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**Training Workshop on Human Rights Promotion and Protection for the UN  
Agencies in Mozambique**

**MAPUTO, MOZAMBIQUE**  
**(18-20 MAY 2005)**  
**WORKSHOP REPORT**

**EXECUTIVE SUMMARY:**

The OHCHR Regional Office for Southern Africa organized for the UNCT in Mozambique a training workshop on the promotion and protection of human rights. The workshop was held from 18-20 May 2005 at Hotel Avenida in Maputo. Over 40 programme staff participated during the first two days of the training and they represented various UN agencies in the country. The third day, a half-day workshop, was organized for the Country Management Team. The UN Resident Coordinator Ms. Marylene Spezzati officially opened the workshop on 18 May 2005.

Several topics were presented by OHCHR Regional Office including an introduction of the OHCHR mandate, principles of human rights, mechanisms for enforcing human rights, proposed reforms to the institutional mechanisms, health rights and HIV/AIDS and human rights, gender and education. In addition to the presentations made, participants were encouraged to actively participate and make recommendations that would assist authorities in Mozambique to enhance the rights based approach into development programming, highlight challenges for the effective promotion and protection of human rights and ways to address them.

The workshop focused on the importance of the Human Rights Based Approach (HRBA) and how this approach could be used to deal with emerging challenges such as Poverty and HIV/AIDS. Also highlighted was the importance of this approach in ensuring the achievement of MDG's and in the context of Mozambique, the PARPA.

Reading materials were prepared and circulated prior to the workshop and UN agencies were afforded an opportunity to participate in the design of the workshop. The prior distribution of the materials was to give an opportunity for participants to familiarise themselves with the issues to be discussed at the workshop beforehand.

## **SUMMARY OF PROCEEDINGS:**

### **DAY ONE:**

#### **Opening remarks: UN Resident Coordinator, Ms. Marylene Spezzati,**

Ms. Spezzati, UN Resident Coordinator, officially opened the event and welcomed all the participants and especially the team from the OHCHR in Pretoria, Dr. Tsemo and her team. The RC recalled how the idea was first mooted sometime back in New York where the need for training packages with right messages and right methodologies on human rights based approach was emphasised. She pointed out at the importance of various UN agencies assessing their knowledge of the rights based approach to development programming; sharing of experiences; participating in the PARPA formulation and finding a common approach to programming. The importance of a human right-based approach in UNDAF and country programmes was stressed and how participants could implement the knowledge they acquired during the training. The RC advised participants about the need to mainstream human rights in all UN programmes and in particular the need to ensure that a human rights based matrix is used as a tool in formulating and designing country programmes.

Lastly, the RC reminded participants that they were in attendance for professional purposes and pointed out at the benefits of attending such a workshop. She encouraged participants to see the workshop as a tool to assist them in owning the process and carrying forward the human rights agenda. She pledged that she would make sure that the Country Management Team followed up on the workshop's recommendations.

#### **Remarks: Dr. Sihaka Tsemo, OHCHR Regional Representative**

Dr. Sihaka Tsemo welcomed the participants and provided them with background information on the workshop. She followed up on the remarks made by the RC and reiterated the importance of the workshop as being sharing of ideas and experiences.

She recalled that the 1945 UN Charter provided a basis for the promotion and protection of human rights and that the UN Secretary General had in his reform reports since 1997, stressed the centrality and importance of human rights in all UN programmes and the need to embrace the rights based approach. Since that time, she observed, various agencies in the UN family had been trying to achieve this and the workshop was another step in bringing the UNCT together to develop this approach further.

She then introduced her team of experts from Pretoria: Ms. Jacqueline Nzoyihera, OHCHR, Acting Regional Programme Officer, Pretoria, Ms. Mona Mbikay, OHCHR, Associate Regional Program Officer, Pretoria and Prof. Michelo Hansungule, independent Consultant, from the University of Pretoria.

