



Government of Mozambique

United Nations Development Programme

European Commission

SUPPORTING CITIZENS ACCESS TO JUSTICE

“Supporting Citizens Access to Justice” is the result of coordinated work and complimentary country programmes of UNDP Mozambique and the EC Delegation in Mozambique, which have identified support to Good Governance and Democracy, including Human Rights as their priorities. The project is designed to maximize the effect of support to the poorest and vulnerable sections of the population and to avoid duplication with other donors. These two combined objectives have led the project to focus on the broad areas of Penal Justice and Decentralization. To accomplish these objectives the project is composed of six sub-projects, namely: Administration of Justice at the Local Level; Correctional System; Organization Against Crime; Human Rights; Women Rights and HIV/AIDS related legal issues. The project aims to create the basis for a coordinated penal justice system where policies are discussed both at central and decentralized levels, where justice lessons from the decentralized levels feed the central level, and most importantly, creates a penal justice system engaged in a culture of harmonization of policies, participation and consultation.

SUPPORTING CITIZENS ACCESS TO JUSTICE

Description of the Action to be implemented by UNDP

1. Background

1.1. Justice situation in Mozambique

The existing justice system in Mozambique is based on a complex interaction of different laws and institutions where the sophisticated legal and judicial technique of the Portuguese model is sometimes blended with post-colonial reforms.

In the first period of independence (1975-1990), when few professional judges and lawyers were available, the aim of reforms was:

(a) to establish a strong and unified control on all justice institutions exercised by the government (mainly through the Ministry of Justice) according to political guidelines issued by the one-party system,

(b) to create a system of Popular Courts at all levels of administration, where elected lay judges and professional ones sat together. At grass root level courts had elected judges only, who were not bound to apply state law in deciding minor civil disputes and petty criminal offences. When mediation and reconciliation was not possible, they decided according to their own sense of justice, taking into consideration both political guidelines and local legal cultures.

Reforms under the 1990 multi-parties Constitution severed the judicial system links at the top and at the bottom. The judiciary is now independent from the government. Community courts perform "informal justice" outside the state judicial system. As a result the Mozambican justice sector appears to be more fragmented than it used to be, contributing to a sense of estrangement on the part of the people and to the common opinion on its serious underperformance.

The administration of formal justice does not reach the majority of the population, as only 60% of the districts have a court, the majority of them in poor working conditions and Community Courts are working in isolation, receiving very little support from the formal justice sector. Outdated procedural and substantive laws contribute to the backlog of the courts (140.000 pending cases), mainly at the provincial level. Poor performance of the court system and of criminal investigation contributes to the prison overcrowding, where the majority of inmates are on remand for petty criminal charges and deprived of any kind of legal assistance. Qualified legal professionals for both the judiciary and the bar have increased in number, but they are still too few and unevenly distributed to meet the justice demand from the people.

New reforms are now under way since the 2000 government action plan (PARPA) has linked improvements in good governance and justice to the reduction of absolute poverty. After approval of the government policies for legality, justice organization and prisons, the main lines of justice reforms have been recently outlined in the Integrated Strategic Plan (PEI, February 2002), and in its Operational Plans of the various justice institutions (POPEI, September 2002). A new Prison Policy was approved in 2002.

Unless the planned reforms in the justice system are properly and timely carried out not even the approximately 2500 law students to graduate in the coming three years will help solving the many and serious problems the justice sector is facing in the country.

1.2 UNDP past and present activities in the justice sector in Mozambique

Since 1997 UNDP has been supporting the Police of the Republic of Mozambique (PRM) with an articulated two-phase project totalling USD 24 million, with contributions from Spain and Holland. The project focused initially on the training of PRM officers in the Michafutene Centre (20 km from Maputo) that was rehabilitated for this purpose, and with technical assistance from the Spanish '*Guardia Civil*'. In the second phase, activities also included the physical and functional rehabilitation of some Police Commands and Police Stations and the PRM strategic planning exercise that is still ongoing. Another parallel project, valued at about USD 2.5 million, is supporting the running of the Police Academy (ACIPOL) that provides higher education training for senior PRM officers.

