



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to submission of the second periodic report of Mozambique*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on any significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the Committee's previous concluding observations.¹ Please provide information on measures taken to raise awareness of the Covenant among judges, lawyers, prosecutors and the general public and examples of cases in which the Covenant has been invoked or applied by national courts. Please indicate whether the State party intends to ratify the Optional Protocol to the Covenant.

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

State of emergency (art. 4)

2. Please provide information about the measures taken by the State party to address the coronavirus disease (COVID-19) pandemic, including the numerous public emergencies that have been declared and the decree of 7 September 2020 establishing a state of public calamity. Please indicate whether that decree complies with the Covenant, particularly article 4. Please specify which Covenant rights were suspended during the state of emergency and the state of public calamity and indicate what type of judicial or political oversight is available to monitor the measures taken and restrictions imposed, providing examples of their use. Please indicate whether the measures taken were strictly required by and proportional to the exigencies of the situation and limited in duration, geographical coverage and material scope, as outlined by the Committee in its statement on derogations from the Covenant in connection with the COVID-19 pandemic.²

Anti-corruption measures (arts. 2 and 25)

3. Please report on the measures taken to prevent and combat corruption effectively, including statistical information on the number of investigations, prosecutions and convictions there have been in cases of corruption during the reporting period and, in particular, information about cases involving politicians and political parties, high-level public officials, judges and prosecutors. Please provide further information on the measures

* Adopted by the Committee at its 132nd session (28 June–23 July 2021).

¹ CCPR/C/MOZ/CO/1.

² CCPR/C/128/2.



taken in the light of the findings of the Parliamentary Commission of Inquiry in 2016 in relation to undisclosed government-guaranteed loans, allegedly received by State-owned entities in Mozambique without parliamentary approval and exceeding official public limits, and the results. Please comment on allegations of corruption or lack of transparency in the distribution of humanitarian aid, particularly in conflict areas and areas affected by natural disasters, and of COVID funds.

Fight against impunity and human rights violations (arts. 2, 6–7 and 17)

4. Please indicate all the measures that have been taken to combat impunity and provide reparation to victims of serious human rights violations, such as the abuses allegedly committed by parties to the conflict between government security forces and Mozambique National Resistance fighters between 2013 and 2016, which included enforced disappearances, summary executions, looting, arbitrary arrests, rape, ill-treatment and destruction of property. Please provide information on the Amnesty Law, adopted on 29 July 2019, which appears to ensure impunity for perpetrators of serious human rights violations, since it exempts from prosecution members of government forces and of the Mozambique National Resistance for crimes committed between 2014 and 2016 with no distinction between the nature of the crimes committed. Please provide updated information on investigations conducted into cases of serious human rights violations, such as the case of 14 Mozambique National Resistance officials who were allegedly killed or abducted throughout the country in the first quarter of 2016 and allegations that to date, members of the Mozambique National Resistance and their family members continue to disappear under suspicious circumstances.

Non-discrimination (arts. 2, 19–20 and 26)

5. Please indicate all legislative and other measures that have been taken to ensure respect for the principle of non-discrimination, aiming to combat and prevent hate crimes, hate speech and other acts of discrimination, stigmatization and violence, particularly against persons with disabilities, persons with albinism, lesbian, gay, bisexual, transgender and intersex persons, sex workers, older persons, migrants and other vulnerable groups, and to protect their lives and integrity. Please provide information on the implementation of the multisectoral action plan to address the issue of the protection of persons with albinism, adopted in 2015, and on attacks and killings of persons with albinism and measures taken to investigate, prosecute and sanction those crimes. Please provide statistical data on complaints of discrimination brought before the courts or relevant administrative bodies during the past five years, and an indication of the basis of the discrimination, the nature of the investigations conducted and their outcome, and any forms of redress provided to victims.

Violence against women and girls and harmful practices (arts. 2–3, 6–8 and 26)

6. Please provide information on:

(a) Reports of violence, including domestic violence, against women and girls, particularly during the COVID-19 pandemic;

(b) Measures taken to make complaint mechanisms accessible to the victims of violence, in particular domestic violence, to inform them of their rights, and data on the number of shelters available to victims in all parts of the country;

(c) The number of investigations conducted into acts of violence against women and girls, prosecutions pursued, convictions secured, punishments imposed on perpetrators and reparations awarded during the reporting period.

