

United Nations Special Rapporteur on the human rights of internally displaced persons,

Paula Gaviria Betancur

Official visit to Mozambique

9-21 November 2023

End of Mission Statement and Preliminary Observations

Maputo, 21 November 2023

End of Mission statement of the Special Rapporteur on the human rights of internally displaced persons, Paula Gaviria Betancur, on her visit to Mozambique from 9 to 21 November 2023

I. Introduction

In my capacity as United Nations Special Rapporteur on the human rights of internally displaced persons (IDPs), I have undertaken an official country visit to Mozambique from 9 to 21 November 2023, at the invitation of the Government. The objectives of my visit were to gather first-hand information on the internal displacement situation in Mozambique; to consult widely with the Government, national and provincial authorities and other key national and international stakeholders on the main issues and responses to internal displacement, as well as engage with internally displaced persons themselves; to consider ongoing challenges faced by Mozambique with regard to IDPs and assistance to them; and to identify protection concerns facing IDPs as well as opportunities for durable solutions. I travelled to Maputo, as well as provinces of Sofala and Cabo Delgado, where I met with provincial and district authorities, representatives of the UN, and other human rights, humanitarian and development partners, the private sector, civil society, faith-based organisations. In Beira I visited the IDPs sites of the Praia Nova and Mandrusi as well as Guara Guara in Buzi district. In Pemba I visited Paquitequete, as well as travelled to Palma and Metuge where I met IDPs, including women, youth, older persons, persons with disabilities, who have displayed remarkable strength and resilience in the face of the diverse drivers of displacement in Mozambique. I regret that I was not able to visit other sites in more remote areas throughout the country due to time constraints.

I would like to express my gratitude to the Government for extending an invitation to me and to the National Directorate for Human Rights and Citizenship at the Ministry of Justice in particular for facilitating and coordinating my meetings with Government authorities at national and local levels. I am grateful to the representatives of national, provincial, and municipal authorities including representatives of the executive, the legislature and the judiciary, for the constructive and open dialogue and engagement on the issues pertaining to the scope of my mandate. To everyone who met with me, including representatives of humanitarian and development partners, civil society representatives, the community activists and local leaders, I want to express my appreciation for their openness and readiness to contribute. Above all, I would like to express my sincere gratitude to the internally displaced persons themselves who, despite the difficult conditions of their displacement, shared with me their hopes and aspirations for themselves and their families.

My findings represent only my preliminary observations and do not reflect the full range of issues that were brought to my attention, nor do they reflect all the initiatives on the part of the Government or its humanitarian and development partners. Over the coming weeks, I will be reviewing the information I have received in order to develop my full country visit report which I will be presenting to the United Nations Human Rights Council in June 2024 in Geneva.

II. Context and background of internal displacement in Mozambique

Mozambique has been affected by internal displacement due to disasters exacerbated by the adverse effects of climate change, resource extraction projects, and armed conflict. Mozambique is among the countries most vulnerable to natural hazards, including droughts, heavy rains, tropical storms and cyclones, the frequency and intensity of which have increased as a result of the adverse effects of climate change.

Reoccurring natural hazards, tropical storms and cyclones not only trigger multiple displacements of people already living in displacement sites but also exacerbate the already complex process of settlement and integration. Since 2017, the Province of Cabo Delgado has severely suffered large-scale internal displacement both within the province and to neighbouring ones, due to ongoing armed conflict and violence perpetrated by non-state armed groups (NSAGs). The conflict has led to civilian casualties, destruction of infrastructure, loss of livelihoods, and serious violations of international human rights and humanitarian law, including forced recruitment and use of children in hostilities, gender-based (GBV) and conflict-related sexual violence. The situation was further exacerbated by the lack of basic infrastructure and services and chronic levels of poverty, unemployment and social inequality, due to pre-existing disparities between the south and the north of Mozambique that are themselves at the root of the conflict.

The situation of improved security, which has enabled some IDPs to return at least temporarily to their districts of origin, is due in large part to the support of Southern African Development Community Mission in Mozambique (SAMIM) and the Rwanda Defence Force (RDF) who have supported the counter-offensive against NSAGs since mid-2021. The security situation in northern Mozambique continues to be dynamic characterised by both continued displacement and IDPs returning to their areas of origin in search of better livelihoods. As of August 2023, there are 627,846 IDPs in northern Mozambique, while the number of returnees has increased to 540,958.

While most returns in Cabo Delgado province are reported by the Government to have been voluntary and self-organized, the process was reportedly marred by a lack of structured, formal and transparent process of consulting IDPs, prompting concerns about their voluntariness and jeopardising the potential for durable solutions. In some instances, local authorities and community leaders are reported to actively encourage, pursue or exert indirect pressure on IDPs to return to their places of origin either by promising humanitarian assistance or providing inaccurate or incomplete information about conditions in place of return, thereby hampering their ability to make an informed and fully voluntary decision. The return movements have at times been facilitated either by the Mozambican Armed Forces (FADIM), SAMIM, or the RDF often using construction trucks, including for IDPs in most vulnerable situations. While I was told by the Government that these were the wishes of the population due to the fragile security situation in the province, the movement of IDPs under the auspices of the military/armed elements nevertheless contravenes the principles of neutrality, distinction, and precaution. Such movements may render the civilian population and the humanitarian actors vulnerable to more serious security and protection risks and may turn them into potential military targets.

