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**STATUS OF HUMAN RIGHTS IN MOZAMBIQUE  
FOR THE 38<sup>TH</sup> SESSION OF  
UNIVERSAL PERIODIC REVIEW**

*www.ECLJ.org*  
*4, quai Koch*  
*67000 Strasbourg, France*  
*Phone: +33 (0)3.88.24.94.40*

## **Status of Human Rights in Mozambique for the 38<sup>th</sup> Session of the Universal Periodic Review**

### **Introduction**

1. The European Center for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights abuses in Mozambique for the 38<sup>th</sup> Session of the Universal Periodic Review (UPR).

### **Background**

2. Mozambique is home to more than 30 million people, and has a religiously diverse population: approximately 56% of the population practice some form of Christianity, while 17.9% identify as Muslim, and 18.7% identify with no religion<sup>1</sup>.

3. Despite Christianity being practiced by a majority of the population, Christians are being attacked in northern Mozambique, by Islamic extremists, resulting in thousands of citizens becoming displaced<sup>2</sup>. It is estimated that since 2017, approximately 1,500 people have been killed and 21,000 displaced as a result of attacks by Islamic extremists<sup>3</sup>. These attacks predominately target Christians and their places of worship. In addition, in the southern region of Mozambique, vulnerable young women are prey to human traffickers who then exploit them sexually. Men and young boys are also targeted by human traffickers who traffic them from Mozambique to South Africa to be used as forced labour in industries such as mining and agriculture<sup>4</sup>. Furthermore, albino children are targeted by human traffickers for their organs and body parts.

4. During the previous UPR cycle, numerous countries recommended that Mozambique “[s]trengthen the national measures to combat the phenomenon of human trafficking and trafficking of human organs and protect the victims of trafficking from actions of retaliation”<sup>5</sup> as well as “[s]trengthen the protection of the rights of children, particularly those in vulnerable situations, and ensure perpetrators of sexual violence and child labour are held to account”<sup>6</sup>.

### **Legal Framework**

5. Article 3 of Mozambique’s Constitution provides that Mozambique is “[a] State governed by the rule of law, based on pluralism, of expression and democratic political organization and on the respect for *and guarantee of* fundamental human rights and freedoms”<sup>7</sup>. Article 11 of the Constitution lists the fundamental objectives, which, among other things, includes “the defense and promotion of human rights and of the equality of citizens before the law” and “the promotion of a society of pluralism, tolerance and a culture of peace”<sup>8</sup>.

6. Article 54 establishes protection for people’s religious beliefs:

1. All citizens shall have the freedom to practice or not to practice a religion.

2. Nobody shall be discriminated against, persecuted, prejudiced, deprived of his or her rights, or benefit from or be exempt from duties, on the grounds of his faith or religious persuasion or practice.
3. Religious denominations shall have the right to pursue their religious aims freely and to own and acquire assets for releasing their objectives.
4. The protection of places of worship shall be ensured.
5. The right to conscientious objection shall be guaranteed in terms of the law<sup>9</sup>.

7. Furthermore, Mozambique is a party to the International Covenant on Civil and Political Rights, which under Article 8 states:

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3. (a) No one shall be required to perform forced or compulsory labour<sup>10</sup>;

8. Furthermore, in 2008 Mozambique passed the Anti-Trafficking Law, which defines human-trafficking as:

Trafficking in persons: recruitment of persons or harboring persons in order to obtain illicit monetary profit or smuggling of persons across country borders to the same end, by resort to threats or use of force, or any other form of coercion, kidnapping, fraud, deception, forced marriage, abuse of authority or vulnerability, or rendering or accepting payment or advantages in order to obtain consent of a person holding authority over another, for purpose of exploitation, which includes prostitution or other forms of sexual exploitation, forced marriage, extraction of human organs, forced labor, slavery or similar practices, as well as servitude<sup>11</sup>.

9. Article 10 of the law lays out the punishment for human trafficking:

All those who recruit, transport, give shelter to, supply or receive a person, by any means, including under pretext of domestic work, or work abroad, training or apprenticeships, forced labor, slavery, indentured servitude or debt servitude will be punished by 16 to 20 years of imprisonment<sup>12</sup>.

10. Article 16 of the law specifically addresses organ harvesting:

All those who recruit, hire, adopt, transport or kidnap a person through threats or use of force, fraud, deceit, coercion or intimidation, for the purpose of removing or selling the internal organs of said person, will be punished by 16 to 20 years imprisonment.

11. Furthermore, article 40 of the Constitution states that “All citizens shall have the right to life and to physical and moral integrity, and they shall not be subjected to torture or to cruel and inhuman treatment”<sup>13</sup>. The International Covenant on Civil and Political Rights (ICCPR), to which Mozambique is a party, also enshrines similar protections. Under Article 6 of the

ICCPR, “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”<sup>14</sup>.

