



**Submission by the United Nations High Commissioner for Refugees**

**for the Office of the High Commissioner for Human Rights' Compilation Report-  
Universal Periodic Review:**

**MOZAMBIQUE**

**THE RIGHT TO ASYLUM**

**I. Background information and Current Conditions**

Mozambique currently hosts 7,723 persons of concern, including, 3,547 refugees and 4,176 asylum-seekers. The majority of refugees and asylum-seekers (4,751) reside in Maratane refugee camp, the only refugee camp in Mozambique. The remainder live in various urban areas in the country and are generally self-reliant, thanks to Mozambique's favourable protection environment.

The majority of refugees originate from the Democratic Republic of Congo (1,932 refugees; 2,337 asylum-seekers), followed by Burundians (827 refugees; 736 asylum-seekers), then Rwandese (730 refugees; 350 asylum-seekers) and a host of mixed nationalities amounting to 58 refugees and 753 asylum-seekers from Somalia, Ethiopia, Eritrea, Congo Brazzaville, Uganda, Sudan, Angola and Afghanistan.

The majority of refugees in Mozambique originate from Eastern DRC, where conditions are not yet conducive for return in safety and dignity. The vast majority of refugees and asylum-seekers in Mozambique have transited through refugee camps in other countries, such as Tanzania, Zambia and/or Malawi, in order to settle in Mozambique. Around 45% of the refugee and asylum-seeker population in Mozambique are females and over half of the population is below 18 years-old.

The Republic of Mozambique acceded to the 1951 Convention relating to the Status of Refugees on 16 December 1983 and its 1967 Protocol (hereinafter jointly referred to as the 1951 Convention) on 1 May 1989. Additionally, Mozambique ratified the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa on 25 August 1988, and has

signed and ratified a number of other key International and Regional Conventions which provide for the rights of refugees and asylum-seekers, either directly or indirectly.<sup>1</sup>

Mozambique made significant reservations to the 1951 Convention, more specifically to articles 13, 15, 17, 19, 22, 26 and 34. Despite the reservations registered, however, UNHCR is pleased to note that Mozambique in general maintains a generous asylum policy through the adoption of practical arrangements which grant asylum-seekers and refugees rights similar to those of its nationals. Reservations to the 1951 Convention have hence had limited impact on the actual treatment of refugees and asylum-seekers, who enjoy most of the relevant rights in practice. The only restriction observed is the limitation of the right of refugees and asylum-seekers to freedom of movement and choice of residence, based upon a Ministerial Instruction, issued in 2001 and implemented in 2003, banning refugees from residing in the capital Maputo. This has been applied to those who had not settled in Maputo before 2003.

Nonetheless, lifting of the reservations remains an important priority in order to establish an enabling and durable protection environment for the local integration of refugees.

The national legal framework for refugee protection is established by the Act No. 21/1991 of 31 December 1991, known as the Refugee Act, and the ensuing Decree 33/2007, the regulation on the determination of refugee status. The former provides for the refugee definitions in line with the provisions of the 1951 Convention and the 1969 OAU Convention.

In principle, a request for asylum is initiated by a written or oral application to the Ministry of Interior through the competent migration authority (Immigration Service). In practice, applications for refugee status are facilitated by INAR - *Instituto Nacional de Apoio aos Refugiados*<sup>2</sup> - upon reception and registration of asylum-seekers in Maratane camp. As of April 2003, Maratane camp in Nampula Province has been declared the only reception and registration centre for new asylum-seekers in Mozambique.