7. Please respond to reports of harmful practices against women and girls, such as polygamy, child marriage, female genital mutilation and accusations of witchcraft and “purification”. Please report on the measures taken to implement the law on the prevention and elimination of child marriages, promulgated in October 2019, which prohibits unions of children younger than 18 years old, without exception. Please provide information on the results of those measures. Please provide statistical information on reported cases of harmful practices against women and girls, investigations conducted, prosecutions pursued,

convictions secured, punishment imposed on perpetrators and reparations awarded to the victims during the reporting period.

8. Please respond to reports of numerous human rights abuses committed by the parties to the conflict in the northern districts of Cabo Delgado province against women and girls, including reports of abductions, kidnappings, forced marriages, sexual assault and rape. Please describe the measures taken to protect women and girls from such abuses and violations, including the available complaint mechanisms and information on investigations carried out and their results. Please comment on allegations that survivors of Cyclone Idai in Mozambique were forced to have sex with community leaders in exchange for food, and provide information on the investigations carried out into those allegations, the prosecutions conducted and their results.

Right to life, prohibition of torture and of cruel, inhuman or degrading treatment and excessive use of force (arts. 6–7)

9. In the light of the conflict in the northern districts of Cabo Delgado province, please provide information on the rules of engagement in the conflict, including measures taken to ensure the protection of civilians in conflict areas, and whether the rules of engagement comply with the Covenant. Please report on the complaint and investigations mechanisms and on investigations and criminal proceedings initiated in connection with serious violations of international humanitarian and human rights law, notably arbitrary detentions without judicial review, unlawful killings, acts of torture and other ill-treatment, enforced disappearances and cases of extrajudicial, summary or arbitrary executions committed both by insurgents and members of the Mozambican security forces. In this connection, please report on the investigations carried out into the deaths of Roberto Mussa Ambasse and Muemede Suleimane Jumbe, who were allegedly arrested by members of the security forces on 11 March 2020 and were later found dead.

10. Please provide information on: (a) all the measures taken to prevent and combat torture and ill-treatment; (b) the complaint mechanisms and remedies available to persons who claim to have been subjected to torture or ill-treatment by State officials; and (c) the exact number of complaints filed and registered, investigations and prosecutions conducted, convictions handed down and compensation payments granted to victims in connection with acts of torture and ill-treatment during the reporting period.

11. Please provide information on the current legislative framework on the use of force, firearms and less-lethal weapons by law enforcement officers and its compatibility with the Covenant, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. Please indicate whether the State party has established an independent accountability mechanism that receives and investigates allegations of excessive use of force by law enforcement and security forces.

Right to liberty and security of person and treatment of persons deprived of their liberty (arts. 6, 7, 9 and 10)

12. In the light of the Committee's previous concluding observations (para. 14)³ and the report on follow-up to its concluding observations,⁴ please update the Committee on:

(a) Measures taken to implement the December 2014 Criminal Code, which introduced alternatives to pretrial detention and non-prison sentences, the extent to which these alternatives and non-prison sentences are being used by the courts, the duration of preventive detention and whether its limits are respected in practice;

(b) The capacity of the detention centres and the corresponding number of detainees;

³ Unless otherwise indicated, paragraph numbers in parentheses refer to CCPR/C/MOZ/CO/1.

⁴ CCPR/C/118/2, pp. 8–13.

(c) Measures taken to address overcrowding and poor material conditions in prisons and places of detention, including in police holding cells and pretrial detention centres;

(d) Steps taken to ensure that the National Human Rights Commission can undertake fully independent regular and unannounced visits to all places of detention in the State party, including police stations, whether the public prosecution also conducts regular visits to prisons and places of detention and if so, the frequency of such visits.

13. Please provide information on the number of deaths in custody recorded in the past five years, their causes and details of the investigations and efforts to prosecute those responsible and provide appropriate compensation to the families of the victims. Please provide information on measures taken to protect women deprived of liberty and respond to allegations that prison guards force women prisoners to prostitute themselves in exchange for payment. Please provide information on the State party's COVID-19 response with regard to detained populations, including women and the most vulnerable detainees. Please indicate whether there have been any outbreaks of the disease in the prison system or other places of detention and if so, what the government response has been.