### **The Growing Threat of Islamic Extremism**

12. As stated previously, Mozambique is experiencing a growing threat of Islamic extremism within its northern region. Since at least 2017, armed groups of suspected Islamist terrorists have continually attacked citizens in northern Mozambique<sup>15</sup>. In these attacks, the terrorists have beheaded their victims and targeted women for kidnapping<sup>16</sup>. While ISIS has claimed responsibility for some of these attacks, its true level of responsibility is not yet clear<sup>17</sup>. However, these attacks are escalating at an alarming rate, with the first half of 2020 seeing “almost as many attacks by the jihadists . . . as in all of 2019”<sup>18</sup>.

13. Between May and July of 2018, reports estimated that Islamic extremists carried out attacks in at least 3 districts located within the Cabo Delgado province<sup>19</sup>. More than 400 homes were burned and thousands of civilians displaced<sup>20</sup>. The attacks have continued in the last few years, and, in August, the United Nations World Food Programme (WFP) distributed food to 10,000 people who had been forced to flee from their homes as a result.

14. For example, in 2018, a group of armed Islamic extremists carried out attacks in districts located in the northern province of Cabo Delgado, killing at least 39 people and displacing over 1000 civilians<sup>21</sup>. These suspected Islamist extremists launched numerous attacks, killing civilians, and destroying property<sup>22</sup>.

15. In April of 2020, Islamic extremists carried out an attack on Good Friday that resulted in the death of 5 people<sup>23</sup>. On that Thursday night, Islamic extremists took a boat out to the Quirimbas archipelago where they waited until morning. On Good Friday they then carried out their attack. In the ensuing attack, three people drowned trying to escape, one was shot dead, and another was burned alive. The extremists then took 60 people as hostages then released them later in the day<sup>24</sup>. In addition, they also attacked a primary school, health center, and destroyed numerous houses<sup>25</sup>.

16. In another attack that same month, militants massacred 52 individuals in Xintaxi in Muidombe district after the locals refused to join the group. As stated by a police spokesman, “the criminals tried to recruit young people to join their ranks, but there was resistance. This provoked the anger of criminals, who indiscriminately killed – cruelly and diabolically – 52 young people”<sup>26</sup>.

17. In July of 2020, Islamic extremists carried out an attack in the Cabo Delgado province that resulted in the death of eight civilians<sup>27</sup>. Around 6 p.m., villagers reported that a group of armed and hooded men entered their village searching for food. Villagers, afraid for their lives, immediately began to flee from their homes and seek safety in the nearby woods<sup>28</sup>. When the villagers returned the following day, they were horrified to find 8 people beheaded.

18. On 11 August 2020, Islamic extremists with ties to the Islamic State Central African Province (ISCA), were able to capture the port of Mocímboa da Praia in the Cabo Delgado province<sup>29</sup>. The attack began on August 5<sup>th</sup> when insurgents ambushed a military convoy and killed more than 50 army recruits<sup>30</sup>. Over the next 6 days, the insurgents were able to capture and maintain control over the port<sup>31</sup>. According to reports, Mozambique has yet to regain control over the port<sup>32</sup>.

19. These horrifying stories illustrate the threat of Islamic extremism in Mozambique. Innocent civilians live in a constant state of fear and worry that any minute a group of armed extremists could come to their village and kill them indiscriminately. The government must take immediate action to stop Islamic extremism and protect its citizens.

### **Human Trafficking:**

20. Mozambique largely serves as a source country for human traffickers who take women, men, and children to South Africa to be exploited<sup>33</sup>. The majority of people trafficked are women being used for sexual exploitation, although men and boys are also trafficked for use as forced labourers in industries such as mining and agriculture<sup>34</sup>. Albino children in Mozambique are also at risk of being killed and trafficked for their organs which are believed to possess “supernatural” powers and can bring good luck and wealth<sup>35</sup>.

21. Girls in Mozambique are at a great risk for human trafficking because they can be used for sexual exploitation. In rural regions, women are mainly removed from formal sectors of the economy and largely work in subsistence farming and agriculture<sup>36</sup>. As a result, women in these regions are targeted and often persuaded by human traffickers to move to bigger cities where they are falsely promised education and good paying jobs. Instead, however, they are trapped into servitude and subjected to forced labour and sexual exploitation<sup>37</sup>. Girls are often exploited and picked up for use in prostitution at bars, roadside clubs, and overnight stopping areas along key transportation routes, such as the route that links Maputo (the capital of Mozambique) and South Africa (the primary destination for trafficked victims)<sup>38</sup>.

