



**International Convention on the  
Elimination of All Forms of Racial  
Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-first session

SUMMARY RECORD OF THE 1825th MEETING

Held at the Palais Wilson, Geneva,  
on Friday, 3 August 2007, at 3 p.m.

Chairperson: Mr. de GOUTTES

SUMMARY

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION  
SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE  
CONVENTION (*continued*)

Second to twelfth periodic reports of Mozambique

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*The meeting was called to order at 3:15 p.m.*

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION  
SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE  
CONVENTION (agenda item 4) (*continued*)

Second to twelfth periodic reports of Mozambique (CERD/C/MOZ/12;  
CERD/C/MOZ/Q/12/CRP.1)

1. *At the invitation of the President, the Mozambican delegation took places at the Committee table.*

2. Ms. MACHAVELA (Mozambique) said that Mozambique had a population of 19.8 million made up of 16 ethnic groups and 732 religious groups, plus some 7,000 refugees from the Great Lakes region and Somalia. Portuguese was the official language but there were several other languages. The Constitution of the Republic of Mozambique enshrined the principle of equality of all people and prohibited discrimination based on race, colour, sex or ethnicity. Various legal instruments incorporated these principles, including the law on tourism, which required tour operators to provide their services without any discrimination based on nationality, social status, race, sex, ethnicity, religion or political affiliation, and the labour legislation, which prohibited discrimination on the grounds of the job applicant's sexual orientation, race or HIV status. In addition, the Penal Code was being revised to eliminate any discriminatory legislation.

3. Many different races, ethnic groups and religious denominations had always lived in harmony in Mozambique, and there had been few conflicts arising from cultural and religious diversity. Moreover, no group described itself as an ethnic minority or sought affirmative action.

4. Local conciliation authorities were responsible for dispute resolution, as required, and the emphasis was on local justice, conflict prevention and the strengthening of social stability. In rural areas, traditional leaders called *regulos* had great influence. Assisted by a board comprising community members including women, they played a mediation role in civil cases and relied on local customary practices in making their decisions. As a result, traditional conflict resolution mechanisms differed from one region of the country to another.

5. Given the effects of poverty on the enjoyment of human rights, the Government had established a programme to reduce poverty and stimulate economic growth. The 2006-2009 plan of action for the reduction of extreme poverty aimed to reduce the poverty rate to 45% in 2009, as against 54% in 2003. That plan of action, like the previous one covering the 2001-2005 period, focused on such things as human resource development, education and health, improved governance, the establishment of basic infrastructure and agricultural development. One new aspect of the 2006-2009 plan of action, compared to its predecessor, was that it specifically sought to improve the living conditions of the poor through redistribution of wealth.

6. Education was a strategic tool in the fight against poverty. The strategic plan for the development of education adopted by the Government had three components: expansion of access to and equality in education, improvement of educational quality, and school creation. Among other measures to broaden access to education, bilingual education had been introduced in the provinces of Tete and Gaza as part of a pilot project covering the 1992-1997 period; under that project, students took

courses in both their native language and Portuguese. Given the success of this programme, the experiment had been expanded to 16 languages and was now in effect, on average, in two schools per province.

7. As regards access to health, the Government of Mozambique was continuing to focus on primary health care to reduce the high rates of mortality and morbidity among the most vulnerable groups, namely women without protection, orphans and the elderly, and particularly on prevention and free health care. Various programmes had also been developed to reduce the incidence of HIV/AIDS, which currently affected about 16% of the population, including a multisectoral programme including disease prevention measures and treatment of persons affected by the virus, plus measures to avoid ostracization of HIV-positive or ill persons, particularly in the workplace.

8. With regard to access to justice, the Government of Mozambique was continuing to make great efforts to improve legal aid and legal assistance for the poorest citizens—principles which, like free access to justice and the right to defend oneself, were guaranteed by the Constitution. The Institute for Legal Aid and Legal Assistance has been created to help the poorest citizens and guarantee their right to defence.

9. To strengthen mechanisms for protecting and promoting human rights, the institution of *Provedor de Justiça* (Ombudsman) was provided for in the Constitution, and the law establishing the National Human Rights Commission had been submitted to the Assembly of the Republic for approval.