14. Please respond to reports that following the onset of the COVID-19 pandemic, the authorities used disproportionately punitive measures, including arbitrary detention, sometimes against people who had simply left their homes in search of food. Please provide details of the number of individuals who have been arrested or fined for breaching the rules imposed by the State party to counter the COVID-19 pandemic. Please also provide information on the number and outcome of judicial and disciplinary proceedings instituted for violations in the context of the enforcement of the state of emergency and the state of calamity.

Elimination of slavery and servitude and trafficking in persons (arts. 2, 7–8, 24 and 26)

15. Please provide information on: (a) the process of reviewing the anti-trafficking law and the relevant regulations; (b) measures taken to prevent trafficking in human beings, including child trafficking for the purpose of sexual exploitation, forced labour and organ trafficking, and provide statistics for the past three years on the number of complaints of trafficking in persons received, the investigations conducted and their outcome, including the sentences handed down to the perpetrators; (c) measures taken to provide protection, rehabilitation, reparation and reintegration services to victims, including the number of shelters available in the country; and (d) statistics for the past three years on the number of complaints of trafficking in persons received, the investigations conducted and their outcome, including the sentences handed down to the perpetrators.

Freedom of movement (art. 12)

16. Please provide information on the legal provisions regulating the freedom of movement and restrictions thereon, and on whether the measures taken to ensure that restrictions on freedom of movement, especially those relating to checkpoints introduced in the context of the conflict in the northern districts of Cabo Delgado province, are strictly necessary and in line with the law and international standards. Please comment on reports that, in practice, the military and the police are administrating certain conflict areas, arbitrarily imposing curfews and movement restrictions on roads and at checkpoints. Please provide information on the legal safeguards in place, of a judicial nature, to prevent violations and to ensure complaint mechanisms are available to victims. Please respond to allegations that security forces have been requesting bribes to allow people to move freely in conflict areas and making excessive use of force, in particular against persons who are unable to produce their identity papers.

Access to justice, independence of the judiciary and fair trial (art. 14)

17. Please report and provide data, as applicable, on the measures adopted in the reporting period, to: (a) reinforce the independence of the judicial system, including both the judiciary and the public prosecution, to prevent any kind of undue or unlawful interference in their work, and to improve their training, ethical conduct and accountability; (b) simplify the

calculation of court fees in order to ensure effective access to justice and the courts, in particular by more vulnerable sectors of society; and (c) ensure that the system of community courts functions in a manner consistent with article 14 of the Covenant, as indicated in paragraph 24 of general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, and that decisions emanating from those bodies do not run counter to the State party's obligations under the Covenant.

Internally displaced persons (arts. 2, 6–7, 9–10 and 12)

18. According to information before the Committee, more than 700,000 people are displaced internally in the State party both due to conflict and natural disasters. Please clarify which authority is responsible for internally displaced persons and provide updated information on measures taken by the State party to prevent and provide remedies for the internal displacement of persons. Please provide information on measures taken to ensure that adequate and effective protection is provided for internally displaced persons in resettlement sites, including access to documentation, adequate accommodation, basic services and humanitarian assistance. Please also provide information on the impact the COVID-19 pandemic is having on internally displaced persons and details of any measures, especially protective measures, taken in this regard.

Treatment of aliens, including migrants, refugees and asylum seekers (arts. 7, 9, 12–13 and 24)

19. Please provide information on the measures taken, including legislative measures, to ensure that all persons applying for international protection have access to fair and efficient asylum procedures, protection against refoulement and an appeal mechanism with suspensive effect against negative decisions on asylum. Please also provide information on the asylum application and refugee status determination processes, including data on the average time for their consideration, the number of persons who have applied for asylum in the past 5 years and the number who have been granted asylum and refugee status. Please also comment on reports of an alleged collective expulsion in February 2017 of hundreds of migrant workers, most of whom were engaged in artisanal mining in the province of Cabo Delgado.

20. Please provide information on the average length of time served in immigration detention centres, comment on reports received that an increasing number of asylum seekers and migrants are being detained without judicial oversight or access to legal aid and indicate their number. Please provide information on the investigations carried out into: (a) the case of 16 refugees and asylum seekers who, on 17 January 2019, were allegedly beaten, handcuffed and arrested without a warrant, 7 of whom were deported to the Democratic Republic of the Congo and then sent back to Mozambique as they did not have any travel documents; and (b) the case of Cassien Ntamuhanga, a Rwandan asylum seeker and journalist, allegedly disappeared after being taken into custody on 23 May 2021 by Mozambican police.