The majority of returning IDPs, accounting for 55% in the country, have returned to their districts of origin or close to them, while the remaining displaced population reside in IDPs sites. In the north, Pemba, Metuge and Mueda host the overwhelming majority of IDPs, with returns mostly concentrated in the northeast districts of Mocimboa da Praia, Palma and Muidumbe. The movements and returns in Cabo Delgado have been mostly triggered by real or perceived improvements in security, recovery of housing, land and property (HLP), and family reunification, all of which is against the backdrop of discontinued or insufficient humanitarian assistance in areas of displacement, the scale up of stabilization and development initiatives in other areas. At the heart of these movements is the search for better livelihood opportunities - as one internally displaced person said: "We do not want to keep relying on humanitarian assistance; we want to have access to arable *machambas* and tools to be able to work for ourselves."

The durability of IDP returns is questionable due to a number of challenges, including discrimination on the grounds of ethnicity, lack of access to alternative and sustainable livelihoods, and lack of measures to favour their reintegration, including through continued and sustainable mental health and psycho-social support services, and a tenuous security situation that is contingent on the continued presence of international security forces. Lack of viable livelihood opportunities in places of settlement coupled with lack of security guarantees and disrupted or inadequate social services in areas of return have resulted in family separation or pendular movements between areas of return and displacement sites as well as between urban and rural areas to access services and alternative livelihood opportunities. Despite these challenges, the Government is working towards ensuring that the minimum conditions for return, including basic social services and critical public infrastructures are in place before facilitating the returns. The Government has

also acknowledged the continued need for technical capacity and specialised and expanded mental health and psychosocial support services. These efforts however have been severely hampered by lack of adequate resources, limited technical capacity and insufficient infrastructure to reach the most underserved and conflict-affected areas. The majority of the returnees have endured violence and multiples waves of displacement and continue to require humanitarian assistance and mental health and psychosocial support and protection to resume their lives and livelihoods. In that context it is clear that although some IDPs have been labelled as “returnees” by the authorities since they have physically “returned” to their district of origin, the majority of these returns do not meet the conditions for durable solutions as set out in the IASC Framework on Durable Solutions for Internally Displaced Persons.

It is of utmost importance to identify and respond to the protection needs of the most vulnerable in both displacement and return areas, including children, persons with disabilities, older persons, women survivors of sexual violence, including through mobilization of community committees. I heard from multiple stakeholders that the ability of the humanitarian partners to respond has been curtailed due to severe funding shortfalls. This forces humanitarian actors to make difficult choices, such as curtailing food rations to cover a larger caseload of beneficiaries or stretching service provision between the displaced people and the “returnees” affecting its quality and increasing protection risks in view of negative coping mechanisms.

Furthermore, multiple national and local interlocutors have acknowledged that the conflict is still ongoing in view of the attacks against civilians and armed clashes between the NSAGs that continue to drive displacement, including of newly returned IDPs, which adds to the complexity of the response.

Mozambique is one of the richest countries in the world in terms of non-renewable natural resources and has large reserves of resources present in the provinces of Cabo Delgado and Nampula. Extractive projects in Mozambique have led to the displacement and relocation of communities residing near project sites. Project-induced displacement of this nature, can, when inadequately managed, have a number of negative human rights impacts including inadequate consultation with and participation of affected communities – particularly marginalized groups such as women, children, older persons, and persons with disabilities – in relocation processes, a lack of remedy mechanisms for harms suffered during relocation and displacement, insufficient compensation with vague eligibility criteria, and a lack of access to traditional livelihoods opportunities and services in areas of relocation.

During my 13-day visit, I was only able to meet with one company so my analysis on this topic will be further developed in the extended report. I regret not having had the opportunity to meet international investors representing the extractive industry, nor directly with persons displaced by extractive projects. Over the coming months, I will follow up with relevant actors in order to understand the current patterns and trends related to extractive industry induced displacement risks.

For the time being, I foresee the following human rights challenges that need to be addressed when development projects are being implemented: resettlement to other lands and the isolation of traditional livelihood opportunities; lack of quality support, monitoring and legal action and follow-up of the resettled communities; the exchange of land that leads to the exchange of labour activities such as fishing - populations that used to live on the coast and now live in the interior; insufficient coverage of the voices of vulnerable groups – women, older persons, children, persons with disabilities; vague criteria for compensation, often covering only the material dimension, ignoring the moral and emotional impacts of the relocation of families; resettlement process with a weak monitoring dimension of gender mainstreaming and other human rights issues; cultural and social conflicts between host communities and new communities.

My preliminary recommendations are that at district level there is human rights lensed monitoring of resettlements, informed consultations of the population about their preference for alternatives in terms of work in the event that they are forced to change their area of work; community leadership about the ongoing resettlement process. Qualitative legal support to resettled communities via the Bar Association and human rights litigation CSOs or others should be provided to the communities. Specialists in psychosocial support should accompany the resettled communities. Finally, the design and implementation of the national

business and human rights plan should have a strong monitoring component. I am encouraged by the Government's intention to approve this plan and recommend that it involves a broad consultation with civil society organizations and displacement for project-affected communities.