10. The legal and judicial training centre had developed modules for education in human rights and the principles enshrined in the Constitution and other relevant international instruments—such as respect for human rights, the prohibition of discrimination on any grounds whatsoever, citizenship and peaceful conflict resolution—which had been included in training programmes for judges and other members of the judiciary and prosecutors as well as prison guards and police. In institutions of higher learning, particularly law schools, the teaching of human rights had been made compulsory. Finally, information campaigns were being implemented to educate citizens about their rights.

11. Ms. Machavela recognized that despite the efforts and progress made much remained to be done, particularly regarding the implementation of existing instruments to ensure equality for all.

12. Mr. EWOMSAN (Rapporteur for Mozambique) welcomed the fact that Mozambique had resumed its dialogue with the Committee by submitting its second to twelfth periodic reports and was pleased that a high-level delegation had been sent. He recalled that the State party had experienced a war of liberation and a civil war and had suffered many natural disasters, causing massive population displacement, both internally and to neighbouring countries. He said that with United Nations support peace agreements had been signed between the main warring factions, namely the Mozambique Liberation Front (FRELIMO) and the Mozambique National Resistance (RENAMO); in addition, the repatriation programme implemented between 1993 and 1995 had enabled 3.8 million internally displaced persons country and 1.7 million refugees to return home. Mozambique had also made considerable progress in terms of democracy, with free elections and the adoption of a new Constitution in 2004, and the implementation of a human

rights protection and promotion policy that enshrined the fundamental rights and freedoms. Mr. Ewomsan also welcomed the creation of the office of the Ombudsman (*Provedor de Justiça*) and the efforts made by the Government of Mozambique to develop a national human rights institution in keeping with the Paris Principles.

13. In terms of legislation, progress had also been made in the shape of adoption of the Family Act, which defined spouses' rights and obligations, and the Land Act, which guaranteed men and women the same land rights. Mr. Ewomsan said the Mozambique Government would see to it that those laws were enforced, even though it was difficult to change attitudes in those areas, especially in the countryside.

14. Mr. Ewomsan was glad to say that the Constitution prohibited discrimination based on race, colour or origin and that the provisions of the Convention were directly applicable by national courts, but he regretted that he had no examples of cases where the Convention had been applied (para.106) and that Mozambique had not yet adopted a law on the elimination of racial discrimination contemplating specific actions. He regretted, moreover, that the Mozambican Criminal Code did not define or punish the crime of racism—that being something the State party should address as quickly as possible—and he asked what body had responsibility, at the national level, for the harmonization of domestic legislation with the provisions of the Convention and the relevant universal instruments to which the State party was a party.

15. Welcoming the willingness of the State party to incorporate the teaching of human rights into school curricula, Mr. Ewomsan considered that it would be appropriate to include such teaching in the training programme for judges as well.

16. Mr. Ewomsan noted a contradiction between paragraph 100, stating that incidents of discrimination in the country had been sporadic, and paragraph 121, according to which there had been no cases relating to racial discrimination, xenophobia or other forms of intolerance. He believed that the State party would not be able to combat discrimination if it did not recognize the existence of discriminatory acts and situations. and urged the State party to provide specific information on incidents of discrimination based on ethnicity or tribal affiliation, race, or colour, as well as on measures taken to stop it. The Committee had in fact heard credible reports of acts of discrimination based on political affiliation, especially in the province of Cabo Delgado, where one member of the opposition political party had been dismissed from his duties as director of Eduardo Mondlane University on that account.

17. Relying on information from the Danish Institute for Human Rights suggesting that there were huge disparities in revenue between the capital, Maputo, and rural areas of in the centre and north of the country, Mr. Ewomsan would like to know what point had been reached in the implementation of the decentralization programme and whether the State party was considering ratification of the International Covenant on Economic, Social and Cultural Rights.

18. Given the scale of corruption, particularly within the judiciary, Mr. Ewomsan wondered whether the issue was addressed in law school curricula, whether the central anti-corruption office was still in operation, and if so how effective it was.

19. The Rapporteur asked the delegation to confirm or deny the report by Amnesty International that only 1% of HIV-positive children received antiretroviral therapy and to comment on Amnesty's claim that policemen accused of using excessive force against protesters had not been prosecuted.