Right to freedom of religion (art. 18)

21. Please provide information on the draft law on registration of religious organizations and its main features and indicate how the requirement to attain an established minimum number of members for registration is compatible with the Covenant. Please comment on information received that police officers arbitrarily arrested many individuals in Cabo Delgado province because the officers concluded from the individuals' clothing or facial hair that they appeared to be Muslim.

Rights to freedom of expression, peaceful assembly and freedom of association and protection of human rights defenders (arts. 2 and 19–22)

22. Please indicate the measures in place, including legislative measures, to ensure the right to freedom of expression and the protection of journalists against attacks, intimidation, arbitrary arrests and detention, and to effectively investigate all allegations of violence against journalists and media companies. In particular, please comment on information received that the northern districts of Cabo Delgado province have become a no-go area for journalists, with consistent reports of journalists, researchers and human rights defenders being harassed, intimidated, arbitrarily arrested and detained, tortured and forcibly

disappeared and their equipment confiscated by the security forces. Please provide information on the investigations carried out into violations of the human rights of journalists and human rights defenders, including those of: (a) the case of Amade Abubacar, a community radio journalist who had been covering attacks on civilians by armed groups in Cabo Delgado province since October 2017 and was arbitrarily arrested by police officers in Macomia district on 5 January 2019, held incommunicado for 12 days and allegedly subjected to torture and other ill-treatment; (b) the case of Ibraimo Abú Mbaruco, a community radio journalist and newscaster in Palma district, who was allegedly captured by State security forces on 7 April 2020 and has remained disappeared since then; and (c) the attacks on the *Canal de Moçambique* newspaper in Maputo, which occurred four days after it had revealed an unethical procurement process involving senior officials at the Ministry of Mining Resources and Energy and members of the governing party elite.

23. With reference to the Committee's previous concluding observations (para. 21), please indicate whether the State party is considering decriminalizing defamation and slander and ensuring that imprisonment is not applicable as a penalty for such crimes. Please provide information on the implementation of the right to information law, including on any oversight mechanism, and comment on reports that institutions fail to respond in a timely manner to information requests and that information is classified disproportionately and against the spirit of the law.

24. Please provide information on the legal and regulatory frameworks governing freedom of association. In particular, please provide information on the law on association and explain how it is in conformity with article 22 of the Covenant. Please provide information on the provisions requiring organizations to have 10 founding members and prohibiting foreign organizations from registration if their objectives and/or mandate are deemed contrary to the "national public order". Please respond to allegations that associations of lesbian, gay, bisexual, transgender and intersex persons have been denied a certificate of registration and comment on the progress of the process of registration of the Mozambican Association for the Defence of Sexual Minorities, which has allegedly been trying to register since 2008.

Participation in public affairs (arts. 25–26)

25. Please respond to reports of inconsistencies in the process of the 2019 general elections, including fraud and other issues, such as voter registration, the participation of independent observers, access by the media and the independence of electoral bodies. Please provide information on measures taken to ensure participation in public affairs for citizens residing in the conflict areas, persons internally displaced by natural disasters or armed conflict, persons deprived of their liberty and Mozambicans living outside the State party's territory.

26. Please provide information on cases of violence in relation to elections held in the past five years, including the case of the 18 election observers from the opposition Nova Democracia (New Democracy) party who had their credentials confiscated and were arrested by the State authorities in Chokwe district, Gaza province, while they were monitoring the voting process of the Mozambican general elections held on 15 October 2019. Please comment on reports that they were kept in inhumane conditions and have been questioned without lawyers, denied any visits, including from family, and forced to confess to wrongdoing. Please provide information on the investigations carried out, and their outcomes, into the murders of: (a) Gilles Cistac, a professor of law at the University of Eduardo Mondlane who denounced electoral fraud and was killed in Maputo on 3 March 2015 by four unidentified gunmen, after having received serious death threats; and (b) Anastacio Matavele, an election observer who was allegedly killed by five police officers on 7 October 2019.