III. Legislative, policy and institutional framework: challenges and opportunities

Mozambique has ratified the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) in 2009. It has also incorporated the UN Guiding Principles on Internally Displaced Persons into its legislation and policies, has established a displacement policy and enacted various laws, decrees and resolutions, including: the 10/2020 Law on Disaster Risk Management and Reduction which defines post-disaster recovery as a set of medium and long-term actions for the sustainable restoration of infrastructures destroyed or damaged as a result of natural phenomena; the Disaster Management Law, establishing the legal framework for disaster risk management, including the prevention and mitigation of the destructive effects of disasters, the development of relief and assistance actions, as well as reconstruction and recovery actions in affected areas; the Decree 76/2020 approving the Regulations of the Disaster Risk Reduction and Management Act; and the 42/2021 Resolution approving the Strategic Policy for the Management of IDPs.

In 2021, Mozambique adopted its National Policy and Strategy for Internal Displacement Management (PEGDI), led by the National Institute for Disaster Risk Reduction and Management (INGD). The Policy and Strategy includes a detailed matrix of actions to be taken by various government authorities to prevent displacement, as well as to prepare and respond to displacement in a way that helps displaced people find durable solutions to their displacement.

The National Disaster Risk Reduction Master Plan 2017-2030 (PDRR) is the overarching programmatic framework for Disaster Risk Management (DRM) in Mozambique. It sets forth an ambitious and comprehensive DRM program for 2017-2030 to promote Mozambique's resilient development through disaster prevention, preparedness, response, and recovery. It also recognizes the need to mainstream disaster and climate resilience in public investments, territorial planning, and public financial management, while building capacity at all levels. The program aims to reduce disaster risk, the loss of human lives, impact on livelihoods and critical infrastructures, as well as avoid the emergence of new disaster risks by increasing the resilience of people and infrastructure to climate and other natural and man-made hazards.

The Government of Mozambique has committed to a series of milestones to address the causes of fragility and conflict and prevent the escalation of violent conflict, as part of the process to secure eligibility to the Prevention and Resilience Allocation (PRA), including through a request for support from the United Nations, European Union, African Development Bank, and World Bank to produce a Recovery and Peacebuilding Assessment (RPBA) for Northern Mozambique. This provided the evidence base that led to preparation of the Government's Integrated Development and Resilience Program for the North (PREDIN), which became the Government's official five-year planning blueprint for the provinces of Niassa, Cabo Delgado, and Nampula in 2022. It outlines a plan for development, peacebuilding, recovery, and resilience-building to address the root causes of the conflict in the north and mitigate its impacts. PREDIN, and the Reconstruction Plan for Cabo Delgado (PRCD), which was approved in October 2021, are the overarching framing Government documents to respond to the crisis in the north.

The policy and strategic framework governing the implementation of social action encompasses provisions addressing the prevention and support of IDPs that have returned. Subsequently, in 2021 owing to the deteriorating situation in Cabo Delgado, the Council of Ministers sanctioned a policy and strategy for managements of IDPs, established through Resolution 42/2021. The objective of this legal framework is to reduce and resolve issues related to IDPs and returnees through appropriate actions of prevention, assistance and socio-economic reintegration and encompasses IDPs/returnees for both conflict and/or climate shocks. INGD is responsible for coordinating disaster risk management at the national, provincial and district levels as well as the community levels.

This strategy is a good start for the implementation of the international standards for protection, assistance, and solutions to IDPs stipulated in the Kampala Convention, and must continue evolving towards an overarching legal framework for the protection of IDPs in the national legislation, ensuring that all drivers of displacement including conflict, disasters and projects are duly incorporated. A whole-of-displacement approach is critical to ensure coherent and consistent approaches at all phases of the displacement cycle, as well as an equal focus on different types of displacement and equitable provision of protection, assistance, and solutions to IDPs, regardless of their location, phase of displacement, or cause of displacement. Specific guidelines for police and armed forces would need to be adopted to ensure not only that both evacuations and returns to places of origin are complied with in an effective, safe and dignified manner but also to include, to the greatest extent possible, driven by the participation of IDPs in the planning and management of their return, resettlement or reintegration. I also recommend the Government to continue raising awareness and promoting the implementation of the strategy.

IV. National and international response to internal displacement

The ongoing efforts of the Government, including the strengthening of the INGD, equipped with the Prevention and Mitigation Division, National Emergency Operative Center, National Civilian Protection Unit, and a Unit for Disaster Risk Reduction and Management Fund to promptly respond and to the effects of the climate shock, are commendable. Numerous governmental institutions have vital roles in addressing the needs and protection of IDPs and are responding; however, they lack adequate and sufficient human and financial resources and capacity to be present where the services are mostly needed. For example, in 2019, there was no capacity to respond during the disaster in cyclone impacted central province of Sofala in areas such as Chibabava, Búzi, Beira, Dondo, Nhamatanda and Muanza resulting in significant social and economic damage. I would like to commend the Government of Mozambique for its early action and response to prevent and mitigate disaster displacement during Cyclone Freddy, where the number of deaths and injuries were fewer than in neighbouring countries due to early action by INGD. Accommodation centres were set up throughout Sofala province and a wide range of assistance and services were delivered. However, many families resettled to those sites still struggle to access basic goods and services, as well as adequate housing and livelihoods.