Consequently, asylum-seekers who arrive at the borders have to declare themselves as such, after which the Immigration authorities issue them referral documents, which authorize their travel to Nampula. In Maratane, asylum-seekers are accommodated in the temporary reception centre. In the camp, they are interviewed and registered in the refugee database (ProGres), run by the Government, before being assigned either a shelter or a plot in the camp, where they may build a

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<sup>1</sup> The Republic of Mozambique ratified other conventions, including the International Covenant on Civil and Political Rights and its second Optional Protocol. Most recently in March 2007, Mozambique signed the 2006 United Nations Convention on the Rights of Persons with Disabilities. In the regional context, it has also ratified several African Union Conventions and Protocols, including the 1981 African Charter on Human and Peoples' Rights with protocols on the establishment of the African Court on Human and Peoples' Rights and on the Rights of Women in Africa. Mozambique is a signatory of the 1990 African Charter on the Rights and Welfare of the Child and most recently the 2007 African Charter on Democracy, Elections and Governance. The country is also a party to the 2002 Southern African Development Community Protocol on Extradition.

<sup>2</sup> INAR is established as a special committee under the Ministry of Foreign Affairs and Cooperation. As established by Decree No 51/2003, INAR is the designated agency responsible for the reception, registration, accommodation and assistance to asylum seekers and refugees in Mozambique. It therefore assumes the role of the lead agency in refugee assistance and protection and coordinates the activities of all governmental and nongovernmental stakeholders in that domain. INAR also administers the refugee camp, issues documentation to refugees and asylum seekers and coordinates.

shelter. Asylum-seekers are free to move outside the camp after the eligibility interview, provided that they are not in need of humanitarian assistance and that they can support themselves.

While the legislation establishes a solid basis for the reception of asylum-seekers and refugees in Mozambique, it is incoherent as to the administrative application of various legal provisions and more importantly as to the rights of refugees and asylum-seekers.

For instance, while asylum-seekers and refugees may request naturalization like any other foreigner, the former are in practice impaired in their access to that procedure, given that administrative regulation requires from applicants the presentation of passports, which are currently unavailable for such populations. As a result, the level of access to individual rights by refugees, especially those rights related to the local integration of refugees in Mozambique, greatly varies depending on the location and the individual effort made. In addition to the acquisition of nationality through naturalization, this problem affects procedures for the issuance of work and business permits, access to land, and ownership of real state.

Lifting of the reservations and, even more importantly, revision of legislation, remain the main priorities of UNHCR in Mozambique, with the objective of establishing a rights-based legal framework enabling the local integration of refugees and streamlining the process of refugee status determination.

## **II. Achievements and Best Practices**

UNHCR acknowledges the efforts and achievements of Mozambique in addressing issues relating to persons of concern to UNHCR:

- All asylum-seekers and refugees are individually documented by the Government of Mozambique. In addition to identification cards, INAR on behalf of the Government issues various documents to facilitate movement and residence of refugees and asylum-seekers throughout the country. The documents are generally recognised and respected by all concerned authorities in the country. In addition, the Government issues Emergency Travel Documents for Foreigners to facilitate international travel of asylum-seekers and refugees.
- Asylum-seekers are free to move outside the camp after the refugee status determination interview, provided that they are not in need of humanitarian assistance and that they prove they can support themselves.
- Refugees and asylum-seekers have full access to civil status documentation, such as birth, marriage and death certificates. Domestic legislation requires all parents to register babies born in Mozambique regardless of the nationality of the parents.
- The first instance RSD process in Mozambique has greatly improved in the past two years. In the recent opinion survey, the protection services (registration, RSD, protection interventions) of the Government are among the three conditions most appreciated by asylum-seekers and refugees in Mozambique.
- In 2007 as part of the self-reliance strategy framework, the Government and UNHCR agreed to work together in order to examine and build local integration opportunities for refugees. The aim of this collaboration is threefold: (i) to ensure stable and renewable residency status

of a minimum five years; (ii) to ensure documentation of refugees that guarantees access to rights and services at the same level as nationals; (iii) to ensure non-discriminatory access to naturalisation after an appropriate period of residency.

