

Universal Periodic Review of Mozambique
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Joint Stakeholder Report



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The Young Feminist Movement of Mozambique (Movfemme) is a non-profit, democratic, non-partisan, anti-capitalist, anti-racist, anti-patriarchal, non-sexist, non-denominational, non-hierarchical and non-governmental association made up of women, aiming to develop actions to promote the rights of girls and young women.



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The Coalition of African Lesbians is a feminist, activist and pan Africanist network of 14 organisations in 10 countries in sub-Saharan Africa committed to advancing freedom, justice and bodily autonomy for all women on the African continent and beyond. We are committed to raising consciousness amongst and strengthening activism and leadership of lesbian women on sexuality and gender and its intersections with a wide range of lived realities. We understand the place of Africa in the world and work in ways that affirm African agency and power to contribute to transformative change on the continent and in the world.

The Coalition believes in the power of collective action, and view ourselves as a part of social movements, including the women's movement, the sexual and reproductive rights movement and the economic justice movement.



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The Sexual Rights Initiative is a coalition of national and regional organizations based in Canada, Poland, India, Argentina, and South Africa that work together to advance human rights related to sexuality at the United Nations.

Key words: human rights; gender-based violence; militarization; access to health; sexual orientation, right to education, women's rights

Executive Summary

1. This report is jointly submitted by the Young Feminist Movement of Mozambique, the Coalition of African Lesbians and the Sexual Rights Initiative. It examines various violations of human rights in Mozambique, focusing on gender equality; gender-based violence; access to health services and information; right to education; and sexual orientation, gender identity and expression.

Background

2. Mozambique still faces enormous challenges for the full realisation of human rights stemming mainly from its economic and social situation. Despite the great economic and social expectations brought about by large international investments in the extractives industry, poverty still characterizes a large part of the Mozambican population. However, the protection and fulfillment of human rights cannot be held hostage to economic and social development.
3. In recent years, several situations have contributed to the country's development becoming almost stagnant despite foreign investments. There is a public debate and discussion of hidden national debts that culminated in the arrest of the former Minister of Finance, arising from charges of corruption and abuse of power.
4. The Cabo Delgado Insurgents, which began in late 2016, have since sown fear and terror in that province, forcing over 300,000 people to leave behind everything they have been building over their lifetime and who are now internally displaced.
5. Military-political conflicts began in the northern zone after the death of the president of the largest opposition party. Violence was perpetrated by a group of armed men dissatisfied with the new party leadership, and they killed and assaulted people in north Mozambique. This had great economic implications as it affected the work and circulation of citizens and traders in that area.
6. In 2019, Mozambique was hit by two devastating cyclones - Cyclone Idai and Kenneth - in the central and northern areas respectively. This situation completely destroyed and disoriented the lives of the affected communities, leaving them homeless and without resources, resulting in a large death toll, with many children orphaned.
7. Although all of Mozambique had to endure these conflicts and disasters, they have a drastic and disproportionate effect on women, youth and IDPs, among others. This report is presented with urgency to accept and implement recommendations focused on securing human rights for every person in Mozambique, and ensuring no-one is left behind.

Gender equality

8. Mozambique received and accepted all of the following recommendations from the 2nd UPR cycle:
 - Modify the law on inheritance to prevent discrimination against widows, and guarantee right to all properties including the right to own land. (Spain) **fully implemented**