Justice as such is an area where cooperation with UNDP is more recent. The project "Support to the Justice Sector in Mozambique" started in 1999 with an initial budget of USD 1.6 million that expanded to about USD 5.5 million in its final year of implementation, with contributions from UNDP itself, Norway, Ireland, Portugal and UNICEF. The project has two components: (a) support for the establishment of the Centre for Legal and Judicial Training involving the rehabilitation and construction of infrastructure in Mutatel (6 Km outside Maputo), equipment, training courses for judges and technical assistance; (b) support for reform of the prison system through a study containing recommendations for the government, other research on the prison situation, support for the preparation of the new "Prison Policy", staff training in the social field and occasional measures to improve living conditions in the prisons (rehabilitation of water and sewerage systems, the supply of teaching and health materials, etc.). In 2002 another initiative to fight corruption was added to the project. The available funds (USD 300,000) were used to organize a Forum on corruption, train judicial inspectors and journalists, and the first survey on the needs of PIC.

The UNDP Second Country Cooperation Framework (CCF) for Mozambique (2002-2006) has so far identified two Project Areas: Poverty Reduction and Promotion of Democratic Governance. All the projects and sub-Projects shall be "formulated in a programmatic framework, with clearly articulated linkages and synergies within and between them".

As far as the Justice Sector is concerned, this has been included as one of the priorities within the "Promotion of Democratic Governance" CCF area and its future formulation shall continue to have a programmatic approach and possible links and synergies with the "Poverty Reduction" area.

Moreover, the PARPA document (Plano de Acção para a Redução da Pobreza Absoluta 2001-2005) formulated by the Mozambican Government in February 2001) clearly states that the good governance is one of the fundamental conditions for a successful strategy in poverty reduction. In particular, initiatives on Justice, Law and Order have to be undertaken to protect the poor, facilitate their access to legal institutions and reduce their vulnerability.

There is therefore convergent judgment from both the Government and UNDP that poverty reduction is a priority, that poverty is a multidimensional problem, where vulnerability and powerlessness play an important role and that "institutions matter for poverty". From this point of view, poverty also implies not to have access to justice, to legal defence, to the protection of human rights, to a humane treatment during detention and to the protection by the institutions in charge of the maintenance of order and security.

1.3. EU aid policy

The EU has made respect of good governance, democracy and human rights a standard clause in its international agreements. These objectives are founding themes in the EU partnership with the ACP countries under the Cotonou Agreement, as an integral part of sustainable

development. These objectives are also in line with the foundations of the new global partnership, as outlined by the Millennium Declaration on the Millennium Development Goals (MDGs), The Monterrey Consensus on Financing for Development, the Johannesburg Summit on Sustainable Development and the NEPAD. The Country Strategy Paper (CSP) for Mozambique, signed on 18 February 2002 in Maputo, puts the main emphasis on reducing poverty in accordance with the objectives of the EC development policy and the Cotonou Agreement.

The Government's poverty reduction strategy - PARPA 2001-2005 (PRSP) - approved in April 2001, is the overriding strategy for sustaining poverty-reducing growth, improving macroeconomic environment, unleashing the poverty-reduction potential of agriculture, removing impediments to private sector development, investing in human capital taking into account gender issues and combating HIV/AIDS, improving Public Financial Management (PFM) and reforming the public sector. In the framework of the PARPA, good governance, legality and justice appear to be instrumental for reducing poverty as well as creating the foundations of a sustainable development of the country.

In the framework of the 9th EDF NIP, support to the judiciary sector has been identified instrumental for strengthening democracy, good governance and enforcing respect of human rights in Mozambique. The NIP for Mozambique, states that "...the EC will earmark funding for the judiciary sector to co-finance actions agreed with one or more other donors, under their management". The NIP provides that "the preparation of a Project to reinforce the judiciary sector (approx. €10 millions) will be decided upon in the light of the political dialogue between the Government and the EU as well as Government progress in the development of a global reform strategy for the judiciary sector".