- In 2010, in light of the aforesaid strategy and under the flexible practical arrangements instituted by the Government, virtually 51% of refugees and asylum-seekers were able to attain self-reliance (20% of the camp-based population and 100% of urban refugees and asylum-seekers). Among specific nationalities, the level of self-reliance is even higher, reaching 80% among Rwandese.

### **III. Challenges and Constraints**

The main challenge in creating a legal framework for the local integration of refugees is to overcome the latent restrictions of rights that derive from the reservations that the Republic of Mozambique made to the 1951 Convention.

The most significant reservations hampering local integration are those with respect to article 17 (employment), article 19 (liberal professions), article 26 (freedom of movement), article 13 (property), article 22 (education) and article 34 (naturalisation). However, it is worth mentioning that Mozambique has not legislated to implement the reservations individually. The Refugee Act, nonetheless, did refer to reservations in general and granted a right to the Council of Ministers to determine the scope of implementation of the Act by way of regulations. The consequence thereof is uncertainty, since certain, unprecisely defined rights may be restricted at any time through a ministerial regulation or policy.

Another challenge refers to the screening of new asylum-seekers by the Immigration Service at the borders. Given the constraints in terms of human and material resources, Border Guards and Immigration Service have faced great difficulties in managing the sharp increase of mixed migratory movements in a protection sensitive manner. Mozambique is a sizeable country in terms of length with more than 55 border posts and an extensive coastline (3,500 km). Managing migration flows thus requires from the Government a significant amount of material and human resources, particularly in regards to guaranteeing an effective border control that ensures respect and adherence to refugee and human rights law and protection principles. Success in these areas requires close monitoring and scrutiny by UNHCR and INAR. However, due to the distance between UNHCR and INAR offices and the border crossing points, border monitoring is mostly done through irregular missions, coordination at central and provincial levels and contacts with humanitarian actors present in the border areas.

The recognition rate of refugee status remains relatively good, but the process is still quite lengthy. The asylum system has improved significantly in the past two years; however, some shortcomings still exist both in legislation and in its implementation. While the Government of Mozambique through INAR has put great efforts into expediting refugee status determination, there is a need for a revision of legislation on RSD, in order to streamline the number of administrative layers in the decision-making process and make the process time bound.

The Refugee Act grants the Minister of Interior the right to grant asylum after consultation with the Eligibility Commission (*Comissão Consultiva para os Refugiados - CCR*).<sup>3</sup> In practice, INAR undertakes refugee status determination interviews and assessments through a specialized RSD unit established in 2007 in Nampula. The RSD assessments are then submitted for adjudication by the CCR.

In terms of RSD interviews and recommendations, INAR processing of new applications has improved significantly, and currently processing is timely and recommendations are of a relatively high quality. All the steps of the process are done in Nampula only, which was set by the Government as the only Registration and RSD processing centre. However, the process still requires heavy monitoring and quality-control by UNHCR. The high turn-over of INAR eligibility officers (working as UNHCR-funded project staff) is the main challenges that need to be addressed by the Government.

In principle most of the recommendations of INAR eligibility officers are endorsed by the Eligibility Commission. The CCR functions are twofold: to recommend RSD decisions to the Minister of the Interior (note that the MOI always follows the advice of the CCR – therefore they actually make the decision on RSD) and to advise the Government on policies related to refugee issues (as per the Decree). The second role is yet to be fully assumed, as presently most of the policy decisions come from INAR in Maputo. This may produce the disadvantage of isolating decisions on refugee matters from general State security and immigration rules and procedures.

Problems regarding the regularity of CCR sessions up until 2008, misplacement of a number of cases in 2007 (presumably within the Ministry of Interior) and the high turn-over of eligibility officers in INAR in the past, contributed to a large backlog in first instance refugee status determinations. Through continuous dialogue with the Government, however, the RSD system has improved significantly since the last quarter of 2008 and all recommendations since July 2008 have been endorsed by the Ministry of Interior.