- Continue its efforts to increase the percentage of women in decision-making positions. (Myanmar) **partially implemented**
 - Ensure the mainstreaming of gender equality in all its policies and increase the representation of women in decision-making positions at the local level. (South Africa) **partially implemented**
 - Take measures to fight discrimination against women particularly in rural areas. (Senegal) **partially implemented**
9. Despite the commitments made by Mozambique during its last review and the positive developments outlined in this report, gender inequality continues to be pervasive in every sphere of society, especially in decision-making roles.
10. The Constitution of the Republic of Mozambique recognizes, since 1975, equality between men and women in all areas of political, economic, social and cultural life. Likewise, equal rights and opportunities between men and women are reflected in the various international instruments that the country has ratified in the area of gender, including the United Nations Convention on All Forms of Discrimination Against Women (CEDAW), the United Nations 2030 Agenda and the SADC Protocol on Gender and Development. In order to consolidate these instruments and guarantee their operationalization, the Government approved, through Resolution No. 19/2007, the Gender Policy and Implementation Strategy which establishes guidelines for gender equality. Therefore, under various international and national instruments, and through the accepted recommendations from previous cycles, Mozambique has a heavy obligation to elevate and sustain the status of women in society.
11. Patriarchy is pervasive and entrenched in Mozambican society. Men are accorded rights, privileges, authority and power. Women are considered subordinate to men - a social construction to which they are subjected to and expected to conform to from birth. This power imbalance results in women being discriminated against or excluded at different levels, ranging from receiving an education to participation in decision-making processes about their future and the future of their communities. In addition, the feminization of poverty, and the greater incidence of diseases such as HIV/AIDS without proper health care, prevent women from enjoying their rights. Women face restrictions and discrimination in every sphere of their life and throughout their lifetimes. As part of the gender norms and expectations, women are expected to provide all the unpaid reproductive labour and are often restricted to this role. Although, in principle, human rights are rights for all, and equality is guaranteed under the Constitution, women enjoy few of these rights.
12. There have been achievements in the realm of women having some decision-making power, including the creation of the Office of the Parliamentary Woman, the Office for the Assistance of Women and Children Victims of Violence, and the Ministry of Women and Social Action and its various departments. The political participation of women has improved in recent times, but it is not enough. Leadership positions are often held by men as it is believed that men are better able to perform political work. There will only be equality in the political sphere when there is representation of one woman for one man (Zebra Model¹), including in leadership positions.

¹ see <https://africa.unwomen.org/en/news-and-events/stories/2020/08/un-women-supports-the-implementation-of-zebra-model-in-mozambique>.

13. Women also have to deal with socio-cultural barriers, such as the socialization to be submissive, and societal and familial expectation to get married, have children and work at home. This is a complicated issue as it intersects with various other problems faced by girls and women, such as early forced marriage, lack of education, lack of access to contraception, lack of access to sexuality education and information, and lack of support from society. For instance, many early forced marriages result in pregnancies, forcing girls to exit schools and formal education. These girls rarely return back to school and are confined to stay home to complete childcare and household responsibilities. Even if there is an opportunity to work outside the house, they can only take up informal businesses due to their lack of education and work experience. They are deprived of their right to choose the life they want, when to get married, when to start a family, when to complete their education and when and how to work. They continue to exist in a cycle of poor finances, health and well-being, and leave the same circumstances for future generations.

Recommendations

- Adopt legislation to establish the principle of gender parity in the composition and leadership of all decision-making positions particularly in rural areas.
- Enforce legal and political frameworks to guarantee the rights of women as enshrined in international and national instruments, with a particular focus on young girls.

Gender-based violence

14. Mozambique received and accepted all of the following recommendations from the previous cycle:
- Strengthen the implementation of existing legislation and promote awareness-raising activities aimed at protecting women's rights, at increasing girls' enrolment rate in schools and fighting against all forms of violence against women, including domestic violence. (Italy) **partially implemented**
 - Take appropriate action in order to combat all forms of discrimination and violence against women and girls. (Cyprus) **partially implemented**
 - Strengthen measures to eliminate gender-based violence against women. (Myanmar) **partially implemented**
 - Adopt effective mechanisms to implement the existing legislation which protects women and children. (Uruguay) **partially implemented**
- The Law on Domestic Violence Practiced Against Women, Law No. 29/2009, appeared in the wake of the commitment assumed by the Mozambican State, by ratifying various international instruments including CEDAW. After 11 years of implementation of this law, there have been some achievements, but many challenges still persist. In addition to giving visibility to a previously hidden problem, the law brought greater awareness of women's rights and changed the perspective of culturally defined roles and responsibilities for men and women at home. The creation of Office for the Assistance of Women and Children Victims of Violence is also seen as an improvement in helping victims.

