

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 38TH SESSION (NEW YORK, 14 MAY - 1 JUNE 2007) MOZAMBIQUE (1ST & 2ND PERIODIC REPORTS)

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Information Submitted to the Committee

On 23 May 2007, Mozambique submitted its combined 1st and 2nd periodic reports¹ under the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention) as well as written responses² to the list of issues and questions³ raised by the Committee on the Elimination of Discrimination against Women (the Committee). Ms. Virgilia Dos Santos Matabele, Minister of Women and Social Affairs of Mozambique, led the delegation from Mozambique.

Mozambique is located on the eastern coast of Africa. Following independence from Portuguese colonialism in 1975, the country was ravaged by a 16-year civil war. The first presidential and parliamentary elections were held in 1994, and then again in 1999. Mozambique signed and ratified the Convention in 1997 with no reservations.⁴ The state report is divided into three parts. The first part details the geographic, economic, and political situation in Mozambique, where most of the population lives in extreme poverty in the rural areas. The second part outlines the domestic legal framework, and in turn, the legal status of the Convention within that framework. The third part reports on the progress of the implementation of each article of the Convention.

¹ <http://daccessdds.un.org/doc/UNDOC/GEN/N05/605/40/PDF/N0560540.pdf?OpenElement>.

² <http://daccessdds.un.org/doc/UNDOC/GEN/N07/233/88/PDF/N0723388.pdf?OpenElement>.

³ <http://daccessdds.un.org/doc/UNDOC/GEN/N06/555/35/PDF/N0655535.pdf?OpenElement>.

⁴ <http://www.ohchr.org/english/law/index.htm>.

Two shadow reports were submitted to the Committee. The first shadow report,⁵ submitted by nine national and regional non-governmental organizations (NGOs),⁶ provides an alternative analysis to the State report on the implementation of the Convention in Mozambique. Specifically, it identifies six areas of main concern: positive discrimination and exceptional measures, education, employment, health care, rural women, equality in the family and the roles of men and women. The second shadow report,⁷ submitted by the international organisation *HelpAge International*,⁸ describes the plight of older women in Mozambique. It details the context in which older women live and the discrimination that they experience.

Mozambique is a party to a number of international instruments including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child.⁹

Themes and Issues¹⁰

Legal Framework

The Committee enquired into the status of the Convention within the domestic legal framework of Mozambique. The delegation explained to the Committee that, after ratification and publication,¹¹ international instruments are fully applied in Mozambique without the need to incorporate the legislation into domestic law. As a result, the Convention can be invoked directly in any court in Mozambique. In addition, the delegation explained that the Convention has been fully incorporated into Mozambican domestic family law article-by-article already.

The delegation reported that the Constitution provides that men and women are equal before the law in all domains of economic, social, political, and cultural life,¹² thereby prohibiting discrimination on the basis of sex. However, there is no legal definition of discrimination in the Constitution. The Committee expressed the importance of a legal definition. The delegation assured the Committee that all laws in Mozambique are based on the principle of equality, and if they contradict that principle they are unconstitutional and void.

National Machinery

Both the State report and the delegation acknowledged that no institution exists in Mozambique to monitor the implementation of the Convention. Because Mozambique was late in reporting to the Committee, an *ad hoc* multi-sector group¹³ was created to assess the implementation of the Convention and produce the state report. Committee Member Ms. Chutikul expressed concern that the Concluding Comments and Recommendations of the Committee would be ignored in Mozambique until the next periodic report falls due. Without providing specifics, the delegation informed the Committee that the government intends to create a formal national institution to effectively monitor international instruments in the future.

⁵ *Stage of Implementation of the CEDAW in Mozambique*, available at <http://www.iwraw-ap.org/resources/pdf/Mozambique.pdf>.

⁶ See page 3 of the Shadow Report (above) for a list of the contributing NGOs.

⁷ *NGO Thematic Shadow Report on Older Women's Rights in Mozambique*, available at <http://www.globalaging.org/elderrights/world/2007/CEDAW.pdf>.

⁸ For more information on HelpAge International visit their website at www.helpage.org.

⁹ See <http://www.ohchr.org/english/law/index.htm>.

¹⁰ For a more detailed description of the dialogue between the Committee and the State, please see the press release of the proceedings, available at <http://www.un.org/News/Press/docs/2007/wom1629.doc.htm>.

¹¹ According to the delegation, in Mozambique, at the moment an international instrument is published in an official journal, it has the same legal standing as domestic law.

¹² According to the delegation, Article 35 and 36 of the Constitution, read jointly, prohibit discrimination on the basis of sex.

¹³ The *ad hoc* multi-sector group was comprised of the following institutions: Ministry of Foreign Affairs and Cooperation, Ministry of Justice, Ministry of Home Affairs, Ministry of Women and Social Action, and the General Attorney's Office.

The delegation further explained that a number of institutional mechanisms for the advancement of women had already been created, in particular, a National Council for the Advancement of Women (the Council), coordinated under the Ministry of Women and Social Action (the Ministry),¹⁴ and comprising representatives from all ministries, public institutions, and civil society. The Council is a consultative body that monitors government policies and programmes to promote gender equality, and meets quarterly to review strategies, objectives, goals, and responsibilities. The Council developed the National Plan of Action for the Advancement of Women to launch its gender equality initiatives. Committee Members expressed disappointment that the Council is only a consultative body, and asked about resources available for these programmes. The delegation reported that resources were limited but that there exists a strong political determination to implement change.