20. Mr. Ewomsan requested additional information on the networks trafficking in children for prostitution and forced labour in the country, and on organ trafficking with South Africa and Zimbabwe. In that connection, he wanted to know what had become of the two Brazilian nuns that had denounced organ trafficking in 2001.

21. Mr. Ewomsan would also like to know more about the living conditions of the refugees, mainly from the Democratic Republic of the Congo and Rwanda, in the Nampula and Maratane camps; in particular, had any of those refugees voluntarily returned to their own countries?

22. Mr. Ewomsan would also like additional information on the State party's policy on naturalization, which, unlike refugee status, seemed particularly difficult to obtain. Finally, he asked whether the State party was considered withdrawing its reservation to article 22 of the Convention.

23. Mr. LINDGREN ALVES noted that the peace accords that had ended years of civil war in Mozambique dated only from 1992 and that the country had since made immeasurable efforts to establish democracy and to reduce extreme poverty. He welcomed the Government's commitment, since the end of the civil war, to the promotion of national unity, but wondered why the Mozambican authorities were emphasizing the teaching of local languages rather than Portuguese, which, as the national language, helped to enhance national unity. He added that the teaching of a single language would reduce illiteracy in rural areas and mitigate the phenomenon of "tribalism", which undermined national cohesion.

24. Mr. PILLAI was glad to observe that Mozambique remained a multiethnic and multiracial country despite the pressures brought to bear on it for a long time by the South African apartheid regime. Noting that the State party had 16 different ethnic groups, he asked what special measures the State party had taken under Article 2(2) of the Convention to ensure those groups' development and protection and guarantee their full enjoyment of human rights and fundamental freedoms. In particular, he asked whether specific programmes had been undertaken to reduce poverty among the most vulnerable ethnic groups and whether the different communities had the same rate of development. Regarding Article 4 of the Convention, Mr. Pillai asked the delegation to answer questions 8 and 9 on the list of issues to be taken up that Mozambique had received (CERD/C/MOZ/Q/14/CRP.1), and in particular to provide information on specific racist acts and statements inciting racial hatred that had been reported in some areas. He also welcomed the forthcoming establishment of a national institution for human rights but wondered what its powers would be. He urged the State party to take due account of the Paris Principles, to ensure that the new institution could fulfil its mission as effectively and independently as possible. Finally, he asked about the situation of women and girls, which, some sources reported, varied widely from one ethnic group to another.

25. Mr. AVTONOMOV requested information on the arrangements for appointing the Ombudsman (*Provedor de Justiça*) and the number of complaints of racial discrimination referred to him or her. As he saw from paragraph 95 of the report that foreigners could acquire Mozambican citizenship by naturalization, provided they

had their habitual residence in Mozambique for at least ten years and were aged at least 18 years, he asked whether those residence and age requirements applied to everyone. For example, did children whose foreign-born parents had died in Mozambique have to wait until the age of 18 years to acquire citizenship? He also asked the delegation to explain the meaning of the distinction, in Table 21 of the report, between “work authorizations” and “work permits”. Finally, he asked whether Mozambique was planning to ratify the amendments to Article 8(6) of the Convention.

26. Mr. VALENCIA RODRÍGUEZ noted that racial discrimination was punishable in Mozambique under several laws but that there was no specific law that sought to eliminate racial discrimination. He asked what legislation could be invoked to punish acts of racial discrimination. He read, in paragraph 49, that a number of actions had been taken in the Government’s Five-Year Plan for 1995-1999, and wondered what results had been achieved. He also asked what proportion of members of national minorities were employed in the public service.

27. Mr. Rodríguez noted, in paragraph 101 of the report, the State party’s contention that incidents of racial discrimination had their explanation in colonial history and in the mentality of subservience and racial superiority that some persons still had; accordingly, he urged Mozambique to take steps to overcome the legacy of colonial history. Finally, the expert asked whether the Academy of Police Sciences mentioned in paragraph 119 of the report provided the Mozambican police with training on human rights in general and the provisions of the Convention in particular.

28. Mr. KJAERUM felt great respect for Mozambique because, despite the significant challenges it had faced since the end of civil war, the country had become a democratic state and was gradually healing the wounds of the past. The Committee could only welcome the resumption of dialogue with the State party.