It is reported that out of 181,660 internally displaced persons in central and southern Mozambique, 130,000 are in a situation of protracted displacement mostly concentrated in central and southern areas of Sofala province and the unresolved displacement since the most recent cyclones and tropical storms, as well as the transition to recovery seem to have been deprioritised in view of the crises in the north resulting in people living in resettlement sites for years with limited livelihood opportunities, insecure land tenure and insufficient access to adequate housing. In more remote resettlement sites that were initially meant to be transitional and short-term, IDPs, although in a relatively stable place of habitat, lack livelihood opportunities and subsistence agricultural lands to sustain their families.

In this regard, the Guara Guara resettlement area established in 2019, is a settlement where interventions to strengthen infrastructure, including a new reference hospital and expanded water system coverage have lifted living standards for both existing and new residents. Guara Guara could serve as a good practice provided that all services have been permanently re-established; at present living conditions of IDPs whom I met in many areas are still precarious. IDPs face real challenges to access basic social services, such as food, health, drinking water, education and accommodation, among others. Health, education and drinking water are the least accessible, as they force internally displaced people to travel long distances to reach them.

Despite the security risks in return areas, it is disheartening that one of the IDPs I met told me: “I would rather get shot farming, than dying of hunger”. Everywhere I went, there was a crying need expressed by the IDPs to be supported with livelihoods. Food security is significantly compromised in the areas I visited, especially for vulnerable groups including children, older persons, and persons with disabilities due to a lack of clarity about the frequency of distribution by humanitarian actors, which are the only source of food for some IDPs in the absence of livelihoods opportunities.

Displacement due to natural hazards and climate shocks is a cyclical phenomenon in Mozambique. This is in part because people continue to live in high-risk areas either because of the affordability or the provision of services and availability of livelihoods opportunities. Recurrent and multiple shocks and displacements do not allow for the IDPs to recover and develop resilience. Depending on the severity and typology of the crisis, displacement is usually temporary for climate-related shocks. However, the Government is generally not looking at plans for resettling populations living in high-risk areas or finding ways to reduce in a more preventing and permanent way the risks in these areas. Resettlement due to climate shocks or sudden onset shocks is generally done quickly with little or no investment for the development of the sites established, including services for children (schools, health facilities, etc). Temporary solutions for settlement become permanent solutions with insufficient infrastructures and services on the ground.

Although data collection efforts are ongoing to map groups in vulnerable situations (women, children, older persons and persons with disabilities) for early warning and evacuation, these need to be systematically updated during the preparedness period to ensure they are accurate and can be consulted in all stages of the response, and that responses are tailored to the protection needs of these groups during disasters. Despite efforts to restore basic social services, some challenges remain, including limited disaggregated data collection on the prevalence of vulnerability and the barriers to access services.

Disasters fueled by the adverse effects of climate change are a reoccurring reality in Mozambique, and it is essential to strengthen resilience of existing settlements and relocate disaster-susceptible populations to high land areas deemed uninhabitable while providing adequate livelihood opportunities. Relocations should, however, respect the right to choose durable solutions that are appropriate for them in accordance with their intentions and must be shaped by the active, meaningful, and informed participation of displacement-affected communities, including IDPs and potential future host communities.

In existing post-cyclone recovery plans, it is important to accelerate the reconstruction of resilient infrastructures in resettlement areas with the continued robust involvement of affected communities in disaster preparedness, humanitarian response, and post-disaster recovery and work towards institutionalization of such approaches.

In Northern Mozambique, the response is shifting from being primarily humanitarian and towards reconstruction. This will require humanitarian-development-peace nexus-driven approaches to coordination, information management and programming amid critical and immediate protection and humanitarian needs for IDPs in underserved and conflict-affected areas as well as in designated displacement areas. Despite the protracted nature of displacement in Cabo Delgado, most IDPs still heavily rely on humanitarian support due to challenges in accessing livelihood opportunities, including access to small landholdings for subsistence agriculture. Ongoing humanitarian aid is therefore necessary while self-reliance and resilience-building activities are intensified and scaled-up in both displacement and return areas.

There is also a critical need to enable Government-led and locally-owned, decentralised and area based interventions, capitalising on the high level of vulnerabilities and the critical protection and humanitarian needs of the populations in different stages of displacement, and delivering on their accountability as a duty-bearer. There is a further need to strengthen Government's leadership and ownership by empowering local, administrative and provincial counterparts and key governmental stakeholders and focal points by providing clarity on their roles to support internal displacement across the spectrum in the national policy and ensuring decentralisation and localisation of displacement responses.

In this regard, although various governmental mechanisms for coordination at provincial level are in place, their level of engagement varies with overlapping responsibilities and duplicating roles. PREDIN was established as the 'Programme for the integrated resilience and development of the north' following the Recovery and Peace Building Assessment in 2021 with a wider approach to recovery with a total budget of 2.5 billion, the current political focus is on the Reconstruction Plan for Cabo Delgado (PCRD), targeting the 6 most affected districts. While both are under Ministry of Economy and Finance, there is not enough clarity on coordination mechanisms. There is also a greater need for clarity and visibility at the local level

as to the agency leading the inter-ministerial response to current crisis both for the conflict in the north, and for post-disaster recovery for the cyclone affected regions.