22. Albino children living in Mozambique face an increased risk of persecution, abuse and are at greater risk for abduction, murder and human trafficking<sup>39</sup>. In 2017, Mozambique hosted the first ever forum aimed at combatting human trafficking of people with albinism in South Africa<sup>40</sup>. The forum was organized by the UN Migration Agency (IOM) in partnership with UNICEF<sup>41</sup>. The purpose of the forum was to create an action plan to allow for greater cross-border cooperation between Mozambique, Malawi, and Tanzania, as well as create a plan for the prevention and prosecution of human trafficking crimes as they relate to people with albinism. Despite this forum being held, albino children in Mozambique are still in danger.

23. In 2017, a 17-year-old albino was tragically killed and his brain was extracted all because of the belief that his body produces supernatural powers and that possession of his body parts can bring wealth and luck. According to a local official, “[t]he criminals took the bones out of the arms and legs, the hair and broke the head to remove the brain”<sup>42</sup>.

24. Again that same year, two children with albinism were killed in separate attacks over the same weekend<sup>43</sup>. In one of the attacks, men beat a 6-year-old albino boy to death using a hoe<sup>44</sup>. In the second attack, a 13-year-old girl was brutally beaten to death with blunt instruments<sup>45</sup>.

25. In March of 2020, parents of an 8-month-old albino baby attempted to sell their child to a Zimbabwean man<sup>46</sup>. The parents were arrested while attempting to close the deal on the sale<sup>47</sup>. This practice of targeting albino children for death is horrific and beyond disturbing. The Mozambique government must work to ensure that no child is hunted down and killed merely because of the lack of pigmentation in their skin.

## Conclusion

26. Mozambique must do more to protect its citizens from being attacked by Islamic extremists. The savage attacks on Christians and others in the north (or wherever they occur) must be condemned and the perpetrators must be arrested and held accountable for their crimes. A strong message must be sent that terrorism will not be tolerated.

27. While Mozambique has laws in place to punish human traffickers, more must be done to both identify and arrest the traffickers. Additionally, Mozambique must allocate resources to victims and provide them with much needed assistance. The government must also work to educate the population on albinism and dispel the myths that albino organs or body parts possess supernatural powers.

28. Furthermore, we ask that Mozambique continue to enhance its efforts to train law enforcement and government workers so that they are better able to identify cases victims, ultimately leading to the prosecution and conviction of the human traffickers. We also ask that Mozambique strengthen its awareness and education campaigns for the general population to alert them to the dangers of human trafficking so that they may better avoid becoming victims. Mozambique must also work to protect its albino children from continuing to be targeted for organ harvesting. One way this can be accomplished is through awareness campaigns dispelling the myths that albinos possess supernatural powers that can be used to bring luck and wealth.

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<sup>1</sup> *Mozambique*, EXPLORING AFRICA, available at <http://exploringafrica.matrix.msu.edu/country-overview/mozambique/>.

<sup>2</sup> “*The World Has No Idea What is Happening*”: *Islamic Extremists Massacre, Behead, in Mozambique Reign of Terror*, CBN NEWS (Sept. 2020), available at <https://www1.cbn.com/cbnnews/world/2020/july/the-world-has-no-idea-what-is-happening-islamic-extremists-massacre-behead-in-mozambique-reign-of-terror>.

<sup>3</sup> *More Misery, Few Answers: The Conflict in Mozambique is Getting Worse*, *The Economist* (26 Aug. 2020), <https://www.economist.com/middle-east-and-africa/2020/08/26/the-conflict-in-mozambique-is-getting-worse>.

<sup>4</sup> *Religious Sisters Fight Human Trafficking in Mozambique*, CRUX (1 Apr. 2020), available at <https://cruxnow.com/interviews/2020/04/religious-sisters-fight-human-trafficking-in-mozambique/>.

<sup>5</sup> UPR of Mozambique – Second Cycle – Thematic List of Recommendations A/HRC/32/6 – Para. 128

<sup>6</sup> UPR of Mozambique – Second Cycle – Thematic List of Recommendations A/HRC/32/6 – Para. 128.

<sup>7</sup> Const. of Mozambique art. 3, 1990, available at

[http://confinder.richmond.edu/admin/docs/Constitution\\_\(in\\_force\\_21\\_01\\_05\)\(English\)-Mozlegal.pdf](http://confinder.richmond.edu/admin/docs/Constitution_(in_force_21_01_05)(English)-Mozlegal.pdf) (emphasis added).

<sup>8</sup> Constitution of Mozambique art. 11, available at

[https://www.constituteproject.org/constitution/Mozambique\\_2007?lang=en](https://www.constituteproject.org/constitution/Mozambique_2007?lang=en).

<sup>9</sup> *Id.* at art. 54.

<sup>10</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20,6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 8.

