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Human Rights Committee**List of issues prior to the 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 previous concluding observations (CCPR/C/MOZ/CO/1). Please provide information on measures taken to raise awareness of the Covenant among judges, lawyers, prosecutors and the public in general and examples of cases in which the Covenant has been invoked or applied by national courts. Please also indicate whether the State party intends to ratify the first Optional Protocol to the Covenant.

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

Constitutional and legal framework within which the Covenant is implemented (art. 2)

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 declared and the decree of 7 September 2020, which established a State of Public Calamity and whether it complies with the Covenant, particularly article 4. In this regard, please specify the Covenant rights suspended during the state of emergency and the state of public calamity and inform what type of judicial or political oversight is available to monitor the measures taken and restrictions imposed and provide examples of their use. Please inform 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 (CCPR/C/128/2).

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 in cases of corruption for 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 taken, following the findings of the Parliamentary Commission of Inquiry in 2016 in relation to undisclosed Government-

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

guaranteed loans, allegedly received by State-owned entities in Mozambique, without parliamentary approval and exceeding official public limits, and their results. Please comment on allegations of corruption or lack of transparency in the distribution of humanitarian aid, in particular in conflict areas or 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 measures taken to combat impunity and provide reparation to the victims with respect to serious human rights violations, as the ones that occurred in the past, including the abuses allegedly committed by parties to the conflict between government security forces and Renamo fighters between 2013 and 2016 that included, enforced disappearances, summary executions, looting, arbitrary arrests, rape, ill-treatment, property destruction and other human rights violations. Please provide information on the Amnesty Law, adopted on 29 July 2019, that seems to ensure impunity for perpetrators of serious human rights violations, since it exempts from prosecution members of government forces and the Renamo for crimes committed between 2014 and 2016 without distinction on the nature of crimes committed. In this regard, please provide updated information on investigations conducted on cases of serious human rights violations, as on the case of 14 Renamo officials allegedly killed or abducted across the country in the first quarter of 2016 and allegations that Renamo members and family continue to disappear to date under suspicious circumstances.

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

5. Please indicate all legislative and other measures taken to ensure the respect for the principle of non-discrimination, namely aiming to combat and prevent hate crimes, hate speech, and other acts of discrimination, stigmatization and violence, particularly against persons with disabilities, albinism, LGBTI minorities, sex workers, older persons, migrants and other vulnerable groups and to protect their life and integrity. Please provide information on the implementation of the Multisectoral Action Plan on Albinism, adopted in 2015 and about attacks and killings of persons with albinism and measures taken to investigate, prosecute and sanction such crimes. Please provide statistical data on complaints of discrimination brought to the courts or to relevant administrative bodies during the last five years, along with an indication of the basis of discrimination, the nature of 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, 7, 8 and 26)

6. Please provide information on:

(a) Reports of significant violence, including domestic violence, against women and girls, particularly during the coronavirus disease (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 the number of shelters available to victims in all parts of the country;

(c) The number of investigations conducted, prosecutions pursued, convictions secured, punishment 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 measures taken to implement the “Law on Prevention and Combat of Premature Unions (child marriages)” promulgated in October 2019, which prohibits unions of children younger than 18 years old, without exception and of their results. Please report on statistical information on the number of cases reported 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 complaint mechanisms available and information on investigations carried out and their results. Please comment on allegations that survivors of Cyclone Idai in Mozambique were being forced to have sex with community leaders in exchange for food and provide information on investigations carried out as well as 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 they comply with the Covenant. Please report on the complaint and investigations mechanisms as well as 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 both by insurgent and members of the Mozambican security forces. In this connection, please report on the investigations carried out, including into the death of Roberto Mussa Ambasse and Muemede Suleimane Jumbe allegedly arrested by security forces on 11 March 2020 and later found dead.

10. Please provide information on: (a) all 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, namely by State officials; and (c) the exact number of complaints filed and registered, investigations and prosecutions undertaken, 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 and describe 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, security of the person and treatment of persons deprived of their liberty (arts. 6, 7, 9 and 10)

12. In light of the previous Committee's concluding observations (para. 14) and the report on follow-up to its concluding observations (CCPR/C/118/2), 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, indicate 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) Data on the capacity of the detention centres and the corresponding number of detainees;

(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; and

(d) Steps taken to ensure that the National Human Rights Commission can undertake in full independence regular and unannounced visits to all places of detention in the State party, including police stations and inform whether the public prosecution also conduct regular visits to prisons and places of detention and on their frequency.