V. Protection risks and concerns

The situation of internally displaced people deserves urgent attention in the context of the human rights violations they continue to endure against the backdrop of ongoing discrimination, exclusion and marginalisation.

Serious protection risks faced by IDPs combined with limited capacity of the government and humanitarian actors on the ground to respond to and address the affected population needs have had an adverse effect on the population's coping capacities and increased their vulnerabilities. The overall protection environment in Cabo Delgado remains dynamic and requires continuous protection assessment and analysis to inform early-warning systems and the humanitarian response.

I have identified critical protection risks faced by IDPs, host communities and returnees which have been widely acknowledged by numerous partners, including the governmental stakeholders and the National Commission for Human Rights. There are ongoing efforts by key governmental agencies, albeit fragmented and with limited technical capacity and outreach to address them. Interventions by Government, development and protection actors are project driven and lack sustainability. It is critical to ensure that all interventions are urgently tailored to these critical protection needs both in settlement, relocation, and return areas.

While the primary protection needs in both the current displacement areas and the return areas include civil documentation, child protection, legal assistance, physical safety and security, protection from gender-based violence (including risks associated with survival sex, and early and forced marriage) and mental health and psychosocial support services, there is also a need to strengthen integration and mainstreaming of human rights protection considerations in key sectors such as food security and livelihood, health, shelter, and WASH. Given the inconducive conditions and lack of services in some of the return areas, there are serious risks in areas of return, including instances of GBV, including conflict related sexual violence, instances of child recruitment and use in hostilities, instances of abduction and civilian casualties, limited to non-existent essential services, lack of awareness about existing complaint mechanisms and a lack of access to formal justice mechanisms. These factors trigger continuous intra-district movements and displacement and exacerbate protection risks.

Access to justice and legal remedies is one of the criteria for determining when a durable solution has been achieved. Access to the administration of justice for IDPs, including access to legal aid for critical protection services, including GBV services, has been severely hampered in the aftermath of the conflict. This adds to already existing disparities in access to legal aid and accessible complaints mechanisms, fear of retaliation for filing complaints paving the way to a culture of silence and reluctance of denouncing cases, lengthy judicial proceedings, and a lack of prompt investigation and prosecution of cases reported, all of which has contributed to a sense of injustice, exclusion, and mistrust in the administration of justice by IDPs. Access to justice is key in ensuring accountability for human rights violations and combating impunity. Measures to ensure accountability for human rights violations could mitigate this lack of trust towards the judiciary and investigative bodies.

In the absence of viable justice administration mechanisms, community justice structures have been re-established in IDP sites as an alternative customary justice system, however they lack due process, guarantees of a fair trial, effective remedies and victim-centric approaches, and cannot replace the formal justice administration in relation to serious human rights violations.

There is a continued need to build capacity for judiciary and law enforcement on the rights of the IDPs and facilitate training and resources to entities providing legal assistance to IDPs. Stronger presence of justice institutions is needed to rebuild public trust and the social contract that has eroded during the conflict.

Integrated justice, like the existing ‘palacios de justicia’ with multiple services could be a good strategy to enhance coordination and operational efficiency. I was informed of the intentions of the Government to have a tribunal in every district of the country, but additionally encourage the possibility of all justice services in one place.

During my visit I learned that following the Presidential pardon in September 2023, some NSAGs surrendered their weapons with the guarantee that they would be pardoned and would be able to reintegrate into their communities. I am concerned at the reports expressing fear and re-traumatisation of victims and survivors of human rights violations committed by former NSAGs’ members when these individuals return to their communities and share the same environment with the victims and survivors. There is a need for **Transitional Justice** measures to be transparent, inclusive and discussed with the communities to foster social cohesion and reconciliation, and to ensure the protection of the human rights of the victims promote truth, justice, reparation, rehabilitation and guarantees of non-recurrence.

Accessibility of services to provide or replace **civil documentation** to IDPs was one of the main protection concerns during my meetings with IDPs. There are ongoing efforts to ensure civil documentation, including through mobile brigades, however these services are not accessible to all IDPs and in some instances imply waiting for longer periods of time, traveling between districts or paying associated fees, all of which puts IDPs, especially women and girls at heightened risk of violence and sexual abuse or exploitation. Identification and birth certificate document-issuance brigades should be promoted in IDPs settings to safeguard children against illegal recruitment. This process should be simplified and expedited so that all IDPs are reached.

Lack of civil documentation and the destruction of basic infrastructures have further exacerbated existing **housing, land and property** risks both in displacement and resource-rich return areas leading to instances of forced evictions, illegal expropriations, illegal occupations, and land conflicts between communities. Given the sporadic and spontaneous nature of the return and the lack of civil administration in conflict-affected areas, many returnees have found themselves being unable to resume their livelihood activities due to insecurity when accessing their farmland in areas of ongoing armed clashes, unable to obtain their housing and lands including where existing forms of tenure security existed creating inter-community land disputes in their places of origin exposing them to further risk of forced eviction and thereby jeopardising sustainable return and reintegration. I hope that the current 1997 Land Law revision process will strengthen pathways to secure land tenure and access to HLP rights, including full community participation, non-discrimination and strengthening gender equality in access to land.