Participants expressed their expectations from the workshop, and these were:

- ❖ To understand human rights and how they can be integrated into their work, such as Mozambique's Poverty Reduction Strategy Paper (PRSP) and linkages

- between human rights and other developmental challenges (e.g. Discrimination against people living with HIV/AIDS);
- ❖ To receive assistance on the implementation of the outcomes of the workshop
  - ❖ To receive guidance on how MDGs can be linked to other global and regional priorities, especially with regards to crosscutting issues
  - ❖ The ability to appreciate and understand the latest human rights trends and developments and how these can be used to assist poor people realize their rights- - especially in cases where governments do not have the necessary capacity to fulfill their obligations
  - ❖ To appreciate the focus on human rights in the African context and clarification of concepts around whether human rights are in fact relative
  - ❖ To understand the needs of vulnerable groups (women and children) and how their rights can be protected
  - ❖ That the knowledge acquired during the workshop would enhance human rights education in Mozambique and assist people in understanding how a National Human Rights Commission could be set up in Mozambique
  - ❖ To better understand the relevance of human rights in people's daily lives (e.g. the right to food) and to later share the experience with colleagues;
  - ❖ To understand how UN agencies work and how the different agencies can work more closely together

Certain ground rules were agreed upon and these relate to punctuality and time observation; respect for each other's views and switching off of cell phones.

### **PRESENTATIONS & DISCUSSIONS**

The workshop was structured such that, presentations on specific subjects/ themes were made in plenary and they were each followed by group discussions to enable participants to engage on the issues.

#### *The mandate and programmes of the OHCHR: Dr. Tsemo, Regional Representative, OHCHR*

The session started off as an interactive session to enable the Regional Representative to find out the level of understanding among the participants of the role that the UNHCHR played in the human rights discourse. During this interaction it transpired that some, but not all, of the participants were not aware of the OHCHR and its functions.

Dr. Tsemo proceeded to highlight the work of the OHCHR tracing it back from the time it was the United Nations Centre for Human Rights in Geneva to the establishment of the Office of the High Commissioner for Human Rights. This reform, she mentioned, was based on a decision taken at the UN World Conference on Human Rights in 1993 in Vienna, Austria. The office initially operated from Geneva but has subsequently been restructured as it now has established field offices at country and regional level. The primary mandate of the OHCHR is to ensure the promotion and protection of human rights as enshrined in the 1945 UN Charter and subsequent human rights instruments such as the International Bill of Rights (UDHR, ICCPR and ICESCR). Dr. Tsemo went through the principles of human rights to illustrate the mandate of the OHCHR. The

OHCHR, she observed, provides back up support to various bodies charged with the responsibility of ensuring promotion and protection of human rights. The office also services the Human Rights Commission, which brings governments once a year for a period of six weeks to discuss pressing human rights issues.

Finally, Dr. Tsemo mentioned that the role of the OHCHR is also to provide partners with technical advisory services on various issues such as developing national human rights action plans; establishing human rights institutions; ratification of human rights Conventions; implementation and domestication of human rights instruments; promotional activities; and follow up on recommendations of the treaty bodies. The OHCHR also builds capacity within the UN Country Team to ensure that they have a human rights focus. It also involves various partners such as civil society in its work.

*Discussion:*

The presentation was followed by a discussion session (in plenary) in which participants were asked questions regarding their understanding of:

- ❖ The ratification of international instruments and the implications thereof;
- ❖ The support OHCHR could render to States to make human rights a reality;
- ❖ The necessity of creating focal points for human rights within the UNDP and OHCHR and the importance of developing complementarity;
- ❖ The criteria for membership to the Commission on Human Rights, considering the poor human rights records of some countries like Sudan, Zimbabwe, etc.

The role that OHCHR plays in working with all UN agencies and strengthening national partners' capacities to promote and protect human rights was again emphasized. She recalled that there was no model country when it comes to human rights violations as evidenced recently in the case of the US operations in Iraq.

*The new SG reform's report; In larger freedom: Ms J. Nziyihera, Acting Regional Programme Officer.*

Ms. Nzoyihera gave a brief overview of the UN Secretary General's reform programme based on the idea of offering larger freedom to humanity. She also highlighted the structure of the UN specifically its human rights mandate before dealing with the proposed reforms. The first question asked to the participants related to what human rights were. Participants suggested definitions ranging from the universal to particular features of it. Finally, a presentation was made with regard to the Secretary General proposed reforms, especially the proposed transformation of the UN Human Rights Commission.

