



REDE MOCAMBICANA DOS
DEFENSORES DE DIREITOS HUMANOS

RMDDH

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RMDDH strengthens Duty Bearers in Mozambique

- The Mozambican Network of Human Rights Defenders (RMDDH), in partnership with the Southern Africa Human Rights Defenders Network (SouthernDefenders) and the United Nations High Commissioner for Human Rights (OHCHR) in Mozambique, last Friday organized the high-level workshop to strengthen the capacities of Duty bearers in Mozambique.





Antonino Maggiore , Ambassador of the European Union Delegation in Mozambique

The event was attended by several personalities, with emphasis on the Ambassador of the European Union Delegation in Mozambique, the venerable judges of the Supreme Court and the Constitutional Council, the Ombudsman, judicial magistrates and the Public Ministry, President of the National Commission of Human Rights (CNDH), representatives of the Presidency of the Republic, the Assembly of the Republic and the Ministry of Justice, Constitutional and Religious Affairs, as well as human rights defenders.

At the opening of the event, the Ambassador of the European Union Delegation in Mozambique, Antonino Maggiore, defended that the European Union supports the principles set out in the United Nations Declaration to promote and protect the rights of human rights defenders, adopted in 1998. “The support for human rights defenders is one of the main priorities of the European Union’s foreign policy on human rights matters”, said Antonino Maggiore.

To show this commitment, the diplomat

mentioned the instruments approved by the European Union, such as the European Union Guidelines on Human Rights Defenders; the Action Plan for Human Rights and Democracy 2020 – 2024; the appointment of a European Union Special Representative for Human Rights with a mandate to strengthen the presence, effectiveness and visibility of the European Union’s human rights policy in its external actions; the renewal of the Thematic Program for Human Rights and Democracy 2021 - 2027, the main financial instrument to operationalize the commitments made by the European Union, including the BRIC Project.

The European Union ambassador recalled that the world is currently facing major challenges for the protection of human rights, a situation exacerbated by the Russian invasion of Ukraine, which the European Union strongly condemns. Therefore, he defends the importance of supporting the activities of human rights defenders, as they play an important role in drawing attention to the violations that occur.

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population, so it is impossible to talk about human rights without mentioning the gender-based violence that victims thousands of women and girls. This is despite the great gains made in promoting gender equality through the adoption, in recent decades, of legislation and policies to end violence against women and girls”.

Antonino Maggiore defended that one cannot talk about human rights without mentioning the situations of abuse and arbitrary detention that have occurred because of the conflict in Cabo Delgado, affecting human rights defenders, journalists, children, and women. “That’s why we believe that the most effective way to guarantee respect for the human rights of Mozambican citizens is through the union of efforts between human rights defenders and Duty bearers. Only in this way will there be conditions to protect human rights, denouncing and holding those who violate them accountable”.

Strengthening Duty bearers in Mozambique retook place within the scope of Project “Building Resilience, Inclusion and Capacity of Human Rights Defenders (BRIC)”, funded by the European Union, whose objective is to

boost public trust and acceptance of Human Rights Defenders as legitimate partners in Mozambique’s development, including in the dialogue for conflict resolution in Cabo Delgado province.

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“It was not common in the past for state institutions to meet to discuss human rights”, Isaque Chande, Ombudsman



The Ombudsman began by highlighting the presence of different public institutions in the debate on human rights as an indication that the Mozambican State has made significant progress on the matter. “It was not common in the past for state institutions to meet to discuss human rights. There was a perception that human rights are a matter for civil society, that it is not up to the State to protect and defend human rights. But several State institutions are here at this event of the Mozambican Network of Human Rights Defenders, including the justice sector”, said Isaqu Chande.

The speaker noted that the assessment of the human rights situation in Mozambique is not consensual, both among civil society organizations and among State institutions. “Last year I participated in the launch event of the human rights report of the Mozambican Bar Association, which, in summary, conclu-

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ded that there was progress, despite the prevailing challenges. The Order highlighted the growing openness on the part of the Police to the presence of lawyers in police stations and other similar institutions”.

But the position of the Mozambican Bar Association is not shared by several civil society organizations, which speak of a progressive limitation of civic space in Mozambique. I have already had the opportunity to receive several organizations that came to complain that there was less space for civil society to intervene”.