However, additional effort is required to encourage CCR to agree on a regular schedule of meetings agreeable to all members. Given the rather high level of the members in the government structure (and their competing responsibilities and official missions), the negotiation of the dates has been a constant challenge, and dates are usually known only just before the meetings. Thus, it remains crucial that the Government, through INAR, make regular CCR sessions a priority. The best case scenario would be to have 4 sessions in a year.

Furthermore, the requirement of having the final decision signed by the Ministry of Interior seems to be the major bottleneck in the process, causing unreasonably long delays in signing the RSD decisions (although the situation has been gradually improving since 2009), though those within the Government attribute these delays to intra-ministerial hurdles.

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<sup>3</sup> The CCR is chaired by the Director of Immigration Service in Maputo under the Ministry of Interior, joined by representatives of the Ministries of Foreign Affairs (Director), of Interior (State Security Service) and of Justice.

The second instance RSD process is also stalled and remains a challenge. This is because of the complexity of the procedure at the Administrative Tribunal<sup>4</sup>; its general backlog (a waiting-period from 2 to 6 years); geographical distance from the rejected asylum-seekers (some 2,000 km away from where the majority of rejected asylum-seekers stay); the highly legalistic requirements as to the form of appeals (especially for their admissibility); the requirement for full legal representation of the appellants, and the exorbitant costs this implies for asylum-seekers. The Refugee Act states that it is unlawful to send an applicant for refugee status to any country before a final ruling on his or her petition (establishing the suspensive effect of appeal). Given the aforesaid difficulties, most of the rejected cases are unable to file for an appeal and end up staying in the country, where they remain registered in the Government database as asylum-seekers, but without any clear guarantee of their rights. Since 2009, the Government of Mozambique has promoted the idea of decentralization of the Administrative Tribunal towards the provincial level, in order to address the issue of accessibility by the overall population. However, it remains unclear when this plan will be implemented

Further, Mozambique has shown some reluctance in accepting asylum requests of individuals of certain nationalities, in cases where the individuals are considered irregular movers in general (Somalis up to 2008) or when there are sensitivities associated with their nationality (Zimbabweans). Access to asylum procedures for Zimbabweans continues to be limited, as the Government took a stand that the Zimbabwean situation did not produce a refugee flow. As a result, over one hundred cases of Zimbabwean asylum-seekers, who were interviewed by INAR during the crisis in 2008-2009, were never submitted to the Eligibility Commission, thus leaving Zimbabwean asylum-seekers in a legal limbo.

Moreover, the management of mixed migration flows remains a significant concern to UNHCR, as these flows have sharply increased since mid-2008. The lack of sufficient resources, proper infrastructure, personnel and technical capacity of the authorities performing border control have resulted in hundreds of arrests and deportations of migrants, which may lead to the risk of mismanaging cases that are in need of international protection. Flows from the Great Lakes and, more recently, from the Horn of Africa are among the most vulnerable, and many among them have suffered dire conditions in prisons and ad-hoc, temporary accommodation centres before their final destination is decided by the police and immigration authorities, who are often overstretched given the recent steep increase in the number of arrivals.

#### **IV. Recommendations**

- **UNHCR recommends the withdrawal of the reservations made to the 1951 Convention, while also encouraging the Government of Mozambique to enact legislative affirmations and guarantees of relevant rights, through revision of the Refugee Act No. 21/1991 and Decree 33/2007.**

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<sup>4</sup> According to the Refugee Act, the first instance refugee status determination decisions of the Minister of Interior can be appealed before the Administrative Tribunal within ninety days from the day of notification. The Administrative Tribunal therefore corresponds to an RSD appeal body within the national administrative framework and it can either uphold or invalidate a first instance ministerial decision and refer it back to the Minister. It is an independent tribunal that reviews decisions of the executive bodies on a broad range of issues.