<sup>11</sup> Law no. 6/2008, glossary, available at <https://www.refworld.org/cgi-bin/tehis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=57c4257a4>

<sup>12</sup> *Id.* at art. 10.

<sup>13</sup> Constitution of Mozambique art. 40, available at

[https://www.constituteproject.org/constitution/Mozambique\\_2007.pdf?lang=en](https://www.constituteproject.org/constitution/Mozambique_2007.pdf?lang=en).

<sup>14</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20,6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 6.

<sup>15</sup> *World Report 2020: Mozambique*, Human Rights Watch, 2020, available at <https://www.hrw.org/world-report/2020/country-chapters/mozambique>

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *More Misery, Few Answers: The Conflict in Mozambique is Getting Worse*, The Economist (26 Aug. 2020), <https://www.economist.com/middle-east-and-africa/2020/08/26/the-conflict-in-mozambique-is-getting-worse>.

<sup>19</sup> *World Report 2019: Mozambique*, Human Rights Watch, 2019, available at <https://www.hrw.org/world-report/2019/country-chapters/mozambique>.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Africa/Mozambique – A Mission Attack in the Province of Cabo Delgado*, AGENZIA FIDES (16 April 2020), available at <http://www.fides.org/en/news/67757->

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<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Islamist Group Kills 52 in ‘Cruel and Diabolical’ Mozambique Massacre*, THE GUARDIAN (22 April 2020), available at <https://www.theguardian.com/world/2020/apr/22/islamist-group-kills-52-in-cruel-and-diabolical-mozambique-massacre>.

<sup>27</sup> *9 Civilians Die in Two Attacks in Northern Mozambique*, VOA (30 July 2020) available at <https://www.voanews.com/extremism-watch/9-civilians-die-two-attacks-northern-mozambique>.

<sup>28</sup> *Id.*

<sup>29</sup> *Battle Looms in Mozambique Over Extremists’ Control of Port*, AP (25 Aug. 2020) available at <https://apnews.com/article/2f191b65e6f4157562e906c1965065d6>

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Mozambique Insurgency: a Port at the Centre of a Storm*, INTERNATIONAL INSTITUTE FOR STRATEGIC STUDIES (1 Oct. 2020), available at <https://www.iiss.org/blogs/military-balance/2020/10/mozambique-insurgency>.

<sup>33</sup> *Religious Sisters Fight Human Trafficking in Mozambique*, Crux (1 Apr. 2020), available at <https://cruxnow.com/interviews/2020/04/religious-sisters-fight-human-trafficking-in-mozambique/>.

<sup>34</sup> *Id.*

<sup>35</sup> *Ending Albino Persecution in Africa*, AFRICA RENEWAL (DEC. 2018), AVAILABLE at <https://www.un.org/africarenewal/magazine/december-2017-march-2018/ending-albino-persecution-africa>.

<sup>36</sup> *Gender and Poverty In Mozambique*, CMI BRIEF (Oct. 2010), available at <https://www.cmi.no/publications/file/3812-gender-and-poverty-in-mozambique.pdf>.

<sup>37</sup> *Sexual Exploitation of Children in Mozambique*, EPCAT INTERNATIONAL (1 Nov. 2018), available at <https://www.ecpat.org/wp-content/uploads/2018/07/Convention-on-the-Rights-of-the-Child-report-on-Sexual-Exploitation-of-Children-to-the-Committee-on-the-Rights-of-the-Child-Mozambique-English-2018.pdf>,

<sup>38</sup> *Id.*

<sup>39</sup> *IOM, UNICEF, Mozambique Host First Ever Forum to Fight Trafficking of People with Albinism in Southern Africa*, IOM (19 May 2017), available at <https://www.iom.int/news/iom-unicef-mozambique-host-first-ever-forum-fight-trafficking-people-albinism-southern-africa>.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Brain Harvested from Murdered Mozambique Albino Boy*, NEWS 24 (16 Sep. 2017), available at <https://www.news24.com/news24/africa/news/brain-harvested-from-murdered-mozambique-albino-boy-20170916-2>

<sup>43</sup> *Two Albino Children Killed in Mozambique*, OMOJUWA, available at <http://omojuwa.com/2017/07/two-albino-children-killed-mozambique/#:~:text=Two%20children%20with%20albinism%20were%20killed%20in%20separate,Mozambique's%20Mulumbo%20district%2C%20said%20police%20commander%20Miguel%20Caetano.>

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Mozambique: Police Arrested Five Over Human Trafficking With Alleged Buyers in Zimbabwe*, CLUB OF MOZAMBIQUE (17 March 2020), available at <https://clubofmozambique.com/news/mozambique-police-arrested-five-over-human-trafficking-with-alleged-buyers-in-zimbabwe-watch-155403/>.

<sup>47</sup> *Id.*