There was discussion on the proposed reform with participants seeking to know what the proposed reform seeks to introduce. It was explained that one of the main differences if the changes were introduced would be to make the Commission a permanent organ of the UN.

*Human Rights principles and Mechanisms, democratization process and good governance: Prof Hansungule, University of Pretoria.*

Professor Hansungule's presentation highlighted the development of the human rights system from the local, regional and global levels and how these complemented each other. He stressed the need for an effective system of local jurisdiction as it acted as a prerequisite for engagement at an international level. Some of the rules governing the local systems were highlighted including the rule on the exhaustion of local remedies which he emphasized was a prerequisite before victims of human rights abuses could utilize the range of regional and international remedies.

Professor Hansungule discussed the African system both in its formal sense and its contemporary form in terms of which new initiatives like the New Partnership for Africa's Development (NEPAD) and its African Peer Review Mechanism were initiated. Highlights were given of the principal features of the African human rights system including the African Commission on Human and People's Rights, African Court of Justice and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

*Interaction between UN Monitoring and Reporting mechanisms, the UNCT and the programming process at country level:*

Professor Hansungule gave an overview of the concept of human rights and the range of the rights and freedoms recommended in international human rights norms and standard. He further explained the structure of the UN system through the Committees or Conventional mechanisms and the Charter-based or non-Conventional mechanisms. Examples of the two mechanisms were illustrated and differences highlighted.

Questions that followed include the basic question around the meaning of ratification and accession and how these were different from signing a convention; differences between conventions, covenants, protocols, declarations, etc. More was asked about the workings of both the African and UN systems and how these related to local situations and circumstances.

*Discussion;*

The afternoon was devoted to group discussions, which centered around two issues: capacity building to ensure greater and more effective human rights protection and promotion and human rights systems (local, regional and global).

To ensure more time to the groups, it was decided that reports would be deliberated upon the following day. However, the last item for the day as agreed upon with participants was a schematic evaluation of the day's work relative to expectations. Generally participants thought a lot had been achieved. Examples were singled out of specific benefits participants had derived from the day's proceedings. It was suggested by some participants that there should be greater use of classroom tools to give the presentations a more visible perspective.

The UNCT Human Rights focal point Mrs. Habiba Rodolfo emphasized the importance of being even more practical in presentations and suggested use of more examples to explain issues and standards.

## **DAY TWO**

The day's proceedings were characterized by an increased use of practical examples in the presentations and participation.

### *Rights based approach to development programming: Current development.*

This presentation made by Prof Hansugule was meant to introduce to the UNCT the latest developments in terms of implementing RBA to development challenges. The focus was placed on the relationship between the human rights norms and principles, the obligations of duty bearers and the developmental challenges.

### *Operationalising RBA in CCA/UNDAF process and operationalising Human Rights Based Approach in Poverty Reduction Strategies and MDGs:*

The two presentations made by Ms Nzoyihira and Dr Tsemo aimed at developing a practical understanding of RBA. It was explained to the participants what the RBA was bringing to development programming by integrating the human rights norms and standards into development objectives, focusing on the identification and capacity building of both the duty bearers and the claim holders, participation, equality and non discrimination as well as accountability and vulnerability. The steps to applying RBA to CCA/UNDAF were explained as well as the UN common understanding of RBA reached in 2003 at Stamford. Dr Tsemo went further by engaging participants into the relation between human rights, the MDGs and the poverty reduction strategies which needed to focus on the poor not only as the most vulnerable, but also as participants in the process who needed to have their voices heard and had an important contribution to make in the process.

### *Gender equality and access to education*

This presentation made by Prof Hansugule was redesigned 'bottom-top' so that participants started the discussion with hints and insights on issues and problems within their institutional mandates and personal experiences on and around gender in general and education in particular.