29. Mr. Kjaerum spoke, too, of the extreme vulnerability of the many children from Zimbabwe that had arrived in Mozambique en masse. Noting that due to their irregular situation these children were employed illegally and had limited access to education and health care, and that young Zimbabweans were often employed in the sex industry, he asked the Mozambique delegation to indicate whether specific protection programmes had been adopted by the Mozambican authorities to help the Zimbabwean children.

30. Regarding the problem of human trafficking, Mr. Kjaerum noted that the State party had ratified the 2006 United Nations Convention against Transnational Organized Crime and the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, but that neither document’s provisions had yet been incorporated into domestic law.

31. The expert said that several sources had reported 200 kidnappings each month of Mozambican children, who were sold in foreign countries; and according to a 2005 survey by the International Organization for Migration, many Mozambican women were sold in a mining district near Johannesburg, South Africa. Mr. Kjaerum asked whether the Government had taken measures against human trafficking and had begun to sensitize the police to the phenomenon, to ensure that the police would not condone the traffic or indeed take part in it.

32. Noting that the right to asylum was guaranteed by the Constitution of Mozambique, Mr. Kjaerum wondered whether Table 6 of the report under consideration did not blur the distinction between the statistics relating to asylum seekers and those relating to refugees, since by the nature of things, no one could be both an asylum seeker and a refugee.

33. Mr. THORNBERRY asked the Mozambican delegation to indicate how many persons had been convicted of “acts intended to undermine national unity, disturb social harmony or create divisions or situations of privilege or discrimination based on colour, race or sex” (para. 35) and to clarify when these provisions had been applied. He welcomed the introduction of local languages into primary school curricula (para. 30) and urged that that quickly become the rule.

34. Mr. TANG Chengyuan noted that according to the tables in the periodic report under review, over 11,000 refugees had arrived in Mozambique between 1995 and 2004 but only 619 had been granted refugee status during that period (Table 7). He asked the delegation to indicate the nationality of those persons who had obtained refugee status in Mozambique and to provide information on the treatment of asylum seekers who had not been granted asylum but who still remained in the country.

35. Mr. Tang Chengyuan also wanted to know the nationality of the 1,275 persons naturalized between 1975 and 2003 and of those whose applications for naturalization had been denied.

36. Ms. DAH said Mozambique was seen as the poster child for Africa because it had endured four hundred and seventy-seven years of colonization and thirty years of a war of liberation and struggle against the racist regimes of neighbouring countries. Many African peoples still wondered how a country could survive five centuries of colonization. For this reason, Mozambique and its unflagging efforts to regain its identity as a nation and an African state deserved to be recognized.

37. Ms. Dah regretted that the very unbalanced structure of the periodic report of Mozambique made it impossible to understand; furthermore, the second part, which dealt with the implementation of Articles 2 through 7 of the Convention, did not go into enough detail. Although the Mozambique delegation had provided important insights, it was unfortunate that the list of written questions of the Rapporteur for Mozambique, which had been sent to the authorities, had remained unanswered.

38. Ms. Dah found merit in the concept of local justice set out by the Mozambique delegation, but wished to know whether such justice was governed by a specific law providing for its automatic application, or if it was optional. She welcomed the introduction of the pilot project to teach local languages in primary schools in Mozambique and hoped that the State party’s next periodic report would assess the results of the project.

39. Ms. Dah noted that the Mozambican Government gave high priority to women and that many measures had been taken to ensure that they had equal opportunities and equal rights with men, to raise their educational level and enhance their role as the educators of future generations. However, she would like concrete information on the number of women employed at the Ministry of Justice and of those who had become judges or police officers.

40. She asked the delegation whether the Government of Mozambique intended to ratify the amendment to Article 8 of the Convention, to make the declaration called for in Article 14, and to withdraw its reservation to Article 22.

41. Mr. AMIR was glad to see that the Mozambique delegation was headed by the Minister of Justice; he thought this showed how important Mozambique considered the Convention and the Committee charged with overseeing its implementation.

42. Mr. Amir recalled that Mozambique was a sub-Saharan African State whose per capita GDP was insufficient for it to meet all human rights requirements. Mozambique was doing what it could to eradicate poverty, enhance growth and increase its production capacity, but had not yet reached the stage of development where it could fulfil all its obligations under the Convention. Mozambique was nevertheless the African country that had suffered the least from the brain drain after emerging, in ruins, from the civil war. It had chosen a grassroots development model whereby local communities' economic cohesion drove the development of the entire country.