The Ombudsman questioned whether the Duty bearers are complying with their constitutional and legal mandate. “I will not answer that question. But I must say that the State has the primary responsibility for the defense and promotion of human rights. That’s why I said that human rights cannot be treated as an issue that should be referred exclusively to civil society organizations”.

The primary responsibility for the defense and promotion of human rights lies with the State, through various bodies and institutions, such as the Assembly of the Republic, the Government, the Courts, the Public Ministry, the Ombudsman, the National Commission on Human Rights, the Police of the Republic of Mozambique and the Interministerial Commission for Human Rights and International Humanitarian Law. “Responsibility varies according to each organ and institution of the State, as each one has its competences”.

The Interministerial Commission for Human Rights and International Humanitarian Law is a public institution created by Presidential Decree no. ° 6/2022, April 28, as an organ of coordination created for the elaboration of reports and other communications for international human rights and international humanitarian law, as well as the follow-up of the recommendations of these bodies at the domestic level.

“We have a duty to respect and promote human rights, denouncing all cases of violation”, João Beirão, Vice-President of the Supreme Court



The Supreme Court was represented at the highest level, namely through the Vice-President, João Beirão. Speaking at the closing of the event, João Beirão made it known that from the first Constitution of the Republic to the present there has been progress in the treatment of human rights matters in the fundamental law. “We note with great satisfaction the inclusion of these subjects in curricula, workshops, training courses and publications. It is also satisfying to note that the media, one of the pillars of democracy, have embraced the challenge of promoting human rights, denouncing the repeated violations committed by public and private entities”.

The Vice-President of the Supreme Court said that society is becoming aware of the importance of these rights that are part of hu-

man nature. Therefore, he argued that public servants play a key role in reflecting and clarifying sometimes controversial issues related to human rights due to social prejudices.

“This calls into question the full development of our personality as human beings equal in dignity. We are here to reflect on the role of each one of us and our institutions as agents of change responsible for shaping public opinion and deconstructing negative stereotypes of the collective conscience on human rights. We have a duty to respect and promote human rights, denouncing all cases of their violation that we are aware of. We must assume that we are true defenders of human rights, our Constitution, and the Democratic Rule of Law”, appealed João Beirão, Vice-President of the Supreme Court.

“Low human rights culture leads to misunderstanding of the legitimate mission of human rights defenders”, Luís Bitone, President of the CNDH



The President of the National Commission on Human Rights (CNDH) noted that in many countries where the culture of human rights is still very low, the various human rights instruments are still not aligned with international standards, and the institutions that guarantee the implementation and monitoring of these international standards still lack the financial, human, technical and material capacities to fully fulfill their mandates.

“Thus, in a country with a very low culture of human rights and institutions of guarantee that are still fragile, it is common to witness the misunderstanding of the legitimate mission of human rights defenders. Therefore, the violation of the rights of human rights defenders does not find an adequate response in guaranteed institutions,” he explained.

Luís Bitone questioned the extent to which

the Mozambican State created the necessary internal capacities for the protection and promotion of human rights defenders. In response, he stated that “although the domestic legal environment is favorable to the cause of human rights, with the ratification of universal and regional human rights legal instruments and the approval of several domestic human rights laws, challenges remain. that impede the realization of the rights of human rights defenders”.

First, the President of the CNDH highlights the human rights culture that is still low, both in public and private institutions. This situation causes human rights defenders to be seen as people outside the process of protecting and promoting human rights and consequently, not understood, promoted, and protected.

“Second is the weak capacity of institutions with a mandate to promote and protect human rights in Mozambique, such as research institutions, administrative institutions, national human rights institutions, and courts. These institutions are unable to provide an adequate and prompt response to a situation of human rights violations.

Another issue has to do with national legis-

lation that promotes and protects human rights, which is still in its infancy and does not conform to international standards in this area. And, finally, the civil society movement, in this case the Mozambican Network of Human Rights Defenders, which is still new and in the process of consolidation. “That’s why we all have to fight to protect the Network and the human rights defenders’ movement.”

“Human rights defenders are not only on the side of civil society, but also of the State”, Custódio Duma



The lawyer and human rights defender, Custódio Duma, began by saying that to promote and protect human rights defenders, it is necessary to create a very refined legal, institutional and socio-political environment.

“Our experiences in defending human rights defenders show that human rights activists all over the world are faced with very difficult

situations in many circumstances. And those people who are considered human rights defenders do much more for the good of other citizens than for themselves. They abdicate themselves and sometimes put their own lives at risk in order to protect the interests of citizens”.