The 2002 Annual Country Review concluded that the conditions agreed in the CSP/NIP exist now to start on this Project. The Integrated Strategic Plan for Legality and Justice, which is the main instrument for the reform in that area was approved in February 2002, followed in September 2002 by the Operation Plans of the various justice institutions.

In the area of Democracy, The EC provided an important logistical support for the last two legislative and presidential elections in 1994 and 1999, and for the 1998 local elections. The EC will fund in a more sustainable basis the electoral process in 2003 (local elections) and 2004 (legislative and presidential elections).

There is a direct link of this Project with the EDF support to the development of the legal system in the PALOP countries. Suitable synergies with proposed actions in Mozambique are suggested. Mozambique has also been selected as a beneficiary country under the European Initiative for Democratisation and Human Rights (EIDHR). Implementing actions under the Initiative have just started and some activities are complementary to those indicated in the present project. On a more general perspective, strengthening good governance, justice and legality will improve the effectiveness of other EC Projects in Mozambique, particularly macro-financial support.

Justice is a public good. The EC by supporting the sector will contribute to reduce the level of insecurity and vulnerability of poor people, improve the quality of services provided and develop a proven cost-effective justice sector.

1.4. Other donors

DANIDA has historically been the largest donor in this area in Mozambique. This will continue to be the case given its new three-year Project Support to the Justice Sector, (Pro-Justica)). In addition, a Technical Adviser to the Supreme Court will be financed.

The present Justice Project's approach to the largest donor in this area is one of 'complementarity' - that is, not funding specific activities that DANIDA has indicated it would be funding.

USAID new Democracy and Governance Project has three areas of strategic focus: anti-corruption, promotion of democratic culture, and improved local governance. Proposed activities in all three areas complement outputs activities proposed under this Project.

Ireland, Portugal, Spain and Switzerland have also manifested their interest in entering into agreement with UNDP for its justice Project, either through financial support or through technical assistance.

2. Project strategy

The Justice Project pursues two basic objectives: (a) to maximise the effect of support action in relation to the poorest sections of the population and vulnerable groups, (b) to avoid duplication with other donors' activities.

On their turn these two combined objectives have led to focus on two broad areas: (1) penal justice, and (2) decentralization. Both of them mostly affect the poor and vulnerable ones and at the same time provide free space for action by donors ready to co-ordinate and co-operate.

(1) **Penal justice** - One of the basic strategies to reduce absolute poverty and vulnerability (PARPA) among the Mozambican population is to improve good governance, including the legal and judicial system. Law and justice have a great role in reducing the level of poverty and vulnerability. However, too often the poor regard state law as their enemy. It is especially so in the penal sector. The poor are less defended against common crimes, such as violence and theft and they are worst affected by bureaucratic misbehaviours, arbitrary treatment and corruption. A culture of fear prevents the poor from asserting their legal right to public goods. Lack of resources and little knowledge on their rights (including basic ones such as human rights) and on how the legal system works prevent them from asking judicial redress when victims, or from being properly defended when accused. Prisons overcrowded population is mainly composed by the poor, with no legal assistance for speeding up unduly delayed judgements, for receiving fair legal defence or for helping them to be freed when sentence period is completed. Constant fear and insecurity prevent the poor from making long-term decisions and investments to improve their economic situation. Hence, no or bad justice means more poverty to the poor. For these reasons the Project takes into consideration the whole penal system, from crime prevention to post-sentence social and economic reintegration, from police investigation to legal defence, from improving the prison system to elaborate correctional measures alternative to prison, from human rights protection to the establishment of a juvenile justice system.