43. He recalled that, unlike Europe, Africa had not had any Marshall Plan, and that African countries must first be lifted out of economic stagnation and poverty before they could be asked to make good their human rights commitments. He regretted that the issue of racial discrimination was never juxtaposed with that of underdevelopment, and felt that the discrimination problems faced by developing countries would be settled only when they could meet their people's needs.

44. Mr. YUTZIS, noting that according to the language distribution statistics in Table 5 of the report, women were generally more likely than men to speak local languages, asked why the gender gap was particularly wide among Xichangana speakers. He noted, too, that in countries that had undergone colonization, mastery of the former colonial language played a crucial role in improving individuals' economic and social situation. Given that 20% of men and only 12% of women spoke Portuguese in the State party, Mr. Yutzis wondered whether the Mozambique Government could not do more to promote Portuguese language teaching.

45. Finally, referring to paragraphs 84 and 95 of the report, the expert asked the delegation to explain why foreigners residing in Mozambique, temporarily or permanently, were denied both political rights and certain other rights that the law reserved exclusively for Mozambican citizens, and why one condition applicants for naturalization were required to meet was legal capacity.

46. The CHAIRPERSON, speaking as a member of the Committee, noted with satisfaction that the 16 ethnic groups and 732 religious communities in the State party got along well together. He asked the delegation to provide further information on the relationship between the various minorities and to indicate the nature of the reforms outlined in paragraph 113 of the report aimed at bringing criminal law in line with Article 4 of the Convention.

47. Mr. LINDGREN ALVES asked whether, among the 16 minority ethnic groups, one could be described as dominant and whether one of them was particularly vulnerable.

*The meeting was suspended at 5 45 p.m.; it resumed at 5 50 p.m.*

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (*continued*)

48. The CHAIRPERSON briefly reported to the Committee on a meeting held the previous day by the Bureau, which had focused on three points. First, the Bureau had discussed the possibility of creating an open-ended working group with a mandate to study the issue of improvement and harmonization of the Committee's working methods so as to implement the recommendations made following the sixth inter-committee meeting of human rights treaty bodies and the nineteenth meeting of the chairpersons of human rights treaty bodies, both held in June 2007.

49. Second, the Bureau had reviewed the issues on which the Committee could hold a general debate, possibly to elaborate a general recommendation as a result of that debate. The three subjects identified as particularly important were: the special measures referred to in Article 1(4) of the Convention, with respect to minorities and the links between race and religion. The Bureau held that the issue of special measures should be considered a priority, as the recent consideration of the report of the delegation of New Zealand had shown once again that States parties did not clearly understand the Committee's position on that issue, on which a position paper would be valuable.

50. Finally, the Bureau had compiled a partial list of topics to be discussed at the meeting with States parties on 14 August 2007, namely: improvement and harmonization of working methods, follow-up of concluding observations, follow-up of decisions on individual communications under Article 14 of the Convention, treaty body reform, cooperation with the Human Rights Council, and universal periodic review.

51. Mr. AMIR said that if the Committee should decide to hold a general debate on the question of the connections between race and religion, the Committee would need to prepare thoroughly and solicit the opinions of experts in the field, as the subject was an extremely delicate one.

52. Ms. PROUVEZ (Committee Secretary) said, in response to a request by Mr. Lindgren Alves, that the secretariat would distribute to Committee members the Report on the Working Methods of the Human Rights Treaty bodies relating to the State Party Reporting Process (HRI/MC/2007/4), so they could compare their practice with that of their counterparts and make an informed choice of proposals on the harmonization of working methods.

53. Mr. SICILIANOS observed that the report in question was quite long and difficult to read. He therefore suggested that the Secretariat prepare a comparative table of the practice of seven committees, which could be circulated to the Committee during the sixty-second session. As to the theme for the general debate, Mr. Sicilianos agreed with the Bureau that the priority should be given to the issue of special measures.

54. The CHAIRPERSON invited the Committee to continue the discussion at a future meeting.

*The meeting rose at 6:05 p.m.*