- UNHCR encourages the issuance of policies adopted through the Council of Ministers (as per the authority conferred on it by the Refugee Act) on self-reliance leading to local integration and revision of certain legislative provisions restricting local integration, including but not limited to the requirements relating to documentation for foreigners (DIRE), naturalization, work permits and trade licenses.
- UNHCR recommends that the Government of Mozambique revise the legislation on RSD and promote systematic changes in the RSD procedure, in order to streamline the number of administrative layers in the decision-making process and make the process time bound.
- UNHCR commends the Government of Mozambique for promoting the decentralization of the Administrative Tribunal towards the Provincial level and encourages the establishment of special arrangements to further facilitate the full access of refugees and expedite decisions on appeals regarding refugee status.
- UNHCR recommends that the Government of Mozambique strengthen its national policies on managing mixed migratory movements in a protection sensitive manner, ensuring respect and adherence to refugee and human rights law and protection principles.
- UNHCR recommends that the Government of Mozambique strengthen the capacities of relevant institutions and ministries involved in migration, i.e. the Border Guard, Migration Department, Police, INAR and other relevant departments at the Ministries of Interior and Justice, through comprehensive trainings addressing the sensitivity and effectiveness of the legal, policy, institutional and operational frameworks in terms of their responsiveness to migrants' and refugees' protection needs.
- UNHCR wishes to encourage the Government of Mozambique to enhance coordination and collaboration at the sub-regional level in order to guarantee a more complete and effective response to the challenges posed by mixed migration flows.

## **THE RIGHT TO NATIONALITY**

### **I. Background information and Current Conditions**

Mozambique is party neither to the 1954 Convention Relating to the Status of Stateless Persons, nor to the 1961 Convention on the Reduction of Statelessness. The issue of statelessness, however, remains pertinent and is partly recognized as such by the Government (especially for Mozambicans residing abroad) and fully acknowledged by the civil society, particularly in the areas inhabited by persons with citizenship problems.

Despite not being a party to either Statelessness Convention, Mozambique has adopted a number of international and regional human rights instruments containing important references to nationality, including the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination.

The Nationality Act in Mozambique and its Implementing Regulation (Decree Nr. 3) date from 1975, with amendments in 1982 and 1987. Nevertheless, there is uncertainty as per the validity of these legal instruments after the enactment of the 1990 and 2004 Constitutions. Furthermore, the legal framework for nationality also includes the 2005 Law of the Civil Registry and, most importantly, articles 23 to 34 of the 2004 Constitution.

Through the 2004 Constitution, the country has in adopted a combination of *Jus Soli* and *Jus Sanguinis* principles in granting nationality. However, the inconsistent legal framework inevitably leads to incoherent practices by the relevant administrative authorities at the central and provincial levels, particularly in cases involving recognition of the nationality of persons who lack documental proof of their Mozambican origin.

The 2004 Constitution lays out in detail the grounds for acquisition, loss, reacquisition, and dual nationality. However, it also foresees that the procedural rules for registration, proof of acquisition, and loss and reacquisition of nationality will be regulated by law. No implementing law or regulation has been enacted to date, however, thereby creating a legal gap. This may be of particular concern in cases where documental proof of an ancestral link with Mozambique does not exist or is difficult to acquire. Interpretations by different bodies applying the citizenship legislation vary significantly with regard to the validity of the previous regulations (i.e. the 1975 Nationality Act and Decree No 3/1975, Regulations Implementing the Nationality Act), which leaves room for uncertainty and uneven application of the constitutional principles by law enforcement officers, especially the local registrars and police.

In practice, the population at risk of statelessness can be divided into two groups:

(i) individuals who have already returned to Mozambique and have failed to establish their nationality in Mozambique because of their lack of primary documents (as a result of low registration rates, loss of documents, inaccurate and/or lost records, dysfunctional witness procedures, etc), being thus marginalized from many of their civil, political, social and economic rights in the Country;

(ii) those who are still abroad and have not established their Mozambican nationality (due to low registration rates, loss of primary documents, inaccessibility of diplomatic/consular services, choice, lack of information, unawareness or negligence). Under these circumstances, they face difficulties in establishing legal residence in foreign countries and as a result do not benefit from rights normally granted to foreigners.