(2) **Decentralization** - The Mozambican justice system is geographically unbalanced. First of all there is a great difference among the central, provincial and district levels. Outside Maputo, at provincial level, state justice resources are sometimes less than minimal. At the district level they are often so far away from the population as to be practically unattainable, leaving almost everything to informal justice. But even among provinces and districts, justice structures are unevenly distributed compared to the actual local demand for justice in different areas. Therefore the Project is mainly directed at improving the justice resources in three selected areas outside Maputo, where actions - both at the provincial and the district level - can be developed, tested, monitored and evaluated with an aim of providing lessons for developing useful and workable models to be replicated in other Provinces. The Project driving idea is that justice has a pyramid structure, based at grass root level and going up to the top of central

institutions. As pyramids are built starting from their base, the Project supports a bottom up approach to justice. However, as with most state institutions, decentralized benefits in the justice sector often require action to be taken at the central level. In all cases the Project stresses the importance for a permanent and effective reciprocal linkage between central, decentralized and local institutions.

A large and multi-faceted Justice Project will make a significant contribution to the strengthening of a culture of legality, the promotion of human rights and good governance in Mozambique over the next four years. As indicated in the CCF 2002-2006, gender will be a cross cutting issue, as well as Human Rights, notwithstanding the fact that Women Rights, HIV/AIDS and Human Rights will be covered also as separate components of the project.

Risks: Although the approach proposed in the Justice Project is fully consistent with the Integrated Strategic Plan, there is a risk that institutional responsibility in the implementation of the Plan is diluted among different institutions. The innovative multi-institutional approach of this Project is also its main weakness.

Assumptions: As a corollary of the above-mentioned risks, a strong political commitment from the institutions involved in the reform of the justice sector is needed for the success of this Project. Critical to this commitment will be the role of the Coordinating Council for Legality and Justice in coordinating the reform.

3. Project management

The Project will be executed by a Project Implementation Unit (PIU) within the Ministry of Justice. It will comprise a national project coordinator, a chief technical advisor (CTA) and other support staff. In order to support the decentralization component of the Justice Project, three field offices will be established, in the South (Inhambane), in the Center (Beira) and in the North (Nampula).

In order to ensure a harmonious implementation of the Project activities, the PIU will meet on a regular basis with representatives of the relevant Government departments in charge of the areas touched by the Project activities: UTUSP, Registry and Notary Services, PIC, Anti-Corruption Unit, etc. In particular, a strict coordination will be established with the Planning Units of the relevant Justice institutions, so that Project activities can be reflected and included in their respective annual “Plano Económico e Social” (PES).

There will be a Project Steering Committee (PSC) comprising representatives of the following organizations: the Ministry of Justice, the Supreme Court, the Administrative Tribunal, the Office of the Attorney General, the Ministry of Interior, UNDP, the NAO, the European Union and other donors involved in the sector, as well as relevant civil society organizations.

The PSC will meet at least twice a year. It will be responsible for general oversight of the Project, monitoring of progress and taking decisions that arise during implementation. The secretariat of the Coordinating Council on Legality and Justice will be asked to act as the secretariat for the Project Steering Committee as well.

The Project Steering Committee must approve six-month forward work plans, the terms of reference for international technical advisers, consultancies and major items of expenditure before commencement of the relevant activities. The selection of consultants and contractors based upon the approved terms of reference is the responsibility of the National Project Coordinator.

Responsibility for monitoring and evaluation of Project activities rests with the Government of Mozambique, UNDP, EU and other participating donors. There will be an annual review meeting to discuss annual progress reports. There will be also a mid-term and a final external evaluation of the Project directly managed by the European Union.

4. Description of Project outputs and activities

The Project is composed by six Sub-projects which are expected to produce the following results:

- Administration of Justice strengthened at the local level
- Correctional System unified and reformed
- Organization against crime strengthened
- Human rights protected by justice institutions
- Mainstreaming gender in justice administration
- Awareness raised in HIV/AIDS related legal issues

a. Administration of Justice at the local level

The purpose of a “citizen-centred” justice and public-order system is to ensure that every citizen, especially those that are poor such as in rural areas, enjoy their human rights and also participate in an informed and meaningful way in all decisions as to how to best realize those rights.

Through the establishment of “**justice**” **field offices**, the Project places a strong emphasis on capacity building for participatory development planning and management at the provincial and district level. The field offices will not only have a community development function but also are intended to ensure that lessons learnt on the ground are fed-back to the upstream work at the national level. Such feedback is especially appropriate in the justice area where a majority of the funds allocated for both courts and prisons are spent through transfers to provincial budgets rather than as direct expenditures by the national government. Communities would be encouraged to identify improvements in delivery of police and justice services they wished and then be supported through the use of pilot Projects to test their ideas.