### *Rights to health and mainstreaming human rights in HIV/AIDS policies*

Similarly, health and HIV/AIDS were also tackled from a participatory perspective. The main presentation was made by Ms Nzoyihira who explained how issues of stigma and discrimination needed to be addressed when designing HIV/AIDS programmes and policies. One of the participants who had worked with the UN Special Rapporteur on the right to health during his visit to the country shared the experience of his mission and how it brought additional interaction with the UNCT. While UNAIDS pointed at the issue of discrimination against people living with HIV/AIDS, UNICEF spoke about the environment in which children infected with or affected by HIV/AIDS lived. UNHCR spoke about problems faced by children, in particular those who are asylum seekers and the conditions they live in within the refugee communities.



### *Discussion:*

Later in the day, participants were again grouped in groups of two and asked to reflect more closely on issues raised and make recommendations. It was decided that one of the groups would tackle the issue of Gender and HIV/AIDS and try to articulate this within the context of the UN while the other would again look at capacity.

The group discussion was followed by group presentations after which there was a discussion in plenary. During this session participants sought clarification, provided inputs and added new dimensions to the issues discussed. This was also followed by a brief evaluation of the entire programme based on previously agreed set of expectations. Participants spoke positively of the workshop and the fact that it had met their expectations. One participant, a protection officer, expressed her full satisfaction in the way the team handled their presentations. In particular, the use of practical examples and references to cases to illustrate points as being most beneficial to them. They also praised increased use of the participatory method particularly during the second day.

### *RECOMMENDATIONS:*

#### **Human Rights Protection Mechanisms**

Participants noted that when dealing with protection mechanisms one needs to understand the serious deficit that exist in Mozambique with regard to national mechanisms for the implementation and/or enforcement of human rights. The issue that the judiciary was overstretched resulting in serious backlog of cases was also highlighted. It was further noted that the judiciary often did not apply human rights standards in its judgments.

The following recommendations were then made:

1. There should be a formal establishment of the National Human Rights Commission outside of Government with a clear mandate to promote and protect human rights;
2. In addition to establishing new institutions of governance, there was a call for the introduction of radical reforms in the judicial not only to facilitate quick dispensation of justice but also ease conditions for its access; and that particular is to be paid to the indigenous methods of settlements of disputes should also be considered and in particular that chiefs should have their capacities and skills to resolve disputes according to human rights enhanced;
3. Measures have to be designed to decongest overcrowded prisons including introduction of alternative sentencing methods;
4. The reform of the archaic systems of laws inherited from colonization to bring them in line with modern trends and for the UN and donors to provide assistance to Government towards facilitation of this objective;
5. There should be an infusion of the concept of Good Governance in the political and legal systems of Mozambique;
6. There should be ratification of all the global and regional instruments as well as the implementation of deriving obligations, particularly but not only the state reporting obligation which the country is not satisfactorily complying with, and that the UN and donors should render appropriate assistance.

### **Action Plan**

1. There should be participation and a needs assessment for UNCT and Country situation;
2. A realistic Action Plan should be drawn or there should be strengthening of existing ones;
3. A conducive environment for HRBA should be created;
4. There should be an effective mainstreaming of the HRBA into the main planning instruments and respective implementation and monitoring and evaluation than H and S into Rome and Paris Declarations.

### **Conditions at Country Level for mainstreaming the HRBA:**

1. There is a need for capacity building of technical working groups and focal points;
2. A UN seminar needs to be organized in order to develop a common approach in programming, this also needs to be taken further to the UNCT;
3. Improved interaction between the UNCT and the UN Headquarters,
4. Education of the Donor community in integrating human right agenda when dealing with policies and programming
5. The plan of action should also be conceptualized and harmonized to PARPA,

### **Gender and education**

1. A youth programme needs to be developed and it has to focus on awareness and also involve parents;
2. There is a need to focus on sexual exploitation and awareness has to be raised among victims of rape, as the issue is not being addressed due to the stigma attached;
3. Abuse of girls by male students and teacher has to be looked at and the acceptance of financial compensation by parents of the victims;
4. There should be an amendment of the legislation dealing with rape and abuse. This legislation should also deal with issues affecting refugees;
5. Cultural issues have to be taken into account when dealing with gender issues;
6. UNDP/UNFPA/ILO has to improve their planning process on initiatives on Violence against Women;
7. UNDP needs to mainstream Gender into the PARPA;
8. With regards to remedies, there is a need for more UN coordination, work on law reform and a study based on existing data;
9. There is a need to increase the number of female teachers to ensure gender equality and education. This will in turn improve access, quality and availability of education services;
10. The power model needs to be reviewed.