During the armed conflict in Cabo Delgado, internally **displaced children** have witnessed or experienced violence, displacement, and the loss of their homes and loved ones, leaving them traumatized and in desperate need of mental health and psychosocial support. Lack of birth registration makes children, including unaccompanied and separated children, vulnerable to exploitation, forced marriage, child labour, trafficking, and recruitment into armed groups. Education has been disrupted by the conflict leaving children with limited facilities to return to and with lack of the adequate means to receive quality education. Urgent and sustained efforts are necessary to address the protection risks and safeguard the rights and well-being of children caught in this complex conflict. I was encouraged to hear that a victim-centred approach is employed by key protection actors as the only way of engaging with victims since it prioritizes listening, avoids re-traumatization, and systematically focuses on their safety, rights, well-being, expressed needs and choices.

Efforts should be undertaken to reunify children with their families when possible, ensuring proper assessment and follow-up to guarantee their safety and protection. Safe spaces should be expanded in different districts to allow their speedy referral to required services. Internally displaced persons often don't have much space to express their anxieties or desires, causing frustration and despair about improving their lives. This is exacerbated by the fact that many of them have left behind their heritage, means of survival, beliefs and have become dependent on everything without self-esteem. **Community-based mental health and psycho-social services**, including specialized services for children and their families must be strengthened in displacement sites and areas of return through an increase in social

workers, therapists and psychologists to support the high needs in communities who have experienced multiple displacements, witnessed extreme violence, and where children are reintegrated. Community-based legal assistance should provide awareness on the issue of child marriage and that mechanisms are in place to report and respond to suspected or confirmed cases of child marriage promptly for the better protection of children.

I recommend accelerating efforts to ensure a comprehensive sexuality education, prioritizing out of school adolescents (especially IDPs) as due to inequalities, traditional harmful practices are linked to GBV and sexual and reproductive health, as teenage pregnancies and early marriage originate in the Initiation Rites. Existing laws and policies need to be enforced.

There is an urgent need for increased attention to implement prevention measures for **children's abduction and recruitment into armed groups**. Children who have escaped from NSAGs have experienced atrocities during their abduction and roles within the armed group and have sometimes been involved in physical or sexual violence. Once released or escaped, they can suffer further victimization, as they are considered as members of ex-NSAG and, as such, can be exposed to discrimination, stigmatization and rejection from their communities. I was told that efforts are being made to reintegrate them in their families and communities with the provision of access to mental-health and psychosocial support services and life skills activities, however there is a severe lack of specialised mental-health and psychosocial support service, particularly in remote districts. In addition, children liberated from NSAGs were reportedly held under administrative detention by the Government for alleged association with NSAGs for prolonged periods of time, while they or their caregivers were investigated for suspected ties to NSAGs or detained in adult facilities in violation of due process guarantees, and further exacerbating the trauma they experienced.

I was informed by the Ministry of National Defence that it has developed procedures for caring for children in armed conflict and trained its security forces. I welcome this and call upon the Government to also consider the endorsement of the **Principles and Guidelines on Children Associated with Armed Forces or Armed Groups** (CAAFAG) (the Paris Principles) and the Vancouver Principles and continue training its security forces on the prevention of grave violations against children and the establishment of child protection focal points. Finally, children who have been allegedly associated with NSAGs, should not be prosecuted or threatened with prosecution or punishment solely for their membership of the group, and all feasible measures should be taken to ensure that children associated are demobilized, disengaged, or otherwise released, and provided with all appropriate assistance for their physical and psychological recovery and their social reintegration.

During several focus group discussions, I heard allegations of both adults and children having non-consensual relationships with and/or being allegedly raped by armed forces, with unwanted pregnancies as a consequence. Women and girls who are released are often then revictimized as they may encounter their perpetrator in public spaces (such as the marketplace or *machambas*), thus jeopardising survivor's ability to recover from traumas. I urge mandatory and continuous training on sexual exploitation and abuse for all national and international armed forces, and the establishment of clear and transparent measures to ensure accountability for perpetrators.

Women and girls face serious protection risks in view of structural inequalities, gender norms and power dynamics in the community. This is further exacerbated by insufficient shelter infrastructure, obstacles in accessing essential GBV services due to fear of discrimination, lack of awareness about available support, and limited knowledge of and confidence in existing complaints mechanisms. Existing State GBV services, already limited to begin with, have been disrupted by the conflict and displacement and lack comprehensive and victim-centric medical, legal and psycho-social support and rehabilitation programmes.

I heard about numerous instances of women and girls resorting to survival sex in exchange for food or humanitarian assistance including with community representatives involved in the humanitarian response, particularly in relation to the management of beneficiary lists. While these community representatives are not necessarily Government staff as their leadership is informal, they are still acting on behalf of

Government authorities and have the responsibility to track and record displacement and movement of the affected population and should be accountable as such. Yet, I am not aware of prosecutions or sentences handed down for the allegations of sexual exploitation and abuse of beneficiaries. There is no existent mechanism or strategy for prevention and response to conflict-related sexual violence (including reintegration of women and girls who experienced abduction and sexual exploitation/abuse by NSAGs). I was told about the high prevalence of child marriage in Cabo Delgado which despite being criminalized, is still widely practiced as a negative coping strategy to ease the economic burden.