To facilitate and strengthen community participation, one of the first tasks of the justice field office is to promote the creation of the “**Citizen's Forum for Justice**”.

The Mozambican justice system is geographically unbalanced. There is a great difference among the central, provincial and district levels. Outside Maputo, at provincial level, state justice resources are sometimes less than minimal. The District Courts are the judiciary closest to the people. For most citizens their first (and often their only) approach to state justice is through the district courts. However, at the district level state justice resources are often so scarce and far away as to be practically unattainable, leaving de facto the local population with no alternative to informal justice. At the same time there is often too little inter-institutional dialogue in the area of justice and public order, where several actors - official and unofficial ones - play their role: police, investigating and judging magistrates, legal and para-legal defenders, prison officers, community courts, NGOs' activists, etc.

Therefore, while the “Citizen's Forum for Justice” will be also an opportunity for enhancing the inter-institution dialogue and for linking it to the actual needs of the local people, district justice resources needs to be substantially improved if they are to properly service the needs of citizens for formal sector justice. This output seeks to improve and speed up justice service delivery at the district level by strengthening the **district justice resources**. District courts

will function better if they are adequately housed in dignified structures with proper equipment, if the professional capacities of district judges and prosecutors is improved and appropriate links are made with the informal justice system.

Although the right to defence, assistance and legal representation for all citizens is recognized by the Constitution, there remains an acute shortage of qualified people to staff the judicial and legal sector in Mozambique. The Project has earmarked resources to begin to address this now chronic shortage of effective legal representation for the poor. The Project will work with **legal service providers** - public institutions, NGOs, universities or private lawyers - through the mechanism of localized service agreements to enhance the supply of free legal advice.

In its effort to strengthen the citizen's position in the administration of justice the Project provides support to the **civil registry**, as an efficient, reliable information system is an essential instrument for administering justice in all modern state. While people will be addressed by campaigns for civil registrations, institutions will be supported in modernizing and networking civil registries at the national level and in organize training and retraining for registries personnel.

While strengthening justice resources at the district level helps improving the correct dealing of criminal cases, the development of **crime prevention** initiatives at the community level is the most effective way to improve public safety by reducing crimes. The project provides for action to be taken at both the national level (with the formulation of a global strategy) and the local level (supporting community based activities).

b. Correctional System

One of the centerpieces of the new "Prison Policy" (2002) is the unification of the present prisons under the Ministry of Justice and those under the jurisdiction of the Ministry of the Interior into a unified service under the Ministry of Justice. The "Prison Policy" called for the creation of a Technical Unit to co-ordinate the **unification and reform process** (UTUSP). The Project sets out a series of activities designed to support the new Technical Unit and support it to reform and modernize prisons in Mozambique.

Improvements in prison conditions and management envisaged by the government Prison Policy Resolution 2002 will be anticipated in selected prisons on an experimental basis and as pilot projects linking them with other aspects of improving penal justice at a local level.

As part of the process of building a new service, personnel need to be re-trained or in many cases trained for the first time. There is a shortage of trained personnel throughout the sector with the need for training being most acute outside of Maputo. Hence, the Project has made provision for both attitudinal **training** and skills training.

Support will be given to **NGOs** and churches implementing activities to improve prisons conditions.

Inspection and **monitoring** play an essential role in keeping and restoring proper conditions for the prison population in general and for individual detainees. They especially contribute toward the **reduction of unduly incarcerated persons**. Support is therefore provided for the new "**Prisoners Information System**" and for the establishment of **legal clinics** in the prison system.

Control on the accomplishment of prison sentence, however, should be part of the justice services provided by the state itself. At present in Mozambique such a service is no more provided on a judicial basis. A survey is therefore envisaged to formulate proposal on the basis of past local experiences, and of regional and international ones.