15. The number of cases of domestic violence continue to be frighteningly high, but the number of reported cases is also increasing. According to the Ministry of Health, there was a 71 percent increase in records of victims of domestic violence in health facilities in 2018.²

“The data is reflected as a very real situation, which is happening in our country, a very high incidence of violence in society, derived from the increase in the awareness of women about their rights, the increase in the awareness that they have the possibility to live and they must live a life free of violence. And this increase in awareness may in some way also be generating an increase in reporting in cases of violence.”³

16. Inefficiency and corruption within formal systems continue to be major issues for resolution of cases of gender-based violence. Even though there is an increase in reporting of cases, there are challenges such as the time-consuming case referral system which makes this process even more frustrating for survivors. There are also many ‘informal’ ways around the legal system and perpetrators often find ways to delay or stop the process. Most survivors never get justice through formal justice systems.
17. Women also suffer disproportionately during conflicts. As existing inequalities are magnified and social networks break down, women become more vulnerable to sexual violence and exploitation. Women in Mozambique, particularly in the Cabo Delgado province continue to struggle at the hands of the armed forces. Despite calls for independent investigation into the recent extrajudicial killings of many women, the government has not responded. There are no specific laws for protection of women from violence - perpetrators in uniforms roam freely with impunity. Further, the fear of reprisals often forces women to endure in silence.
18. Armed conflicts have serious consequences on physical and psychological health, and the social and professional development of people and communities. As stated by one of the interviewees for the preparation of this report, the victims have permanently been waiting for “a future that never came.”

Recommendations

- Adopt targeted legislation and policy to expedite domestic violence cases through formal police and judicial systems, with guaranteed protection from reprisals for victims.
- Establish state-funded shelters for victims of violence, particularly in rural and conflict-ridden areas, with guaranteed capacity and equipped with gender-specific resources and services.
- Launch an independent investigation into violence and extrajudicial killings by armed forces.

Access to Health Services and Information

19. Mozambique received and accepted all of the following recommendations from the previous cycle:

² see: <https://www.wlsa.org.mz/artigo/aplicacao-da-lei-de-violencia-domestica-em-mocambique-constrangimentos-institucionais-e-culturais-a-experiencia-dos-tribunais/>

³ see: <https://www.wlsa.org.mz/artigo/aplicacao-da-lei-de-violencia-domestica-em-mocambique-constrangimentos-institucionais-e-culturais-a-experiencia-dos-tribunais/>