I commend the Government for the intention to expand the Centros de Atendimento Integrado (CAIs) which are valued by survivors as a mechanism that provides integrated survivor services and supports local coordination mechanisms. These centers should be established around the country where the survivors are, and their capacity to respond should be strengthened by comprehensive staff training, and multi-sectoral coordination. It is critical to emphasize livelihood programs empowering women, raising awareness on existing social norms targeted on men and boys, and tackling harmful cultural practices to prevent GBV.

It is necessary to enhance survivor-centered case management through comprehensive healthcare, legal, mental health, and security services. GBV prevention in Mozambique needs comprehensive awareness campaigns via mass media and community-based initiatives, including workshops and events and expansion of women and girls safe spaces, ensuring accessibility especially in hard-to-reach areas. It is important to prioritize the distribution of dignity kits, cash, and vouchers to support women and girls in crisis, mitigate the GBV risks, and implement appropriate measures.

I was told that in the fragile protection context the existing reporting mechanisms are not sufficiently known in areas of return and displacement. Although the Government is taking proactive measures to disseminate information about existing complaints mechanisms, on GBV, mental health and psycho-social support services in IDPs sites, efforts should be accelerated to make these services accessible throughout the country, including through sensitization and legal awareness, establishment of mobile clinics that provide legal advice.

Women I spoke to stress their need to feel safe and free of fear. The Government should prioritize security measures such as community security posts and improved infrastructure, including better lighting and improved shelter condition, implement community policing to counter threats reported by women, including hostility from host communities and malpractice by law enforcement and armed groups, in addition to establishing more support groups to interact and address concerns without fear.

There is a need to implement the recently approved Code of Conduct for Humanitarian Actors adopted by INGD and include sexual exploitation and abuse in all governmental trainings associated with humanitarian responses (including induction processes). There is a need to strengthen accountability mechanisms associated with the Code of Conduct (where should misconduct be reported, who should respond and how).

All parties to the conflict are urged to strictly follow internationally agreed core principles that protect displaced and host communities from any form of sexual exploitation and abuse, including those committed by armed forces, ensure that sexual misconduct is rigorously investigated and sanctioned, and that victims and witnesses are protected.

Internally displaced persons with disabilities face unique challenges exacerbated by the protracted conflict and natural disasters in Mozambique including stigma and discrimination and barriers to accessing healthcare, education, reasonable accommodation, protection, livelihood opportunities and assistive devices. Inaccessible facilities further restrict their ability to access and navigate the resettlement camps, making them more susceptible to exploitation, neglect and exclusion. According to the August 2023 Displacement Tracking Matrix report, there are 850,599 IDPs in Northern Mozambique, of whom 24% are persons with disabilities who face further vulnerability in already difficult circumstances.

The initial rapid needs analysis conducted in communities do not capture their specific needs and ultimately, they are not fully assisted in response plans. Disability-inclusive emergency response plans and measures

and policies that ensure access to dignified services and meaningful participation of persons with disabilities are required.

The dignity and protection of adults and children with disabilities whom I met can be improved by ensuring that appropriate assistive devices are prioritized in humanitarian response; and services are inclusive, accessible, non-discriminatory, and not ableist. The Government should ensure technical personnel for all the health centres in different districts, including mobile brigades in the dispersed rural areas. The District Planning and Infrastructure Service (SDIP) in each district has the mandate to coordinate humanitarian aid, capacity building; however, it requires more training in protection, human rights, and humanitarian principles.

I encourage authorities to put in place disability-inclusive disaster preparedness, response and recovery guidelines, plans, policies and strategies in consultation with organisations of persons with disabilities.

VI. International community's response

In light of the ongoing challenges, it is paramount to ensure greater coherence, synergy, coordination and complementarity of humanitarian assistance with recovery and development interventions in close coordination and consultation with the Government and in close engagement with local communities.

Given the crucial role of the UN humanitarian architecture, there is an urgent need for the Humanitarian Country Team protection strategy to be strengthened. This would require efforts toward stronger integration of IDPs issues across all sectors – including WASH, nutrition, health, and education.

On numerous occasions I heard about the need for better coordination of activities between key humanitarian and development actors and somewhat fragmented efforts across different donors, agencies and locations in the humanitarian aid response, lacking tailored approaches to the real needs of internally displaced people when it comes to for example, the allocation of kits and domestic utensils, matching training needs to the wants of IDPs, among other interventions. Better coordination could help to identify the needs and wants of the IDPs, one of them being, for example, a training on their human rights in the process of settlement, promoting mutual respect for traditions and customs, including that of the host community towards strengthening social cohesion and local integration. In addition, the inclusion of IDPs themselves in the provision of basic care to their communities can be particularly effective to ensure discrimination is tackled.

I recommend putting in place programmes specifically aimed at developing the capacities of host communities and IDPs to promote social cohesion and tackle the pre-existing discrimination on the grounds of ethnicity. “In this site, some of us are treated as beloved children and others like stepchildren by the government. We should all receive the same treatment”, I heard more than once.