Present penal legislation and judiciary attitudes see imprisonment as the only suitable measure, and de facto it is very easily and heavily sentenced. As a result, prisons are overcrowded. It is therefore urgent to start designing and developing a **national policy of alternatives to prisons**, a well established practice in some neighbouring countries.

Community service is a cost-effective alternative, more likely to reduce re-offending rate. Careful studies and research activities are therefore needed in order to know and evaluate positive as well as negative aspects of these and other informal justice practices.

Recidivism rate is considerably high, as under the present prison conditions - where prisons are more schools for crime than for normal and legal life - post-crime integration faces serious difficulties. School education and **professional training** are the best ways to give to the imprisonment period its rehabilitation function and to make it an opportunity to acquire professional skills for post-prison life.

Policies and action Projects - involving both public and private subjects - will be studied and supported to promote and facilitate the **economic re-integration** of former inmates as employees or self-employees.

Support will be given to community and NGOs' actions for post-prison **social integration** with a view of overcoming both negative social attitudes and individual problems of psychological and material character.

Special attention is devoted to children in conflict with the law. Especially in urban areas their number is increasing together with the level of their criminal action. A 1972 statute provides for **juvenile justice**, but it is not implemented due to lack of suitable resources. Establishing **pre- and post trial centres** will allow **trained and retrained magistrates** and social workers to implement the law. **Vocational training** in rehabilitation centres will give minors a sound alternative to street life and crime.

Children and women are often victims of **trafficking in human beings**. Prostitution, minor labour and organ transplant are some reasons for such trafficking. Children in poor or rural environments are the most vulnerable subjects. Support will be given to actions against trafficking (such as ratification and implementation of international conventions, development of transborder investigation networks, awareness campaigns involving media, NGOs, school teachers, social workers and community leaders).

c. Organization against Crime

A well-functioning criminal justice system depends on effective **police investigation**. In Mozambique, the present criminal investigation police does not function properly and is not effective. The project seeks to begin to tackle the inadequacy of the criminal investigation function through a series of initiatives which aims at a radical transformation which includes a **clear strategic vision** for the criminal investigation police, an adequate legal and policy framework including respect for human rights in the course of criminal investigations, a forward-looking human resources strategy, a new understanding of how to co-operate with citizens in law enforcement, greatly increased technical and managerial competency and **improved equipment and physical facilities**. In addition to all of the above, a radically transformed criminal investigative police would be gender-sensitive. An essential part of the project is **special training and retraining**.

Organized crime especially trans-border organized crime has grown in Mozambique in the recent past. The project is aimed at specifically strengthening the capacity of the **Attorney General's Office** to combat organized crime by providing general support and specific support with **training** and stage abroad and assistance with regional and international training. Assistance is aimed at the **formulation of strategies** and action plans, the **improvement of**

equipment and communication facilities with other institutions, the improvement of the capacity to **networking** at the regional and international level.

Courts play a fundamental role in the development and maintenance of the Rule of Law. They act as the ultimate guarantee of legal certainty and predictability as well protecting the rights of citizens and punishing wrongdoers. Accordingly, the courts must be independent, impartial, efficient and not corrupt but also must be seen to be so.

To promote and enhance the actual and perceived **integrity of the courts**, the project provides support to analyze current court management practices; identify problem areas; formulate a model for efficient court management and accountability which will impact on judicial conduct and further public confidence in the rule of law; design tools to be used by the national judiciary to enhance integrity; identify and help implement best practices to eliminate corruption and provide for greater access to justice. Special support is also provided to the **anti-corruption unit** in the Attorney General's Office.

An efficient, reliable information system is essential in the administration of justice in a modern state. Individual cases go through different institutions (police, prosecution, courts, prisons etc.) and usually run for a long period of time. If data on cases is properly collected, stored and easily retrieved, the work of institutions is facilitated while an individual's position can be easily verified at all stages.