- Ensure that all women have access to quality sexual and reproductive health services, including comprehensive sexuality education and modern contraceptive methods. (Slovenia) **partially implemented**
 - Take all necessary steps to ensure that the availability of safe abortion services can be guaranteed, and to sensitize communities to the problems of unsafe abortion. (Netherlands) **partially implemented**
 - Continue its efforts to improve health services, especially for vulnerable women and children with HIV/AIDS. (Thailand) **partially implemented**
 - Continue its efforts in combating extreme poverty, malnutrition and maternal and child mortality. (Bangladesh) **partially implemented**
20. Religious and traditional leaders play a big role in spreading non-scientific false, misleading and stigmatising information about sexual and reproductive health. There is also an absence of comprehensive sexuality education and other rights and evidence based information about sexual and reproductive health and rights. As a result there is widespread lack of knowledge on the origin of HIV/AIDS, prevention of sexually transmitted diseases, and family planning; the impact of multiple partners and polygamy on sexually transmitted diseases, including HIV/AIDS; the belief that more children represent increased potential for wealth and income for the family; and early forced marriage. Some religious institutions and teachings are resistant to family planning, and prohibit condom use. Culture, along with lack of accurate information and access, lead to shocking outcomes, such as only about 12 percent of women are estimated to be using modern contraception.
21. Traditions and culture continue to have a strong influence on Mozambican society. For instance, polygamy is legal, accepted and considered a traditional practice. Culturally, a man's wealth is measured by the number of wives and children, as it is a way of demonstrating their 'virility' and ensuring some security in their old age. Enshrined in cultural practices, the instrumentalization of girls' bodies and the lack of appropriate information on sexual and reproductive health, results in high rates of early and forced marriages and pregnancies. Mozambique continues to be on the list of 10 countries with the highest rate of child marriages in the world.
22. Sexual and gender-based violence, early and forced marriages and barriers to sexual and reproductive health are manifestations of inequality of power between men and women. The cost of this inequality is high and affects everyone: it prevents half the population from fully participating in society, puts enormous pressure on health and justice systems and slows down economic and social development. The consequences last for generations.
23. The cultural practice of Levirate, consisting of mandatory surrender and marriage of widows to their deceased husband's brother, continues to put women's health and well-being at risk through unwanted pregnancies and transmission of sexually transmitted diseases, including HIV.
24. Maternal mortality rates are concerningly high with over 4000 deaths every year. Health systems have insufficient capacity, and there is a lack of quality health care during pregnancy, childbirth and the postpartum period. The government needs to not only address these challenges directly by allocating set budgets, and providing better training health care professionals, it also needs to address challenges faced by individual women such as lack of finances for medical care, child care responsibilities, poor proximity to health facilities, etc. Most poor, rural and IDP women fail to access quality information, contraceptives, and care for pregnancies and overall health.

The impact of poor sexual and reproductive health and rights information is particularly pronounced on young people. The estimated HIV prevalence for women of 15-24 years is over twice that for men. Although strides have been made towards decreasing the number of teen pregnancies, these numbers continue to be concerningly high. Further, the lack of access to facilities that provide information and services for abortion can lead to attempts of unsafe abortions, with a high risk of maternal morbidity and mortality.

25. Mozambique has a program called Geracao Biz and SMS Biz, which promotes the participation of young people and teenagers in decision-making, especially in the areas of HIV prevention and sexual and reproductive health. The initiative is part of the National Geração Biz Program, led by the Ministry Youth and Sports. Despite having this program in place to expand and disseminate sexuality information and education, this program is failing in making a difference. The challenge lies in accessing mediums to connect with youth, for example, through media, TV, radio, etc. The methods of connecting and dissemination information need to be re-assed to fit the needs of today's youth.
26. Comprehensive sexuality education needs to be included in school curriculums starting in primary education. There also needs to be a particular focus on urban areas and there is higher incidence of early pregnancies. However, as attendance and retention of youth in schooling is quite poor, programs like Geracao Biz and SMS Biz need to be relaunched to be able to reach youth on different medias and throughout the country.

Recommendations

- Ensure that all women have access to free, quality sexual and reproductive health services, including comprehensive sex education and modern contraceptive methods and safe abortion. Allocate a generous budget to achieve this goal, especially for rural and conflict-ridden areas.
- Include comprehensive sexuality education as a stand-alone subject in school curriculum. Ensure that the contents are designed in consultation with youth and organizations working on SRHR issues, with integration with programs like Geracao Biz and SMS Biz.