### **DAY THREE:**

#### **HALF-DAY WORKSHOP FOR THE COUNTRY MANAGEMENT TEAM**

The third and last day of the workshop was devoted mainly to a briefing of members of the Country Management Team on the outcomes of the first two days of the workshop.



Following introductions, Prof. Hansungule gave a brief overview of the recommendations made by workshop participants. Specific aspects of the recommendations were given due emphasis.

Following the presentation, members were afforded an opportunity to ask questions and seek clarifications where necessary. One of the questions was around the applicability of the standards as well as their enforcement. Another question was on the nebulous balance between the standard of human dignity and HIV/AIDS and the duty of medical practitioners to protect the public. Finally, there was a question on the extent of the obligation of State parties to international covenants, for instance in the case of Mozambique, given the porous and skeletal nature of their economies.

Following this overview, Dr. Tsemo made a presentation on strengthening the rights based approach (RBA) in CCA/UNDAF/PARPA and practical steps in implementing Action 2. She recalled the basic principles of a RBA to programming before explaining in a practical way the steps to preparing a right-based PARPA. She further illustrated the application of RBA by contextualizing human rights, HIV/AIDS as part of the MDGs, and also presented some application of RBA into CCA/UNDAF. This important aspect of the UNCT's work was linked to how Action 2 could be used by the CMT to enhance the promotion and protection of human rights at country level through capacity building and joint programming development, greater interaction between country programmes and work of the Treaties Bodies and Special procedures.

Thereafter, interventions were made including a call on the OHCHR to increase capacity of the Southern African Regional Office in Pretoria to make it function more effectively and meet demands from agencies for information and knowledge in human rights. The UN Resident Coordinator, Ms. Spezzati reiterated this and stated that this would ensure that OHCHR catered for the needs of the region as a whole. It was explained that the agencies were somewhat already fairly aware of the human rights standards and issues around their application but that it was State parties that needed more assistance.

The Country Management Team requested to be provided with the list of recommendations that were made by the participants during the workshop. Finally, Ms. Spezzati emphasized that the key issue for Mozambique would be to ensure that the HRBA forms part of the next PARPA process. She thanked the expert team for undertaking the exercise.

### **The Country Management Team recommended the following:**

#### **Human Rights Based Approach and PARPA**

1. There should be an agreement with Government that the revised PARPA should be participatory, including civil society, Community-Based Organizations (CBOs), and the poor so as to guarantee its popular ownership;
2. The different mandates of various UN Agencies should be borne in mind and the need to jointly define indicators of monitoring PARPA in the context of Human Rights Based Approach;

3. A call has to be made on all Agencies to seriously commit themselves towards joint programming in the implementation of PARPA, and to join Government in fundraising for a HRBA in the implementation of PARPA;
4. It will consider recruiting a human rights adviser for 6 months in order to assist in the process of making the new PARPA rights based.

#### **Gender, HIV and AIDS and Human Rights**

1. There must be training in human rights and their applicability for all levels of staff in the UN Agencies, specific focus to be on the provision of specialized skills for Gender/HIV AIDS Focal Points;
2. Agency to set aside a percentage each year out of its budget towards the costs of the above;
3. UN quarterly meetings on Human Rights should be introduced;
4. Whilst welcoming the ongoing activities and actions on human rights, gender and HIV/AIDS, there should be more cohesiveness in programming of activities;
5. The Project on UN Sexual Misconduct and other forms of Violence (Ethical Conduct?) in the DRC and other countries be made public in the spirit of transparency and as a moral duty;
6. With regard to strategies against HIV/AIDS, the UN has to ensure country-level adaptation of strategies on HIV/AIDS as well as increased gender mainstreaming in relevant policies and programmes;
7. There should be promotion of equity among staff of the UN and there should be an assurance that the UN's staff policies were consistent with minimum standards of human rights prescribed in UN Human Rights instruments and that there is equity for all contracts;
8. Human and financial resources in the organization should be used efficiently.