assisting them to use such credit for the purposes of income generation. The State party should also provide further details about the social and health services available to rural women.

43. **Ms. Langa** (Mozambique) said that the Government had developed a number of programmes to support women working in the agricultural sector. Those programmes provided, inter alia, credit facilities and training in business and administration, and the Ministry of Women and Social Action was participating in efforts to disseminate information about them in rural and remote areas.

44. In order to alleviate poverty, a number of social action plans, comprising literacy and life skills training, had been implemented, and a national microfinance policy had been developed to assist the poorest segments of the population. In addition, female heads of household living in extreme poverty were eligible to participate in specialized employment programmes. Those selected were assigned to one of a number of Government departments (including the Ministry of Health, the Ministry of Education and the Ministry of Agriculture and Rural Development) and received training. They were encouraged to save their wages.

45. **Ms. Massango** (Mozambique) said that the Rural Extension Unit, established in 1992, provided funding for women involved in agricultural activities. The

Government had not implemented any specific food pricing and distribution policies, but women were free to buy and sell produce at agricultural fairs.

46. A pilot project had been set up with a view to ensuring women's participation in all stages of the local development planning process. A second pilot project, implemented in partnership with the Danish Government in three provinces, offered training in sustainable land use practices.

Articles 15 and 16

47. **Ms. Tan** asked whether all the provisions of the new draft Family Law complied with the Convention, in particular articles 15 and 16 thereof. She also wished to know whether the text would be binding on all citizens and would form part of civil law. In the event of a conflict between the provisions of the new Family Law and customary law, which would take precedence? The State party should indicate the provisions currently governing divorce proceedings involving children.

48. Noting that polygamy was illegal in Mozambique, she enquired whether the practice was permitted under Islamic law and whether any efforts had been undertaken to inform women about the oppressive nature of such unions. It would be useful to know whether anyone had been prosecuted for polygamy and, if so, what type of punishment had been meted out.

49. **Ms. Buque Armando** (Mozambique) said that, in order to bring domestic legislation into line with current socio-economic realities, the new Family Law had been adopted in 2004. In the event of a conflict between customary and civil law, the latter should prevail.

50. Under the Family Law, the minimum age of marriage for both sexes was 18 years, although it could be lowered to 16 years in the event of pregnancy. That Law defined marriage as monogamous and, consequently, polygamous marriages had no legal standing. However, since the Law did not contain any penal provisions, polygamists were not subject to any punishment. Since polygamy had long been tolerated under customary law, a number of measures had been taken to protect women in polygamous marriages, including the extension of equal inheritance rights to all wives.

51. Under the Constitution, all children had equal rights, regardless of the marital status of their parents. Divorced mothers who retained custody of their children were entitled to child support from the father until the children reached the age of 21 or until they had finished university.

52. **Ms. dos Santos Matabele** (Mozambique), by way of conclusion, expressed her gratitude to the Committee. She had tried to give an overview of the status of women in Mozambique, the progress made and the challenges facing her Government, which remained committed to the full implementation of the Convention.

53. **The Chairperson** expressed the hope that the State party's next report would be submitted on time. She welcomed the fact that the Government viewed the Convention as a strong and legally binding human rights instrument, and urged it to consider ratifying the Optional Protocol as soon as possible.

The meeting rose at 5.30 p.m.