13. Please provide information on the recorded number of deaths in custody in the last 5 years, their causes as well as information on investigations, and efforts to prosecute those responsible and to provide appropriate compensation to families of 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

of payments. Please provide information on the State party's COVID-19 response as regards detained populations, including among women and the most vulnerable detainees, and whether there have been any outbreaks of the virus 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, authorities used disproportionate punitive measures, including arbitrary detention, some of which against people who had stepped out simply in search of food. Please provide details about 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 enforcement of state of emergency and state of calamity.

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

15. Please provide information on: (a) the process to review the Anti-Trafficking Law and the concerned regulations; (b) measures taken to prevent trafficking in human beings, including child trafficking for the purpose of sexual exploitation, forced labor and organ trafficking and provide statistics for the last 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 last 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 law and international standards. Please comment on information received that, in practice, military and police are administering certain areas of conflict, arbitrarily imposing movement restrictions on roads, checkpoints and curfews and inform the legal safeguards in place, namely of a judicial nature, to prevent violations and to ensure complaint mechanisms are available to victims. Please respond to allegations of security forces requesting bribes to allow people to move freely in the areas of conflict and of excessive use of force, in particular against those that cannot show 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 an effective access to justice and the courts, in particular by more vulnerable parts of the population; and (c) ensure that the system of community courts function in a manner consistent with article 14 and paragraph 24 of general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, and decisions emanating from these 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 who is the authority responsible for internally displaced persons and provide updated information on measures taken by the State party to prevent and provide remedies to 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 of the

COVID-19 pandemic on the situation of internally displaced persons, and on any measures, namely protective ones, 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: (a) 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 asylum application and the refugee status determination process, including information on the average time for their consideration, the number of persons, in the last 5 years, who have applied for asylum and those who have been granted asylum and refugee status. Please also comment on information received about an alleged collective expulsion of hundreds of migrant workers mostly engaged in artisanal mining in the province of Cabo Delgado in February 2017.

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 arrested on 17 January 2019, who were allegedly beaten, handcuffed and arrested without warrant. seven of whom were deported to the Democratic Republic of Congo and 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 bill on religious registration and its main features and inform how the requirement to possess a set minimum number of members for registration is compatible with the Covenant. Please comment on information received that police arbitrarily arrested many individuals because they appeared to be Muslim by their clothing or facial hair, in Cabo Delgado province.

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

22. Please indicate the measures in place, including legislative measures, to ensure the right to freedom of expression and protection of journalists against attacks, intimidation, arbitrary arrests and detention, and to effectively investigate all allegations of violence against journalists and media houses. In particular, please comment on information received that the northern districts of Cabo Delgado province has become a “no-go” zone for journalists with consistent reports of journalists, researchers and human rights defenders being harassed, intimidated, arbitrarily arrested and detained, equipment confiscated, tortured and forcibly disappeared by the security forces. Please provide information on the investigations carried out on cases against journalists and human rights defenders, including (a) the case of Amade Abubacar, a community radio journalist covering attacks on civilians by armed groups in Cabo Delgado Province since October 2017, who 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, community radio journalist and newscaster in Palma District, allegedly captured by State security forces on 7 April 2020 and disappeared since then; (c) the case of attacks to the newspaper “Canal de Moçambique” in Maputo, which occurred four days after the “Canal” had revealed an unethical procurement process involving senior officials at the Ministry of Mining Resources and Energy, and the governing party elites

23. With regard to the previous Committee’s concluding observations (para. 21), please provide information on whether the State party is considering decriminalizing defamation and slander and ensuring that imprisonment is not 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 information received that institutions fail to respond in a timely manner to information requests or information is classified disproportionately and against the spirit of 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 and provide information on the provisions requiring organizations to have 10 founding members; and that foreign organizations are not permitted to register if their objectives and/or mandate are deemed contrary to the “national public order”. Please respond to allegations that LGBTI associations have been denied a certificate of registration and comment on the progress of the process of registration of the Mozambican Association for the Defense of Sexual Minorities (LAMBDA), which has allegedly been trying to register since 2008.

Participation in public affairs (arts. 25–26)

25. Please respond to reports indicating challenges with regard to the general elections in 2019, including fraud and other issues, 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 areas of conflict, 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 last 5 years, including the case of the 18 election observers from the opposition 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 information received that they were kept in inhumane conditions and have been questioned without lawyers, denied any visits, including family visits and forced to confess to wrongdoing. Please also provide information on the investigations carried out and their outcomes on the murder of Gilles Cistac, a professor of law at the University of Eduardo Mondlane who has denounced electoral fraud, killed in Maputo on 3 March 2015 by four unidentified gunmen, after having received serious death threats and Anastancio Matavele, an election observer, allegedly killed by five police officers on 7 October 2019.