Right to Education

27. Mozambique received and accepted all of the following recommendations from the previous cycle:
 - Operationalize gender strategy in education, including early education, in order to combat female illiteracy and child, early and forced marriages. (Finland) **partially implemented**
 - Establish the minimum age of marriage at 18 years old, and introduce mechanisms to reduce the incidence of child marriage. (Slovenia) **fully implemented**
 - Sensitize traditional chiefs, religious leaders, women's groups and youth about the consequences of early and forced marriage of girls, and adopt laws and regulations preventing and punishing cases of violations. (Benin) **partially implemented**
 - Ensure effective implementation of the new National Strategy to prevent and eradicate early marriages. (Italy) **partially implemented**
 - Take the necessary measures to eradicate discrimination against girls in the education system. (Namibia) **partially implemented**

28. Mozambique's overall literacy rate is estimated to be around 47 percent, with male literacy at 60 percent and female literacy at 28 percent. This statistic is particularly alarming as 94 percent of girls are enrolled in primary school. There are major challenges retaining girls in schooling as half of them drop out by grade 5. Only 11 percent continue through secondary school, and shockingly, only 1 percent continue on to post-secondary education.
29. As mentioned in the Gender Equality section, women and girls are facing numerous intersecting problems. Forced early marriages and early pregnancies are big factors in girls dropping out of school. There is a severe lack of support and resources to help these girls return back to school, including economic incentives, child care, etc.
30. Most regions in Mozambique follow cultural and traditional norms, and girls are reduced to either a burden that needs to be alleviated through forced early marriage, or are completely erased with no targeted services or education for sexual and reproductive health and rights. Receiving a quality education can transform girls' lives and the country itself, and should be made a priority by the government.

Recommendation

- Create an awareness campaign on the right to education, increasing literacy rate and retaining girls in school, targeting youth, parents, guardians and community leaders.

Sexual orientation, gender identity and expression

31. Mozambique received the following recommendations from the previous cycle and all were noted/not accepted:
 - Revise laws to expressly prohibit discrimination on the basis of sexual orientation, gender identity and intersex status. (Australia, unclear response)
 - Strengthen mechanisms to prohibit discrimination against vulnerable groups, including persons with albinism; and ensure non-discrimination on applications for accreditation by civil society organizations, including organizations such as LGBT Association of Mozambique. (Canada, rejected)
 - Include sexual orientation and gender identity amongst illegal criteria for discrimination, in social, economic and political life and eliminate norms prohibiting consenting sexual relation between adults of the same sex. (Chile, unclear response)
 - Agree to the registration of LAMBDA (the Association for Defence of Sexual Minorities) as an official NGO. (UK, unclear response)
32. Mozambique provided unclear responses for all recommendations to do with sexual orientation, gender identity and expression. They stated that as article 35 of the Constitution guarantees equal and same rights for all, no one is discriminated against in Mozambique on the basis of their sexual orientation.
33. The Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, from their visit to Mozambique in 2018, also stressed that international human rights mechanisms' recommendations related to sexual orientation and

gender identity should be fully integrated into its national plan of action, and Mozambique should move towards their implementation expeditiously.

34. Although there are no set laws that directly criminalize or discriminate based on sexual orientation, gender identity and expression, there exist various policies and interpretations of laws that consistently support discrimination and ostracization from society. Recently, the new Penal Code revoked two laws from the colonial period that criminalized “anti-natural” conduct. However, the same needs to be done for all relevant laws and policies to truly realize the rights of all.
35. Further, legislation needs to be implemented to support and help realize the rights of transgender people. Currently, they are at a higher risk to be banished from their families, communities and forced to become homeless without poor economic prospects. There is also a lack of government and community support for the LGBTQI community, including for HIV/AIDS prevention and treatment.
36. In Mozambique, Lambda, is the primary organization working on the rights of sexual minorities. Lambda has existed since 2006 and has not yet been registered by the State as an official NGO. Despite pressures from CSOs and past UPR recommendations urging the government to act, Lambda continues to exist without protections and benefits provided to NGOs.

Recommendations

- Register LAMBDA as an official NGO immediately. Ensure the right of association and accreditation for all NGOs working on issues of sexual orientation, gender identity and expression.
- Enact clear legislation prohibiting discrimination based on sexual orientation, gender identity and expression, including removing policies and laws prohibiting consensual sexual relation between adults.