Custodio Duma clarified that human righ-

ts defenders do not represent a professional class, as they can be from any profession and can be anywhere. In fact, the lawyer even said that anyone can be considered a defender of human rights, if they are allied with the principles of the Universal Declaration of Human Rights and are defending the citizen.

“In my experience as a human rights defender, I have already encountered human rights defenders in the state, in the courts, in ministries and in parliament. These are people who have embraced the cause of human rights. Therefore, human rights defenders are not just on the side of civil society. They are also

on the side of the state. This helps to deconstruct the idea that defending human rights means being against the state”.

The lawyer noted that the socio-political environment in Mozambique is not favorable for human rights defenders. “Human rights defenders are in a very vulnerable situation. That’s why, lately, people are very afraid to speak up. When they want to comment on serious matters about the country, they prefer to do so anonymously. People are afraid of something. And when this thing happens, no one is held accountable because there is an environment of impunity.”

“We represent the world’s commitment to the promotion and protection of all human rights and freedoms”, Iveth Mafundza, OHCHR



Representing the United Nations High Commissioner for Human Rights (OHCHR), co-organizer of the high-level event, was human rights defender Iveth Mafundza. In her intervention, she explained that the OHCHR is the main body of the United Nations that deals with human rights. “We represent the wor-

ld’s commitment to the promotion and protection of all human rights and freedoms set forth in the Universal Declaration of Human Rights.”

In the words of Iveth Mafundza, OHCHR has a role to promote and protect all human rights, help to empower people and governmen-

ts, and to include a human rights perspective in all UN programs. “The OHCHR gives priority to addressing the most urgent human rights violations, both acute and chronic, particularly those that put life in imminent danger. It pays equal attention to the realization of civil, political, economic, social, and cultural rights, the right to development and others”.

The OHCHR representative recalled that, under the terms of the United Nations Declaration on Human Rights Defenders, human rights defenders are all individuals, groups or institutions that contribute to the elimination of all violations of human rights and fundamental freedoms of people and of the people.

“African Charter obliges African States to establish independent and impartial tribunals”, Arnold Tsunga, President of SouthernDefenders



The *workshop* to strengthen the Duty bearers in Mozambique was organized in partnership with the Southern Africa Human Rights Defenders Network (SouthernDefenders). The President of SouthernDefenders, Arnold Tsunga, argued that human rights legislation should protect victims of abuse or violations, and that includes a duty for the law not to be instrumentalized or weaponized to be an instrument of oppression against minorities or those we may not like as human beings.

Arnold Tsunga recalled that article 26 of the

African Charter on Human and Peoples’ Rights imposes on all African States, including Mozambique, the duty to establish independent and impartial tribunals for the resolution of disputes and the protection of human rights. “The African Charter imposes upon States the duty to promote and protect the rights to human dignity, life, liberty, personal integrity, non-discrimination, equal protection, fair trial, freedom of conscience, freedom of expression, freedom of association, freedom of assembly, freedom of movement, freedom

from slavery and the slave trade”.

The instrument also imposes on States the duty to guarantee that people are not subjected to torture or cruel, inhuman or degrading treatment or punishment, as well as the duty to guarantee citizens the right to participate in government, to own property, to work, to health, education, the family, self-determination, equality, the free disposal of wealth and natural resources; national and international security and peace, a satisfactory environment and economic, social and cultural development.

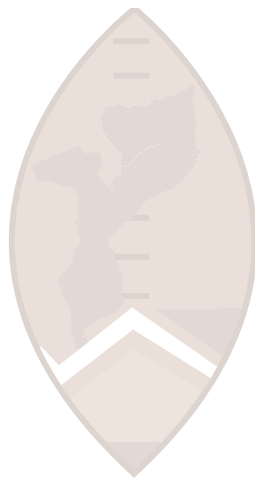
Indeed, these constitute the rights that hu-

man rights defenders peacefully fight for in Mozambique. Mozambique has the particularity of being the birthplace of the Maputo Protocol which contains groups of rights for the protection of vulnerable women, including rights to equality and non-discrimination, dignity and rights to personal security, marriage and family-related rights, political and civil rights, economic, social, and cultural rights, peace, development and environmental rights. “These rights are spelled out in articles 2 to 24 of the Maputo Protocol and it is important that holders of public duties are aware of them”.



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