Therefore the project seeks to **modernize the criminal records** process so that the history of a criminal offence can be kept and traced from the moment of arrest to through the final disposition of the charge which in some cases would be upon discharge at the end of a sentence. A unified criminal record system could result in significant improvements by providing a factual basis to monitor the efficiency of different institutions as they deal with different parts of the criminal process while ensuring that offenders are not forgotten languishing in custody because of lost or mislaid document.

A **preliminary survey** will assess the actual situation in individual institutions and registries, and a study will draw **common standards** and harmonization issues in data collection, classification and storage, in order to facilitate inter-institutional communication and collaboration. The study phase will be followed by support to the modernization and **networking** of the Criminal Registry at the national level and to specialized **training** and retraining of registry personnel.

d. Human Rights

Under the 1990 Constitution respect and protection for human rights are declared to be fundamental elements in the country's legal system. However, despite efforts at both public and private level the very idea of human rights is not yet part of the social culture and often remains quite an abstract (and little known) concept especially in rural areas. A deep and wide **study on "human rights in context"** is therefore needed, especially in selected environments (prisons, vulnerable groups, etc).

The aim of the study in rural areas is also to find suitable ways of grafting the modern concept of human rights onto the social culture of the people and to introduce suitable changes into individual **traditional rules** at the local level.

Under this respect, special support is provided for organizing **periodical meetings** and workshops involving **formal and informal justice** instances to discuss human rights in the local context.

Civil society has a fundamental role in a modern democratic state, particularly in promoting and defending human rights. Civil society organizations, however, are still a relatively weak reality in Mozambique. The project support is aimed at improving their capacity to be better involved in both policy design and implementation and at enhancing their awareness raising and watchdog functions. NGOs and other organizations offering **paralegal assistance** and defence and **legal clinics** will be supported to increase and extend their services at the district level, so that human rights protection against misbehaviors of local administration and unacceptable traditional practices can actually be at the reach of rural population. **Human rights education** will be supported for activists, paralegals and university law students.

e. Women Rights

Women continue to be disadvantaged by the operation of the law and the justice sector. Women are disproportionately **victims of domestic violence**; many do not receive their fair share of limited family assets on dissolution of their marriage whether by family break-up or on the spouse's death. They are particularly disadvantaged because of social attitudes when they need state institutions such as the police and the courts to protect them and enforce their rights.

There is a need not only to recognize the legal rights of women but to ensure that these are adequately reflected and protected throughout the police and justice sectors. There is also a need to ensure that women fully participate as professionals throughout the sector. Accordingly, the project's outputs will be achieved through a number of activities that mainstream gender awareness and action through **public awareness campaigns**, through **studies** which examine how women's rights are observed in the justice and police sectors, through the provision of specific legal services, and by **professional training** throughout the sector. This output also seeks to further the mainstreaming of gender perspectives by ensuring **women's full participation** as professionals in all sector components.

f. HIV/AIDS related legal issues

Mozambique ranks among the 10 most affected countries in the world with an estimated 1.1 million people living with HIV/AIDS. If present trends continue, HIV/AIDS will have a devastating affect on Mozambique with life expectancy projected to be reduced from the present 50.3 years to 36.5 years by 2010. The number of maternal orphans is expected to increase from 185,000 in 2002 to 880,000 by 2006.

This project will seek to achieve four goals:

First, **assess** how the legal and judicial framework - **the laws themselves** and the supply of legal services - will cope with the fall-out from the human devastation which the above statistics indicate is likely to occur (adoptions, disputes as to inheritances, litigation as rights to health services and medicines, employment discrimination).

Second, in support of the law passed in October 2001 specifically prohibiting discrimination in the workplace against persons living with HIV/AIDS, conduct **public enlightenment campaigns** against such discrimination.

Third, ensure that the Ministry of Justice, the other state organizations and the NGOs in this sector, develop operational plans and implement Projects and activities addressing **HIV/AIDS in their own workplaces**. Government, civil society partners and communities all require considerable strengthening of their capacity to plan, manage and evaluate the implementation of the National Strategic Plan for the fight against STD and HIV/AIDS.

Fourth, develop awareness, education, counseling and treatment Projects for persons living with HIV/AIDS in the prisons.