In participatory assessments and interviews done in 2009, UNHCR received reports that undocumented persons have had no access to legal remedies and property rights, and represent an easy target of discriminatory treatment by administrative and law enforcement authorities due to their lack of IDs or because they either speak a different dialect and/or are not Portuguese-speakers. Based on the participatory assessment in bordering areas, it was established that persons with citizenship problems have difficulties accessing basic services (in particular education and health) and employment opportunities. Further, vulnerability of non-citizens has also been raised in the conclusions and dialogues of the Committee on the Elimination of Racial



Discrimination.<sup>5</sup> The Committee noted that despite the efforts of Mozambique regarding health care and the improvement of living conditions, the Committee remained concerned at the very high rate of HIV/AIDS amongst persons belonging to the most vulnerable groups, including non-citizens and persons without identification documents, as well as their access to health care. Moreover, the Committee mentioned its concerns about the equal enjoyment of economic, social and cultural rights by non-citizens, as well as the apparent difficulties encountered by long-term residents wishing to acquire citizenship through naturalization. The Committee also noted its concern about the lack of adequate measures to combat human trafficking.

## **II. Achievements and Best Practices**

The provisions on nationality in the 2004 Constitution are a positive development compared to the previous Constitutions, especially the 1975 Constitution. In general, the Constitution is consistent with the 1961 Convention on the Reduction of Statelessness and ensures the right of every child to acquire a nationality. The new Constitutional Charter recognizes that women and men have equal rights to pass their own citizenship to children born both inside and outside the county, and children born out of wedlock have the same rights as those born in wedlock.

Other provisions in the 2004 Constitution contribute to preventing and/or mitigating the risk of statelessness. In the new Constitution, the only provision on loss of nationality relates to loss by renunciation, and even then the concerned person must prove their acquisition of another nationality. This is opposed to the previous 1975 legislation, in which Mozambican nationality could be lost simply through acquisition of a foreign nationality, or by a Mozambican woman marrying a foreigner, for example. After the enactment of the new Constitution such other grounds for loss of nationality are no longer applicable.

There are no provisions in the applicable law on automatic loss of nationality by women because of marriage or the death or change of nationality of the husband, nor does prolonged residence abroad lead to the loss of nationality. While previous legislation deprived women who married foreigners of their nationality, the Constitution of 2004 provides women who faced that condition the ability to reacquire their Mozambican nationality by addressing a request to the competent authorities. Additionally, the 2004 Constitution sets forth that the nationality acquired by the spouse of a national (male or female) will not be cancelled by the declaration of annulment or dissolution of marriage. There are also no provisions on deprivation of nationality on the basis of misrepresentation or fraud.

According to the Nationality Act children born of stateless parents or of parents of unknown nationality or of unknown parents are nationals of Mozambique by virtue of birth in the territory of the state (*jus soli*). Mozambican legislation also foresees granting nationality through naturalisation. The conditions for naturalisation are defined in the 2004 Constitution and include 10 years of continued residency, good command of Portuguese or another Mozambican language, proof of self-sufficiency and proper ethical values. The period of required residency is shortened by half for legal spouses of Mozambican nationals.

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<sup>5</sup> CERD/C/MOZ/CO/12, more specifically para. 15-18 and 22.

In terms of government response, the Ministry of Foreign Affairs (MoFA) has been focusing on the issue of potentially stateless persons (or “persons with citizenship problems”) among Mozambican migrants residing in foreign countries. In this respect, it has adopted a plan of mobile registration of Mozambicans in the countries in the region. MoFA had started in early 2009 the plan for registering Mozambicans in other countries in the region, which covered some 14,000 individuals in Tanzania, Zimbabwe, Malawi and Kenya altogether. The plan, however, was put on hold due to the presidential elections. UNHCR commends the initiative of MoFA and intends to support the project as it recommences and continues in 2010 and 2011.

