

BUSINESS AND HUMAN RIGHTS

More than thirty professionals from the justice administration sector trained in forensic investigation and evidence collection in human rights disputes in Nampula

- The training aimed to strengthen the institutional capacities of local actors in Nampula Province, equipping them with technical tools to respond more effectively to complaints and disputes related to human rights violations, particularly in the context of extractive investments.



Organized by the consortium “CNDH Moz – Civil Society Action on the Agenda for the Promotion of Citizenship, Business and Human Rights in the Provinces of Cabo Delgado and Nampula”, with the support from the European Union, the training took place on June 12th in the city of Nampula, bringing together, in the same room, judicial magistrates, public prosecutors, lawyers, police officers, representatives of the National Human Rights Commission,

the Ombudsman’s Office and the Institute for Legal Aid and Assistance.

During the meeting, participants discussed procedures for receiving, processing, and forwarding complaints and grievances involving extractive companies, as well as national and international instruments on business and human rights, with particular emphasis on the United Nations Guiding Principles and the National Action Plan on Business and Human Rights.



With this initiative, it was expected to strengthen the inter-institutional network between justice actors and human rights institutions, improve the understanding of normative in-

struments on business and human rights, and contribute to a more coordinated, rapid, and effective response to cases of fundamental rights violations.

It is urgent to strengthen public confidence in justice institutions

The growth of the extractive sectors has been profoundly transforming the economic and social dynamics of the country’s extractive regions, creating significant opportunities for local development, but also new challenges for the pro-

tection of human rights, conflict management, and access to justice.

In recent years, civil society organizations, public institutions, and local communities have reported concerns about land conflicts, envi-

ronmental impacts, resettlement, excessive use of force, police action, and difficulties accessing complaint and redress mechanisms. It became evident during the meeting's reflections that, regardless of the nature or veracity of each allegation, the persistence of these perceptions reveals a deeper issue: the need to strengthen citizens' trust in the institutions responsible for protecting their rights.¹

Public trust is one of the most important assets of any justice system. When citizens believe that institutions are capable of listening to, investigating, and responding impartially to their concerns, the legitimacy of the State is strengthened and the rule of law is consolidated. Conversely, when complaints remain unanswered, when processes are excessively lengthy, or when there is insufficient evidence to support accountability, the perception of impunity tends to grow, fueling cycles of institutional distrust and weakening the relationship between citizens and the State.

When communities face situations of abuse,

discrimination, violence, or deprivation of rights, the fundamental expectation lies not only in the existence of laws or formal institutions, but in the State's effective capacity to investigate the facts, determine responsibility, and ensure redress. Without adequate investigation, there is no accountability. Without accountability, redress is unlikely. And without effective redress, citizens' trust in institutions tends to progressively deteriorate.

This reflection takes on particular relevance in extractive contexts. As interactions between communities, businesses, and public institutions increase, so does the need for mechanisms capable of producing rapid, impartial, and technically robust responses to situations of conflict or alleged human rights violations. It is not just about protecting victims or punishing offenders. It is also about preserving public trust, strengthening the legitimacy of institutions, and ensuring that economic development takes place within the parameters of the rule of law.

When investigations fail, justice is weakened

The effectiveness of human rights protection mechanisms largely depends on the capacity of institutions to establish the facts in an objective, rigorous, and legally sustainable manner. In extractive contexts, participants noted, this task becomes particularly challenging. Many of the allegations associated with land conflicts, environmental impacts, population displacement, labor violations, or excessive use of force occur in complex contexts, involving multiple actors and requiring the simultaneous analysis of legal, social, economic, and technical elements.

In these circumstances, the absence of adequately collected, preserved, and analyzed evidence can compromise not only the accountability of potential offenders but also the possibility

of redress for victims and affected communities. The challenge thus ceases to be exclusively legal and becomes equally institutional. When complaints are not accompanied by effective investigation mechanisms, when the chain of custody is weakened, when there is a lack of technical capacity to document impacts, or when institutions act in isolation, the risk of impunity increases and citizens' trust in the justice system's ability to respond to their concerns weakens.²

In a context where the legitimacy of institutions increasingly depends on their ability to produce credible and transparent responses, strengthening mechanisms for investigation and evidence production is essential for the effective protection of human rights and the consolidation of the rule of law.

From accountability to reparation

The challenges associated with protecting human rights in extractive contexts are not a concern unique to Mozambique. In different parts of the world, the expansion of large-scale eco-

nomic activities has placed new demands on public institutions, which are called upon to ensure that economic development takes place in accordance with the principles of the rule of law

¹ United Nations Office of the High Commissioner for Human Rights (OHCHR), *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide*, 2012.

² OHCHR (2024) – *Access to Remedy in Cases of Business-Related Human Rights Abuse*

and respect for fundamental rights. As a corollary to this process, strengthening accountability mechanisms emerges as an indispensable condition for preventing conflicts, ensuring reparations for victims, and preserving public trust in institutions.

On this point, there is no doubt among the training beneficiaries: although the challenges take different forms and intensities, there is a common understanding that the effectiveness of justice increasingly depends on the capacity of institutions to rigorously, in a coordinated and technically sound manner, investigate the allegations submitted to them.

In this sense, the need to continue investing in strengthening the technical capacities of justice administration actors became evident, particularly in matters related to forensic investigation, collection and preservation of evidence, and documentation of human rights violations. Simultaneously, the importance of deepening coordination between institutions with complementary responsibilities was highlighted, promoting more articulated and effective responses to cases involving multiple actors and interests.

The discussions also reinforced the need to accelerate the implementation of commitments made by the Mozambican State with a view to the approval of the National Action Plan on Business and Human Rights, ensuring that its guid-

ing principles translate into concrete institutional capacities, particularly in provinces where the presence of large investments poses increased challenges to governance and the protection of fundamental rights.

In this effort, the private sector is also called upon to strengthen its conflict prevention and resolution mechanisms, promoting responsible business practices, greater transparency, and more constructive relationships with communities. Similarly, civil society and development partners continue to play a relevant role in producing independent evidence, building institutional capacity, and facilitating spaces for dialogue between citizens, businesses, and public institutions.

More than identifying immediate solutions to complex challenges, the exercise carried out in Nampula sought to contribute to a broader reflection on the role of accountability in building public trust. The main lesson that emerges from this debate is that the effective protection of human rights depends on the collective capacity to transform norms into practice, complaints into evidence, evidence into reasoned decisions, and decisions into credible mechanisms for redress. It is in this process that the legitimacy of institutions is strengthened, conflicts are prevented, and the foundations for economic development based on respect for citizenship, human rights, and the rule of law are consolidated.





**MISSÃO:**

Inspirar e impulsionar ações para proteger os direitos humanos, fortalecer a democracia e promover a justiça.

MISSION:

Inspiring and driving actions to protect human rights, strengthen democracy, and promote justice.

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