I also echo the recommendations of the National Human Rights Commission (NHRC) and call upon all human rights protection partners and stakeholders to develop measures and mechanisms to assess whether the appropriate conditions exist for the return of IDPs to their places of origin. I encourage the Government to ensure adequate resources to the NHRC and financial autonomy in order to enable it to fulfil its mandate throughout Mozambique including by increasing its presences in the country.

I heard about limited information exchange and dialogue between the humanitarian structures on recovery, stabilization, and development and social cohesion results and absence of an overview of the nexus spectrum. The Government has established the Mozambique Information System (MIS), an online database to track interventions in the north, currently framed around PRCD but with potential to broaden the scope, with a few partners sharing information on the ongoing efforts. There is a continued need for high-quality disaggregated data and analysis for evidence-based interventions, but also on consultations and involvement of IDPs and displacement-affected communities in decisions that affect them. I noted on numerous instances that data is lacking to inform humanitarian programming as well as solutions to internal

displacement. The Government is working towards creating a consolidated disaggregated database, including on IDPs.

Recognising the need for continued humanitarian support to IDPs in Mozambique, and while shifting the balance to engagement of development, peace and disaster management, it is necessary to tackle the governance, infrastructure, social cohesion, security and risk reduction components that are essential for achieving durable solutions at scale. I call upon the Government and the key humanitarian, development and peace actors to accelerate efforts towards developing a State-owned and driven vision and strategic human rights-based plan and protection strategy about what human rights-based and driven durable solutions mean and how the Government would measure and verify when they can be achieved.

At this critical time, I also call upon the international and donor community to provide additional support to the Mozambique Humanitarian Response Plan for 2023, in particular the most underfunded clusters that remain below the 10 per cent level, to ensure that integrated multi-sectoral emergency assistance is provided to most vulnerable IDPs, host communities and returnees as soon as possible and until service provision is fully restored in return areas.

The significant funding shortfall hampering the essential efforts of protection actors must be addressed as a matter of priority if we are to respond seriously to the protection needs of IDPs. The humanitarian response in northern Mozambique is severely underfunded.

In Mozambique, as of August 2023 an estimated 1.62 million people need urgent humanitarian assistance and protection, including 850,599 internally displaced persons that are still in sites or with host communities and 571,468 IDPs have returned to their areas of origin.¹ This situation requires a strong governmental leadership and a coordinated support from the international community working strategically from a whole of society approach.

VII. Progress towards achieving durable solutions

Internal displacement caused by reoccurring natural disasters, extractive projects, and ongoing armed conflict in Mozambique, while distinct, require ongoing and renewed attention. I urge the Government to provide an effective response, commensurate to the needs of IDPs and informed by their participation, in accordance with human rights standards applicable to them, until they achieve durable solutions. While the Government is now geared toward development initiatives for IDPs, these should complement, rather than come at the expense of protection and humanitarian assistance. The Government, in consultation with IDPs, should develop a framework for durable solutions for IDPs, which would also help clarify division of responsibilities. While there is a need to move from a purely humanitarian response to more sustainable approaches for the medium- and long-term, the current situation in Cabo Delgado remains volatile and protection and humanitarian needs acute, meaning humanitarian assistance will remain necessary in the near-term. Any overarching policy for the protection of IDPs should equitably and holistically address all phases of displacement and all displacement drivers through a whole-of-displacement approach.

I call upon the Government to address the existing impediments to reaching durable solutions, including the tensions between host communities and IDPs in areas of displacement, lack of access to basic services in areas of return, fear of possible attacks, lack of provision of accurate information on the situation in return areas, lack of basic services, damaged infrastructures, inability to secure transportation means, the damage, loss or destruction of housing, property and insecure tenure of their agricultural land due to lack of land certificates. As reiterated above, there should be a clear plan, human rights-based approaches and success criteria based on the international standards prescribed by the IASC Framework on Durable Solutions for IDPs about what durable solutions mean and how the Government would measure and verify whether they have been achieved.

¹ IOM DTM, Round 19.

A community-based approach should be adopted that addresses the needs of IDPs, returnees and host communities (in displacement and return areas), which in turn reduces the risk of tensions arising and facilitates local integration. I highly recommend that activities aimed at enhancing the potential for local integration be put in place supporting the role of local actors and community-based organisations including those led by women. Also, more support should be given to increase the capacity of national NGOs, women-led organisation, and civil society organisations to ensure greater capacity of the humanitarian response in underserved areas.

Finally, I would like to stress that participation of the IDPs in processes and decisions that affect them are essential to ensure their sustainability, relevance, and ownership by both the IDPs and the host communities.

Let me conclude by reiterating my thanks to the Government of Mozambique for its invitation and cooperation with my mandate, which I hope constitutes the beginning of a constructive and fruitful engagement ahead. I also thank the representatives of the local authorities in Sofala and Cabo Delgado for their transparency and openness. I wish to express my gratitude to the Resident Coordinator/Humanitarian Coordinator and UNDP for the logistical support, the Protection Cluster and the Office of the High Commissioner for Human Rights for their unwavering support in ensuring the success of my visit. I also thank all other institutions and individuals whom I met and who provided valuable information to me, above all the internally displaced persons themselves for their poignant testimonies.

I want to conclude by quoting what I heard during one of the meetings: “You may reconstruct buildings. But you may not – the souls”.

The internally displaced people of Mozambique have suffered too much and have the right to a better future.

END