



REPÚBLICA DE MOÇAMBIQUE  
MINISTÉRIO DA JUSTIÇA, ASSUNTOS CONSTITUCIONAIS E RELIGIOSOS  
Direcção Nacional de Direitos Humanos e Cidadania

Sua Excelência  
Amadeu Paulo Samuel da Conceição  
Embaixador Extraordinário e Plenipotenciário da Missão Permanente  
da República de Moçambique para o Escritório das Nações Unidas e Outras  
Organizações Internacionais e Genebra

= ACNUDH – Genebra =

Externo

Nota Nº <sup>37</sup> /MJCR/ DNDHC/ <sup>700</sup> /2024

**Assunto: Contribuições de Solicitação de Informação Sobre  
Década Internacional dos Afrodescendentes**

Em resposta à solicitação feita através da nota verbal, sem Referência, datada de 12 de Janeiro 2024, em anexo, enviamos à V.Excia a **Informação Sobre Década Internacional dos Afrodescendentes** para o próximo Relatório Temático, a ser apresentado na sessão do Conselho dos Direitos Humanos, em Junho de 2024.

Sem mais, de momento, queira aceitar os protestos da nossa elevada estima e consideração.

Maputo, aos 28 de Março de 2024

  
**O Director Nacional**  
**Ángelo Paúnde**  
**/Especialista/**

## **Legal Framework and Fundamental Principles**

The independent Mozambican state, democratic sovereign and Social Justice, is subordinated to the Constitution, from which emanate the guidelines that prevail over all other norms of the legal system. It is a state of law based on pluralism of expression, democratic political organization, respect and guarantee of fundamental human rights and freedoms.

### **Principle of Universality and equality**

This principle is supported by article 7 of the Universal Declaration of Human Rights and its integration into the National Legal System and made through article 35 of the Constitution of the Republic of Mozambique.

### **Recognition Right to Equality and Non-Discrimination**

Knowledge of the right to equality and non-discrimination advocates the equality of citizens before the law, the enjoyment of the same rights, subjection to the same duties, regardless of color, race, sex, origin, place of birth, religion, level of education, social position, parental marital status, profession or political option. The CRM also recognizes gender equality in article 36, in all areas of political, economic, social and cultural life. It also recognizes the protection of people with

disabilities in article 37 CRM, who may be victims of related intolerance because they are children of people of African descent in the diasporas. The labor law is faithful to this principle in the terms set out in paragraph 1 of article 5, which mentions the principle of the right to work of stability in employment and position, change of circumstances and non-discrimination based on color, race, sex, ethnic origin, place of birth, religion, social position and political option.

### **Quality education and awareness**

In labor law, equal rights at work are guaranteed regardless of ethnic origin, place of birth, language, color, race, sex, gender, marital status, age and positive discrimination measures aimed at certain vulnerable groups are permitted with a view to correct or prevent situations of inequality in accordance with paragraphs 1 and 2 of article 55.

At CRM, we have the same premise in the chapter relating to the general principles of fundamental rights, duties and freedom set out in articles 36,37 and 38.

### **Information collection**

It is part of the fundamental rights enshrined in the CRM, in title III chapter I, where in light of article 48, all citizens have the right to freedom of expression and freedom of the press, as well as the right to information.

## **Participation and inclusion**

In the labor law, the constitution of trade unions and employers' associations is provided for in article 154. Following the constitutional command of the right to assembly and demonstration, in article 51, freedom of association in article 52, the freedom to form, participate and join to political parties in article 53, freedom of conscience, religion and worship in article 54 and freedom of residence and movement in article 55, all of the CRM.

## **Justice**

Access to Justice is provided for in article 62 of the CRM where the State guarantees citizens' access to the courts and guarantees defendants the right to defense to Legal Assistance and Judicial Sponsorship.

The state recognizes the various normative and conflict resolution systems that coexist in Mozambican society to the extent that they do not contradict the values and fundamental principles of CRM.

The Labor Law provides for the extrajudicial resolution of labor conflicts that can be carried out by public or private entities, whether profit-making or non-profit, under the terms agreed upon by the parties or, in the absence of agreement, in accordance with the provisions of this law, in the terms of paragraph 2 of article 187. To materialize this aim we have the labor mediation and arbitration commission, which is a body supervised by the Ministry of Labor and Social Security.

## **Special Measures**

The accused has the right to freely choose his defender to assist in all procedural acts, and the accused who for economic reasons cannot hire a lawyer must be ensured adequate legal assistance and Legal Sponsorship.

## **Housing**

All citizens have the right to take up residence in any part of the national territory, article 55 CRM.

## **Multiple or aggravated discrimination**

As a concrete recommendation for filtering action lines to guarantee the protection and promotion of the human rights of people of African descent after the end of the decade, we would begin by bringing a classic approach to human rights, which is reflected in several international texts, which present human rights as being essentially individual.

**As concrete measures we suggest, among others:**

Guarantee the acquisition of legal personality;

b) Guarantee and promote the human right to adequate qualifications;

c) Welcome and guarantee the human rights of migrants and refugees;

d) Strengthen Mozambique's commitment to international human rights standards and institutions.