### **III. Challenges and Constraints**

A serious challenge is the fact that no new nationality legislation has been enacted after the introduction of the 2004 Mozambican Constitution. The applicability of the 1975 Nationality Act and the 1975 Regulations Implementing the Nationality Act is contested. This leads to inconsistent practices by the civil registry offices at the provincial level. This is especially critical for persons lacking primary documentation (birth certificates or records of parents’ civil registration): while it is possible to obtain such documentation through a procedure involving a witness, who would testify regarding the applicant’s origin in a Mozambican village, the standards under which such testimony is judged vary greatly from case-to-case, such that the matter is ultimately left up to the notary’s discretion.

Further, in Mozambique birth registration continues to be a challenge. Since 2006, UNICEF has been supporting a National Birth Registration Plan, but problems in the issuance of birth certification for the population in remote areas still remain, as registration authorities are often far from communities. Fees for the issuance of birth certificates after a 120-day period may also constitute an obstacle to the registration of children, and families in some areas still do not fully understand the benefits of birth registration. Mobile brigades have been organized by the Government, but there are reports that when the child’s nationality is doubtful, no reference to it is made in the birth certificate. The problem of low registration rates among persons of Mozambican origin is also persistent in neighbouring countries, due to the inaccessibility of civil registries.

In addition, while the Mozambican legislation in principle grants nationality to children born to parents of Mozambican origins abroad, the lack of documentation of long-term Mozambican immigrants poses a practical obstacle in establishing nationality for those children, both while they are abroad and after their return. This lack of documentation is mostly related to loss of documents and lack of official records, and the problem is compounded by the modest economic means and limited education of the affected populations.

Within Mozambique to date there are no assistance programmes for persons of Mozambican descent who have returned and/or who live in Mozambique without recognized citizenship or simply without documents. Based on the 2007 Census, it is now possible to identify the significant number of undocumented persons in the country, but causes for such have not been traced during the survey and thus it is impossible to assess their link with statelessness situations.

The main causes of statelessness in Mozambique are thus legal gaps combined with the lack of implementation guidelines from the central level, low registration rates, and lack of documentation combined with long-term migration patterns. While facilitation of registration procedures remains an important approach to the problem of statelessness, much remains to be done in terms of legislative and administrative reform, as well as improvements in guidance from the central to provincial/district levels.

#### **IV. Recommendations**

- **UNHCR encourages Mozambique to accede to both the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**
- **UNHCR recommends that the Government of Mozambique take steps to increase significantly the numbers of children who are registered at birth, especially in remote areas, and to register older children who were not registered at birth.**
- **UNHCR encourages the Government of Mozambique to promote consular registration of persons of Mozambican origin living abroad, especially those at risk of statelessness.**
- **UNHCR recommends that the Government of Mozambique implement effective mechanisms to assist returnees and their children in accessing civil registration procedures.**
- **UNHCR recommends that the Government of Mozambique engage in a review of the Nationality Law and enact a new implementing law and regulation on nationality with a view to ensure harmonization of laws and administrative practices at all levels of administration nationwide.**
- **UNHCR recommends that Mozambique make additional efforts to assist former refugees (returnees) who are undocumented to resettle in their communities and re-establish their full enjoyment of rights as Mozambicans, including through assuring full access to basic services, such as to the education, health and justice systems.**
- **UNHCR encourages the Government of Mozambique to conduct information campaigns for the general population, most particularly in remote and border areas, explaining the importance and purpose of civil registration, especially for those who returned after living undocumented for years in exile.**
- **UNHCR recommends that the Government of Mozambique ensure that registration is accessible to all with no discrimination, and explore the use of mobile registration facilities to facilitate access for remote populations.**

**Human Rights Liaison Unit  
Division of International Protection  
UNHCR  
July 2010**