Stereotypes, and Discriminatory Cultural Practices

In Mozambique, there are many discriminatory gender stereotypes and cultural practices that impede women's advancement. Older women are commonly branded as witches and, as a result, are subject to violence. There is a traditional belief that in romantic relationships between men and women, "the more he beats you the more he loves you." The delegation identified poverty as the main obstacle to eradicating discriminatory gender stereotypes and practices, stressing that the government wants to sensitise the public and involve civil society, religious groups, and community leaders to effect change. Committee member Ms. Dominguez reported that she was troubled by the restrictive way in which issues of discrimination were discussed by the delegation, specifically the limiting of explanations to goals rather than programmes already implemented. Committee Member Ms. Coker-Appiah stressed that the government seemed to have handed the task of sensitisation over to civil society, which appeared to be the only sector doing anything. The delegation assured the Committee that the government places a high priority on the creation of a society without gender discrimination.

Trafficking in Women

Despite the fact that Mozambique ratified the Convention Against Transnational Organized Crime as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air,¹⁵ there is no specific legislation against human trafficking in Mozambique. The delegation reported that there is an initiative to draft a law against human trafficking, and that there are mechanisms to regulate human trafficking in the penal code, but did not elaborate further. In its written responses, the government reported that it intends to undertake the following list of activities to combat trafficking in women: talks in public schools and in the community, training of law enforcement personnel, and the establishment of a partnership with the International Organization for Migration in the context of assistance to victims (currently there are no shelters for victims).

Prostitution

The Committee expressed deep concern with the reported increase in prostitution, particularly child prostitution. The delegation acknowledged that prostitution is not illegal in Mozambique, but that the law prohibiting access of minors to night entertainment places serves as one counteractive measure taken by the government. Additionally, while there are currently no statistics about prostitution, the delegation assured the Committee that the government is in the process of collecting data to create a data bank. The delegation identified poverty as the major factor contributing to increased prostitution, and identified education and the creation of jobs as vital tools to combating the problem.

¹⁴ The Ministry of Women and Social Action is a government body that identifies gender inequalities and designs policies to promote women's empowerment.

¹⁵ http://www.unodc.org/unodc/crime_cicp_signatures.html.

Women in Government

The delegation was proud to report on the number of women in government positions in Mozambique. Women comprise 37 per cent of the 250 parliamentarians in the National Assembly, nearly a 10 per cent increase from 1997. The Prime Minister is a woman, and 6 of the 25 ministers are women. Of the 25 permanent secretaries, six are women, and, for the first time, of the 11 provincial governors, 2 are women. However, while the level of women's participation at the national level is quite strong, it is weak at the local level. Women comprise only 20 per cent of the local administration out of the 128 districts. The Ministry, in coordination with the Ministry of Labour, created the National Authority for Public Administration with the aim of strengthening women's participation in local government. The delegation emphasised that the government is focusing not only on the number of women represented, but also their seniority within the system.

Education

Committee members were concerned with the low numbers of girls and young women attending school. The delegation identified poverty as the main barrier to enrolment. Education is an expensive investment for families and most often the beneficiaries are boys. The delegation stated that the government is working to change cultural attitudes and there are also plans in place to provide free enrolment and distribution of schoolbooks. The delegation also described plans to expand teaching to rural areas through long distance, remote learning, and as electricity arrives in rural areas, televised education programmes will be introduced.

Health

The government has declared HIV/AIDS a national emergency, and the President has launched a campaign against the disease. The number of new infections among young women and girls is increasing very quickly, and the number of children orphaned by parents who have died from HIV/AIDS is on the rise. There is a National Council to fight HIV/AIDS (the Council), that is comprised of government representatives, civil society, religious communities, and influential members of rural communities. Women and children have been identified as the most vulnerable group. The Council, along with the Ministry, and several United Nations agencies, namely, UNFPA, UNAIDS, and WHO, and civil society organizations, have formed a joint program on HIV/AIDS and gender with the main objective as the reduction of the phenomena of the feminisation of the disease. The government also plans to make shelters for HIV/AIDS orphans.

Conclusion and Next Steps

This first meeting with the delegation from Mozambique and the Committee was an important step in the implementation of the Convention in Mozambique. The State report and the responses from the delegation focused heavily on future plans of implementation rather than current programmes and policies. The Committee expressed frustration at this approach. In addition, the delegation answered many questions in vague terms, although they did offer to re-answer any questions not adequately addressed.

In its Concluding Comments,¹⁶ the Committee commended the Mozambican government for sending a distinguished, high-level delegation to the constructive dialogue with the Committee, which included representatives from the ministries and specialised institutions that are responsible for the implementation of the Convention in Mozambique. The Committee also expressed its appreciation for the quality of the delegations introductory statement, its written responses to the list of issues and questions raised by the Committee, and its further clarifications to the questions orally posed by the Committee. Importantly, the Committee urged the government to conduct a revision of all legislation to ensure that any discriminatory provisions are amended or repealed in order to achieve full compliance with the Convention. The Committee also recommended that the government adopt a comprehensive approach to address women's health,

¹⁶ <http://www.un.org/womenwatch/daw/cedaw/cedaw38/cc/Mozambique.pdf>.

education, and employment, including measures to strengthen the participation of women in local development plans, and to pay particular attention to rural women. The Committee also recommended that the government pay special attention to the situation of older women, women with disabilities, women refugees, and internally displaced persons, to ensure that they have full access to health and social services and to decision-making processes. Finally, the Committee called on the government to ensure regular monitoring of the implementation of the Convention, and to respond to the concerns expressed in the Committee's Concluding Comments in its next periodic report.

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ABOUT THE PUBLICATION

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